



# What Has FLiCRA DONE?

## PUBLIC POLICY ISSUES

*SUPPORTED identifies successes on issues where FLiCRA worked with other organizations.*

*SECURED identifies successes on issues where FLiCRA was the lead organization in the passage of legislation.*

### COST SAVING MEASURES

- **Supported** defeat of proposal by the Department of Revenue to charge sales tax on resident meals. The proposal was to charge the tax retroactively for a five year period.
- **Supported** the defeat of a proposed tax of \$10.00 per day per nursing bed in CCRCs (2005). In 2009, **supported** exemption for CCRC nursing home beds for bed tax passed by the Legislature.
- **Secured** “homestead exemption” benefits for residents of for-profit and previously nonbenefiting not-for-profit CCRCs. Opposed by Florida League of Cities and Florida Association of Counties.
- **Supported** clarification to “homes for the aged” homestead exemption law to strengthen and protect exemption for nonprofit homes for the aged.
- **Supported** maintaining current sales tax exemptions for CCRC entrance fees, monthly maintenance fees, resident meals and homestead provisions

### CONTINUING CARE

- **Supported** a requirement that effective January 1, 2016 CCRCs with contracts that tie entrance fee refunds to the next entrance fee received for a “like or similar unit” to include a maximum time frame to be set by the provider for making a refund when the contract is not voluntarily terminated.
- **Supported** a requirement for contracts issued on or after October 1, 2015 that are voluntarily terminated and tie the refund to the receipt of the next entrance fee for a like or similar unit, the refund must be made

within 30 days of receipt of the next entrance fee for whatever unit or unit type is specified in the contract.

- **Supported** a requirement where a representative of the provider must give a copy of the final examination report and corrective action plan, if one is required by the office, to the governing body of the provider within 60 days of the issuance of the report.
- **Supported** a requirement that a facility that files for chapter 11 bankruptcy to include the name and contact information of a designated resident selected by the residents’ council for consideration by the court to serve on the Creditors’ Committee.
- **Supported** that a board of directors or governing board of the license provider may at its discretion allow a resident of the facility to be a voting member of the board or governing body of the facility. Provides guidance on how this may be achieved.
- **Supported** a requirement that every CCRC to provide a copy of most recent third-party financial audit to the president or chair of the residents’ council within 30 days after filing the annual report with OIR.
- **Secured** protection of residents of accredited CCRCs against waivers of requirements of Chapter 651. **(F.S. 651.028)**
- **Secured** new law on “Continuing Care At Home/ Without Walls” in Florida. The new law provides a definition of continuing care at home. The law requires providers to undergo an actuarial study and receive approval from the state Office of Insurance Regulation before they can offer “at home” contracts to off campus residents.
- **Secured** inclusion of “Bill of Rights” for residents of CCRCs. **(F.S. 651.083)**

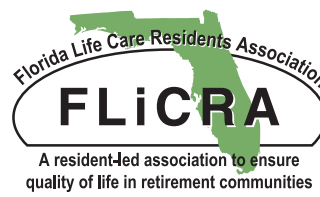
*continued*

## CONTINUING CARE, CONTINUED

- **Secured** provision that when maintenance fees exceed the Consumer Price Index (CPI) owner/ providers must provide detailed explanation to residents. (F.S. 651.085)
- **Secured** procedure for residents to elect a designated representative to represent them at meetings of the governing body at which changes in residents' fees or services are discussed. (F.S. 651.085)
- **Supported** "full disclosure" of providers' financial reports. (F.S. 651.091)
- **Supported** financial assistance to residents of CCRCs closed due to liquidation or pending liquidation. (F.S. 651.119)
- **Secured** increased representation of residents from 2 to 3 members on the CCRC Advisory Council. (F.S. 651.121)
- **Secured** transfer of property insurance premiums from the debt service reserve to the operating reserve softening the impact of high property insurance premiums and their cost impact
- **Supported** increasing investigative powers of the Governor's Continuing Care Advisory Council. (F.S. 651.121)
- **Secured** mediation/arbitration procedures for disputes between CCRC residents and owner/providers on grievances except for disputes related to increases in monthly maintenance fees (F.S. 651.123)
- **Supported** passage of major revision to F.S. 651 in 1997, which included over a dozen changes to the statute. In 2009, FLiCRA **chaired** a 651 Task Force with FAHSA and Office of Insurance Regulation on changes filed for 2010.
- **Supported** legislation to allow retirement communities to conduct bingo games at their facilities.
- **Supported** change to minimum liquid reserve requirements to minimize impact of liability and property insurance premiums on residents. (F.S. 651.035)
- **Supported** that CCRC residents are not considered new admissions when a moratorium on new admissions is in place in the skilled nursing portion of a CCRC. (F.S. 651.118)
- **Secured** clarification of the appropriate process that residents must take to elect an initial residents council and elect their designated representative before management. (F.S. 651.081 and 651.085)
- **Secured** passage of major revisions to Florida Statutes 651 that included changes to resident councils, financial transparency, governors continuing care advisory council duties and resident notifications. (F.S. 651)

## NURSING & HEALTH CENTER REGULATIONS

- **Supported** right of CCRC residents holding Health Maintenance Organization (HMO) agreements to be referred back to their facility's nursing center for medical services by their primary care physician. Statutes updated in 2007. Opposed by Florida Association of Managed Care Plans.
- **Supported** right of CCRCs to a Certificate of Need exemption so providers can establish home health agencies at their facilities.
- **Supported** right of CCRCs in financial need to utilize vacant sheltered nursing beds beyond five years.
- **Supported** changes to assisted living regulations which allow a resident to self-administer medication.
- **Supported** legislation requiring background checks on prospective employees in nursing facilities.
- **Secured** right of residents with private or public sector retirement plans that cover prescription drugs that they can use those drug benefits in the nursing center portion of the community not just while in independent living. Opposed by Florida Pharmacy Association and several individual prescription drug companies.
- **Secured** a seat for a FLiCRA representative on the Panel on Excellence in Long Term Care.
- **Supported** increased funding for Long Term Care Ombudsmen program for nursing home residents.
- **Secured** a seat for a FLiCRA representative on the End of Life Care Workgroup.
- **Supported** creation of Florida State University Medical School where students will specialize in geriatric medicine.
- **Supported** 2001 nursing home reform related to litigation reform, quality of care and regulatory enforcement.
- **Secured** that nursing homes affiliated with a CCRC that are accredited meet the financial criteria requirements for applying for a Gold Seal designation.
- **Secured** CCRC nursing homes that staff at or above the required ratios, can utilize licensed nurses and certified nursing assistants elsewhere on campus.



325 John Knox Rd. L-103  
Tallahassee, FL 32303  
850/906-9314

[WWW.FLICRA.COM](http://WWW.FLICRA.COM)