



2010 Legislative Session Priorities

Continuing Care Retirement Community Legislation

FLiCRA, the Florida Association of Homes and Services for the Aging and the Florida Office of Insurance Regulation participated in a Joint Task Force in 2009. The work of the Task Force resulted in a legislative package agreed to by all parties that would result in over 21 changes to Florida Statutes 651, the continuing care law in Florida. This legislation is being reviewed by the Legislature this year, as Senate Bill 2030 by Senator Fasano and House Bill 1253 by Representative Proctor. Legislators are asked to support these measures in committee and the floor when they come up for a vote.

Sales Tax Reform

The 2010 Legislature is facing a \$3 billion dollar shortfall due to lacking state revenue streams. During the 2009 legislative session, the House and Senate went through a review current sales tax exemptions and exclusions for possible repeal of those that do not serve a public purpose. There was one bill filed for this purpose for consideration during the 2010 session, however, it has been withdrawn from further consideration.

Currently, "homes for the aged," which include continuing care retirement communities are exempt from the state sales tax if they hold a 501 (c)(3) tax exempt certificate from the IRS. In addition, section 212.07 (7)(i), F.S., exempts residents of nursing homes, assisted living facilities (ALFs), continuing care retirement communities and other similar facilities (whether for-profit or nonprofit) from a sales tax on meals served to residents. Florida law is silent on entrance fees and monthly fees charged to residents in continuing care retirement communities and ALFs; therefore, these fees are also excluded from the state sales tax. All of these sales tax exemptions and exclusions serve a public purpose and should be retained. If the Legislature were to repeal these exemptions or exclusions, it would cost each senior citizen residing in these communities a minimum of \$3,500.00 in new taxes annually. There are over 26,000 residents living in Florida's continuing care retirement communities. A Florida TaxWatch study in April 2009 indicated if such exemptions were repealed, it would have a negative impact on Florida's economy.

Nursing Home Background Screening

Senate Bill 2416 and House Bill 7069 seek to revise the background screening requirements for nursing home personnel and home health agency personnel. FLiCRA support these bills as long as an exemption from background checks remains in place for residents who volunteer in the assisted living or skilled nursing portions of their continuing care retirement communities.

Assisted Living Facility Resident Rights

Senate Bill 1102 and House Bill 817 would revise current law to ensure that a resident in assisted living has the right to receive 45 days notice before being relocated or having their residency terminated from the ALF and that such termination is based on certain criteria such as the resident's needs cannot be met in the facility; the health and safety of other residents or facility staff are endangered. After such notice is provided, the resident or their representative would have the opportunity to review the termination notice with the State Long Term Care Ombudsman. These bills also would require all ALF's to have a written grievance procedure.

Assisted Living Facility External Defibrillators

Senate Bill 2008 and House Bill 945 would require any assisted living facility in the state that has 17 or more beds to have an automated external defibrillator on premises. Additionally, it would require ALF staff at the facility to receive training and register the system with the local emergency medical services director.

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