



## **2012 Florida Legislative Session Priorities**

The 2012 Florida Legislature meets two months earlier than normal years due to political redistricting that takes place every ten years. The session convenes January 10<sup>th</sup> and will adjourn March 9<sup>th</sup>.

### **Assisted Living Regulations – Florida Statutes 400**

Governor Scott established a Task Force on Assisted Living Regulations that met from August till November. The Task Force submitted over twenty two recommendations to the legislature for consideration. In addition, to the Task Force report, there are another ten pre-filed bills that would modify existing Assisted Living regulations that could result in changes for assisted living facilities or units including those at continuing care retirement communities.

FLiCRA testified at the Task Force on two occasions and submitted written recommendations. One key topic was to ensure that in a continuing care retirement community setting, that there would only be one "resident council" for the campus, and not to create a separate resident council just for assisted living residents.

### **Continuing Care Retirement Communities – Florida Statutes 651**

FLiCRA, Leading Age Florida (formerly the Florida Association of Homes and Services for the Aging) and the Office of Insurance Regulation agreed due to the earlier start time of session this year not to file any legislation that would modify Florida Statutes 651, the continuing care law.

However, it is expected that a late filed bill by Senator Mike Bennett will seek to modify some elements of "escrow requirements" and "pre-sales" thresholds for new CCRC developments. FLiCRA is monitoring that issue closely and likely would have to oppose the proposal or seek some compromise language.

### **State Long Term Care Ombudsman**

Currently, the State Long Term Care Ombudsman program is housed under the Department of Elder Affairs. There are a number of bills filed that would modify the program.

One in particular, Senate Bill 1054 would transition the ombudsman program to be operated by a private not-for-profit organization; requiring that the ombudsman and the legal advocate be registered as lobbyists; revise the purpose of the Office of the State Long-Term Care Ombudsman; revise the procedure for appointing members to the State Long-Term Care Ombudsman Council; and revise requirements for carrying out investigations and assessments of long-term care facilities; revise provisions relating to the resolution of complaints or problems verified at a long-term care facility; and require that a licensed long-term care facility display the ombudsman program poster at conspicuous places in the facility.

### **Nursing Home Staffing Requirements**

House Bill 569 and Senate Bill 1332 would seek to modify existing staffing requirements for nursing homes on staffing ratios. The current law stipulates a minimum of 2.5 of direct care per resident per day by certified nursing assistants. This number was achieved during the last couple of years due to budget cutbacks and reduced funding for nursings homes for medicaid recipients. These bills would move the requirement back to 2.9 hours per day per resident which the Legislature originally passed in 2001.

### **Ad Valorem Exemption for Non Profit Homes for the Aged and For Profit CCRC's**

Florida law provides a homestead equivalent or "ad valorem exemption" for living units at non profit and for profit continuing care retirement communities. Every year, residents must fill out an affidavit with the county property appraiser to ensure their living unit gets the \$25,000.00 tax credit to reduce the overall tax bill at their community. Some counties have been requiring residents to submit on the form disclosure of financial assets and income in order to get the exemption credit. FLiCRA in cooperation with Leading Age Florida has developed a new form for the Florida Department of Revenue to utilize to ensure residents do not have to inadvertently submit this financial information. The concern is that such information could be subject to public records requests. FLiCRA has achieved agreement by the Florida Association of Property Appraisers for the new form to be used for this coming tax period for achieving such credits.

For more information on FLiCRA's priorities visit [www.flicra.com](http://www.flicra.com) or contact the association at 850/906-9314.