



Committee on Healthy Seniors

**Tuesday, March 11, 2008
8:00 AM - 9:30 AM
24 HOB**

ACTION PACKET

**Marco Rubio
Speaker**

**Hugh Gibson
Chair**

COMMITTEE MEETING REPORT

Committee on Healthy Seniors

3/11/2008 8:00:00AM

Location: 24 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Hugh Gibson III (Chair)	X		
Thomas Anderson	X		
Donald Brown	X		
Chris Dorworth	X		
Luis Garcia	X		
Richard Machek	X		
Juan-Carlos Planas			X
Elaine Schwartz	X		
Trudi Williams	X		
Totals:	8	0	1

Committee meeting was reported out: Tuesday, March 11, 2008 12:08:57PM

COMMITTEE MEETING REPORT

Committee on Healthy Seniors

3/11/2008 8:00:00AM

Location: 24 HOB

HB 861 : Department of Veterans' Affairs

<input checked="" type="checkbox"/>	Favorable With Amendments (1)				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Donald Brown	X				
Chris Dorworth	X				
Luis Garcia	X				
Richard Machek	X				
Juan-Carlos Planas			X		
Elaine Schwartz	X				
Trudi Williams	X				
Hugh Gibson III (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Waived Time in Support of Department of Veterans' Affairs

Jim Brodie, Director Legislative Cabinet Affairs (Lobbyist) (State Employee) - Proponent

FL Dept. of Veterans Affairs

4040 Esplanade Way

Tallahassee FL 32309

Phone: 850.487.1533

Waived Time in Support of Department of Veterans' Affairs

Charley Price, Legislative Chair DAV-VVA-KWVA - Information Only

Disabled Am Vets-Vietnam Vets-Korean War Vet.

126 Dirkave Drive

DeBary FL 32713

Phone: 407.221.6949

Waived Time in Support of Department of Veterans' Affairs

Bill Hilmich (Lobbyist) - Proponent

VFW

303 Johns Drive

Tallahassee Florida 32301

Phone: 850.251.3126

Committee meeting was reported out: Tuesday, March 11, 2008 12:08:57PM

COMMITTEE MEETING REPORT

Committee on Healthy Seniors

3/11/2008 8:00:00AM

Location: 24 HOB

HB 863 : Pub. Rec./Direct-Support Organization/DVA

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Donald Brown	X				
Chris Dorworth	X				
Luis Garcia	X				
Richard Machek	X				
Juan-Carlos Planas			X		
Elaine Schwartz		X			
Trudi Williams	X				
Hugh Gibson III (Chair)	X				
Total Yeas: 7		Total Nays: 1			

Appearances:

Waived Time in Support of Public Record/Direct-Support Organization/Department of Veterans' Affairs

John Haynes - Information Only

Disabled American Veterans

424 Hiawatha Farms

Monticello FL 32344

Phone: 850.997.5328

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COMMITTEE MEETING REPORT

Committee on Healthy Seniors

3/11/2008 8:00:00AM

Location: 24 HOB

Workshop

HB 1401:

Workshopped

Appearances:

Brian Lee (State Employee) - Proponent

Adult Protection and Care

Dept. of Elder Affairs & Long-Term Care Ombudsman Program

4040 Esplanade Way

Tallahassee FL 32399

Phone:850.414.2331

Carol Berkowitz, Director (Lobbyist) - Information Only

Adult Protection and Care

FL Assoc. of Homes & Services for the Aging

1812 Riggins Road

Tallahassee FL 32308

Phone:850.671.3700

David Fairbanks (Lobbyist) (State Employee) - Information Only

Adult Protection and Care

FL Dept. of Children & Families

Blairstone Road

Tallahassee Florida 32301

Don Hering - Proponent

Adult Protection and Care

3711 Palmas Lane

Rusking FL 33573

Phone:813.642.0121

Lee Ann Griffin, Director of Quality/Reg. Services (Lobbyist) - Proponent

Adult Protection and Care

FL Health Care Assoc./FL Center Assisted Living

307 W. Park

Tallahassee Florida 32301

Phone:850.224.3907

Molly McKinstry (State Employee) - Information Only

Adult Protection and Care

Agency for Health Care Administration

2727 Mahan Drive

Tallahassee Florida 32308

Phone:850.414.9707

Committee meeting was reported out: Tuesday, March 11, 2008 12:08:57PM

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3/11/2008 8:00:00AM

Location: 24 HOB

Patricia Lange, Executive Director (Lobbyist) - Information Only

Adult Protection and Care

FL Assisted Living Assoc.

1922 Miccosukee Road

Tallahassee Florida

Phone:850.383.1159

Committee meeting was reported out: Tuesday, March 11, 2008 12:08:57PM

COMMITTEE MEETING REPORT

Committee on Healthy Seniors

3/11/2008 8:00:00AM

Location: 24 HOB

Summary:

Committee on Healthy Seniors

Tuesday March 11, 2008 08:00 am

HB 861 Favorable With Amendments (1)

Yeas: 8 Nays: 0

HB 863 Favorable

Yeas: 7 Nays: 1

HB 1401 Workshopped

Committee meeting was reported out: Tuesday, March 11, 2008 12:08:57PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 861

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Healthy Seniors

2 Representative(s) Reagan offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 292.055, Florida Statutes, is created to
7 read:

8 292.055 Direct-support organization.--

9 (1) DIRECT-SUPPORT ORGANIZATION; POPULAR NAME

10 ESTABLISHMENT.—This act shall be known as the "The Sergeant

11 First Class Paul R. Smith Memorial Act". The Department of

12 Veterans' Affairs shall authorize the establishment of a direct-

13 support organization to provide assistance, funding, and support

14 for the department in carrying out its mission. The provisions

15 of this section shall govern the creation, use, powers, and

16 duties of a direct-support organization.

17 (2) DEFINITIONS.--As used in this section, the term:

18 (a) "Department" means the Department of Veterans'

19 Affairs.

20 (b) "Direct-support organization" means an organization

21 that is:

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22 1. A Florida corporation not for profit, incorporated
23 under chapter 617, exempted from filing fees, and approved by
24 the Department of State.

25 2. Organized and operated exclusively to obtain funds;
26 request and receive grants, gifts, and bequests of moneys;
27 acquire, receive, hold, invest, and administer in its own name
28 securities, funds, or property; and make expenditures to or for
29 the direct or indirect benefit of the department, the veterans
30 of Florida, and congressionally chartered veteran service
31 organization with subdivisions that are incorporated in the
32 state of Florida.

33 3. Determined by the department to be operating in a
34 manner consistent with the goals of the department and in the
35 best interest of the state.

36 (c) "Personal services" includes full-time or part-time
37 personnel.

38 (3) BOARD OF DIRECTORS.--The direct-support organization
39 shall be governed by a board of directors. The board of
40 directors shall consist of no fewer than five members appointed
41 by the executive director of the department. Veteran service
42 organizations in Florida may recommend nominees to the executive
43 director of the department. The term of office of the board
44 members shall be 3 years, except that the terms of the initial
45 appointees shall be for 1 year, 2 years, or 3 years in order to
46 achieve staggering of terms. A member may be reappointed when
47 his or her term expires. The executive director of the
48 department or his or her designee shall serve as an ex officio
49 member of the board of directors. Members must be current
50 residents of the state. A majority of the members must be
51 veterans, as defined in s. 1.01(14), and highly knowledgeable
52 about the United States military, its service personnel, its

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53 veterans, and its missions. The executive director of the
54 department may remove any member of the board for cause, with
55 the approval of a majority of the members of the board of
56 directors. The executive director of the department shall
57 appoint a replacement for any vacancy that occurs.

58 (4) CONTRACT.—The direct-support organization shall
59 operate under a written contract with the department. The
60 written contract must provide for:

61 (a) Certification by the department that the direct-
62 support organization is complying with the terms of the contract
63 and is doing so consistent with the goals and purposes of the
64 department and in the best interests of the state. This
65 certification must be made annually and reported in the official
66 minutes of a meeting of the direct-support organization.

67 (b) The reversion of moneys and property held by the
68 direct-support organization:

69 1. To the department if the direct-support organization is
70 no longer approved to operate for the department;

71 2. To the department if the direct-support organization
72 ceases to exist; or

73 3. To the state if the department ceases to exist.

74 (c) The disclosure of the material provisions of the
75 contract, and the distinction between the department and the
76 direct-support organization, to donors of gifts, contributions,
77 or bequests, including such disclosure on all promotional and
78 fundraising publications.

79 (5) USE OF PROPERTY.--

80 (a) The department may permit the use of property,
81 facilities, and personal services of the department by the
82 direct-support organization, subject to the provisions of this
83 section.

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84 (b) The department may prescribe by contract any condition
85 with which the direct-support organization organized under this
86 section must comply in order to use property, facilities, or
87 personal services of the department.

88 (c) The department may not permit the use of its property,
89 facilities, or personal services by the direct-support
90 organization organized under this section if such direct support
91 organization does not provide equal employment opportunities to
92 all persons regardless of race, color, national origin, gender,
93 age, or religion.

94 (6) ACTIVITIES; RESTRICTIONS.--Any transaction or
95 agreement between the direct-support organization organized
96 pursuant to this section and another direct-support organization
97 or other entity must be approved by the executive director of
98 the department.

99 (7) ANNUAL BUDGETS AND REPORTS.--

100 (a) The fiscal year of the direct-support organization
101 shall begin on July 1 of each year and end on June 30 of the
102 following year.

103 (b) The direct-support organization shall submit to the
104 department its federal Internal Revenue Service Application for
105 Recognition of Exemption form (Form 1023) and its federal
106 Internal Revenue Service Return of Organization Exempt from
107 Income Tax form (Form 990).

108 (8) ANNUAL AUDIT.--The direct-support organization shall
109 provide for an annual financial audit in accordance with s.
110 215.981.

111 Section 2. Subsection (4) of section 320.08058, Florida
112 Statutes, is amended to read:

113 320.08058 Specialty license plates.--

114 (4) FLORIDA SALUTES VETERANS LICENSE PLATES.--

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115 (a) The department shall develop a Florida Salutes
116 Veterans license plate. The words "Florida Salutes Veterans" and
117 the flag of the United States of America must appear on the
118 plate.

119 (b) The Florida Salutes Veterans license plate annual use
120 fee shall be distributed as follows:

121 1. Twenty-percent shall be distributed to a direct-support
122 organization created under s. 292.055 for a period not to exceed
123 twenty four months after its date of incorporation.

124 2. Any remaining fees must be deposited in the State Homes
125 for Veterans Trust Fund, which is created in the State Treasury.
126 All such moneys are to be administered by the Department of
127 Veterans' Affairs and must be used solely for the purpose of
128 constructing, operating, and maintaining domiciliary and nursing
129 homes for veterans and for continuing promotion and marketing of
130 the license plate, subject to the requirements of chapter 216.

131 Section 3. Section 292.04, Florida Statutes, is repealed.

132 Section 4. Subsections (2) and (3) of section 265.002,
133 Florida Statutes, are amended to read:

134 265.002 Legislative intent; Florida Medal of Honor Wall;
135 duties of the Department of Veterans' Affairs.--

136 (2) (a) There is hereby established the Florida Medal of
137 Honor Wall. The Department of Management Services shall, in
138 consultation with the Department of Veterans' Affairs ~~Florida~~
139 ~~Commission on Veterans' Affairs~~, designate an appropriate area
140 on the Plaza Level of the Capitol Building in Tallahassee for
141 this purpose. The department shall also subsequently consult
142 with the Department of Veterans' Affairs ~~Commission on Veterans'~~
143 ~~Affairs~~ regarding the design and theme of such area.

144 (b) Each recipient who is accredited, or associated by
145 birth, to the State of Florida and has been awarded the Medal of

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146 Honor shall have a plaque or similar designation approved by the
147 Department of Veterans' Affairs ~~Florida Commission on Veterans'~~
148 ~~Affairs~~ placed on the Medal of Honor Wall, which designation
149 shall provide information regarding the Floridian's particular
150 act of heroism as well as other information relating to the
151 nature of the act.

152 (3) Verification of residency, dates of the receipt of the
153 award, and other specific information pertaining to each
154 recipient shall be the responsibility of the ~~Florida~~ Department
155 of Veterans' Affairs, which shall certify eligibility for
156 inclusion of individuals to be added to the Florida Medal of
157 Honor Wall.

158 Section 5. Subsection (1) of section 337.111, Florida
159 Statutes, is amended to read:

160 337.111 Contracting for monuments and memorials to
161 military veterans at rest areas.--The Department of
162 Transportation is authorized to enter into contract with any
163 not-for-profit group or organization that has been operating for
164 not less than 2 years for the installation of monuments and
165 memorials honoring Florida's military veterans at highway rest
166 areas around the state pursuant to the provisions of this
167 section.

168 (1) Proposals for contracts must be approved by a
169 committee composed of the Secretary of Transportation or the
170 secretary's designee, the executive director of the Department
171 of Veterans' Affairs or the executive director's designee, and
172 three members of the board of directors of the direct-support
173 organization established under s. 292.055 ~~Florida Commission on~~
174 ~~Veterans' Affairs~~ appointed by the executive director ~~chair~~ of
175 the Department of Veterans' Affairs ~~commission~~. The terms of the
176 appointed members shall ~~be appointed for terms~~ not to exceed 2

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177 years and shall run concurrently with the members' terms on the
178 board of directors of the direct-support organization.

179 Appointed members and may be reappointed to the committee.

180 ~~Appointed members' terms expire on January 31 of each even-~~
181 ~~numbered year.~~

182 Section 6. This act shall take effect July 1, 2008.

183

184

185 **T I T L E A M E N D M E N T**

186 Remove the entire title and insert:

187 A bill to be entitled

188 An act relating to the Department of Veterans' Affairs;
189 creating s. 292.055, F.S.; providing for the establishment
190 of a direct-support organization for the Department of
191 Veterans' Affairs; naming the program the "Sergeant First
192 Class Paul R. Smith Memorial Act"; providing definitions;
193 providing for governance of the direct-support
194 organization by a board of directors; providing for
195 organization and membership of the board; requiring the
196 direct-support organization to operate under a contract
197 with the Department of Veterans' Affairs; providing
198 contract requirements; providing conditions and
199 requirements with respect to the use of property,
200 facilities, and personal services of the department by the
201 direct-support organization; providing for annual budgets,
202 audits, and reports; amending s. 320.08058, F.S.; revising
203 the distribution of the annual use fee from the Florida
204 Salutes Veterans license plate; specifying use of funds;
205 repealing s. 292.04, F.S.; eliminating the Florida
206 Commission on Veterans' Affairs; amending s. 265.002,
207 F.S.; revising provisions relating to the Florida Medal of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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208 Honor Wall, to conform; amending s. 337.111, F.S.;

209 revising the composition and terms of committee members

210 whose duty it is to approve contract proposals for

211 specified monuments and memorials to military veterans, to

212 conform; providing an effective date.

213

