

# **FLiCRA LEGISLATIVE UPDATE – JANUARY 23, 2026**

## **House Bill 1079/Senate Bill 1354 – Office of Insurance Regulation**

As shared in the January 17, 2026, FLiCRA E-Newsletter, potential changes to Florida Statute 651 (Continuing Care) would be submitted as amendments to the respective bills referenced above in committee.

During the course of this week, there was a series of meetings and dialogue amongst the Office of Insurance Regulation, FLiCRA and LeadingAge Southeast and House sponsor Representative Allison Tant.

The Office of Insurance Regulation late Wednesday put forth an updated set of amendments to Florida Statute 651.

FLiCRA has posted a PDF version of the amendments on its website at the link below.

<https://flicra.com/ccrc-legislation-2026-session-house-bill-1079-senate-bill-1354-amendment/>

At this time, the amendments submitted include some of the agreed upon changes from the FLiCRA LeadingAge Southeast Joint Work Group, but not all. It also includes some new provisions desired by OIR.

There remains a “gap” to reach agreement on several policy issues. FLiCRA and LeadingAge Southeast are advocating inclusion of all the provisions of their Joint Workgroup product. FLiCRA gives thanks to Representative Allison Tant for her tireless work to bring agreement of stakeholders.

If an agreement can be reached, the good news is that the House Bill has only two committee references and the Senate Bill has three committee references (with two being substantive committees). *Based on meetings with legislators, at this time, grassroots communication is not requested, however, that may come soon depending on developments in the next few days.*

As outlined in its current form, the amendments address a number of critical issues for residents. The summary below covers some, but not all of the key issues outlined in the “amendment package”.

### **Overall, the proposed changes aim to:**

- Increase financial transparency
- Strengthen protections for residents if a provider runs into trouble
- Clarify who is really responsible when providers use affiliates, management companies, or parent companies
- Give residents a stronger, clearer voice in governance and oversight
- Give regulators earlier warning signs and more tools when finances deteriorate

### **Management Company Oversight (s. 651.043)**

What the bill changes:

- Requires automatic cancellation of management contracts if OIR orders removal
- Requires immediate removal of managers involved in fraud or serious financial misconduct
- Makes failure to remove such management grounds for license suspension or revocation

### **Resident Contracts as Preferred Claims (s. 651.071)**

What the bill changes:

- Clearly classifies resident contracts as high-priority (Class 2) claims
- Subordinates them only to:
  - o Administrative costs
  - o Certain secured construction or refinancing loans

### **Residents' Councils: Stronger Rights and Structure (s. 651.081, s. 651.085)**

What the bill changes:

- Requires every facility to have a formally elected residents' council
- Sets minimum election standards
- Guarantees council access to information
- Requires resident representation at governing-body meetings when fees or services are discussed

### **Disclosure and Transparency to Residents (s. 651.091)**

What the bill changes:

- Requires direct notice of bankruptcy or insolvency
- Requires disclosure of:
  - o Obligated group membership
  - o Ownership of real estate and assets
  - o Outstanding numbers of resident contracts
- Requires records showing when and how disclosures were made

### **Review of Affiliate and Management Contracts (s. 651.1151)**

What the bill changes:

- Allows OIR to review affiliate and controlled-entity contracts
- Allows cancellation of contracts with excessive fees
- Requires disclosure of such contracts to residents' councils

### **NEW: Statutory Lien to Secure Resident Obligations (New s. 651.\_\_\_\_)**

What the bill adds:

- Creates a new statutory lien securing resident obligations modeled after Texas state law
- Applies when residents begin receiving services
- Subordinate only to construction/refinancing loans
- Requires recording in county property records
- Lasts up to 10 years
- Can be foreclosed by the Commissioner if the provider fails

### **Homestead Property Taxes**

Continuing care retirement communities have property tax benefits in current Florida law under what's called "Ad Valorem Tax Exemption for Homes of the Aged". This tax benefit is in a different section of law than the traditional "homestead exemption".

As you have seen covered in the news, the Governor and many legislators, especially in the House, are seeking changes to property taxes.

This week the House Ways and Means Committee voted to send HJR 203 to the House floor. If passed, the measure would increase the current homestead exemption by \$100,000.00 annually starting in 2028 and fully eliminate non-school property taxes by 2037.

Under current law, the Ad Valorem Tax Exemption for Homes of the Aged, the tax savings per living unit are calculated at \$25,000.00 per living unit.

FLiCRA and LeadingAge Southeast continue to monitor progress on the property tax reform effort. Depending on the path taken, cities and counties over time would lose “revenue” some to the tune of over 50% of their current annual revenue. Given the phase in and phase out components, the legislature and property tax appraisers likely would have to address the “Ad Valorem” section of law F.S. 196, as it relates to tax benefits related to continuing care retirement communities.

### **House Bill 1057/Senate Bill 788 – Assisted Living Facilities**

These bills would address procedures for assistance with self-administration of medications related to insulin pens. Neither bill has been scheduled for a committee hearing yet.

### **House Bill 1295/Senate Bill 1404 – Memory Care**

These bills would modify and expand the definition of memory care. They also would create a Florida Alzheimer's Center of Excellence under the Florida Department of Elderly Affairs focused on providing resources for caregivers.

FLiCRA is tracking eighty House and Senate bills at this time on anything related to insurance, continuing care, assisted living, nursing home, elder affairs and property taxes.