

*Updated January 2019*

Florida Life Care Residents Association

# **FLiCRA**

**A resident-led association to ensure  
quality of life in retirement communities**

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**MEMBERSHIP**

[www.flicra.com](http://www.flicra.com)

## WHAT IS FLICRA?

The Florida Life Care Residents Association (FLiCRA) is a statewide nonprofit association of residents living in Continuing Care Retirement Communities (CCRCs), also known as “Life Plan Communities.”

Under the leadership of volunteer residents and a dedicated staff in Tallahassee, FLiCRA is a recognized voice before the legislature and state regulatory agencies.

The mission of FLiCRA is to promote and protect the rights of residents who live in CCRCs. FLiCRA accomplishes its mission through its relationship with legislators and state agencies. The association regularly participates in meetings of the Governor’s Continuing Care Advisory Council as well as other governmental bodies. FLiCRA staff members stay in constant contact with key state legislators who oversee health care and elder affairs issues.

The association is not meant to replace local resident councils or associations, or to deal with local disputes between councils and management.

It is a separate entity meant to be the “watchdog” on state legislative issues. The continuing care industry is regulated under Chapter 651 of the Florida Statutes and is governed by the Florida Office of Insurance Regulation. Due to the wide range of services, communities may also be licensed as assisted living and nursing home facilities, which are regulated by the state Agency for Health Care Administration under Florida Statutes 400.

Through its efforts, the association is able to assist local FLiCRA chapters in understanding issues at the state level, which have an effect on communities.

FLiCRA is comprised of 14,000 members, all of which are residents living in 58 of the state's continuing care retirement communities. In some communities, nearly 100 percent of the residents are members of the association.

## WHY JOIN FLICRA?

FLiCRA is the only statewide organization that is comprised exclusively of residents. It continually monitors, reviews and advocates on legislative or regulatory proposals that may have a positive or adverse effect on the residents' quality of life.

During each legislative session, thousands of bills are filed in the Legislature. Many of these bills contain issues that are relevant to residents.

FLiCRA operates a grassroots program that encourages residents to contact legislators; through hosting them at CCRCs, testifying at county delegation meetings; or hosting candidate forums during election cycles. The association staff follows up on these same issues that are of statewide concern to residents.

## SERVICE TO RESIDENTS

FLiCRA provides consistent leadership in a number of legislatively created panels that address resident concerns. FLiCRA members currently fill all of the resident positions on the Governor's Continuing Care Advisory Council. In addition, FLiCRA has a mandated seat on the Governors Panel on Excellence on Long Term Care and FLiCRA held a mandated seat on the End of Life Care Workgroup under the Department of Elder Affairs.

## WHAT HAS FLICRA ACCOMPLISHED?

Since its inception, FLiCRA has been responsible for and participated in many legislative efforts that benefit CCRC residents. These efforts have been in cooperation with other nonprofit associations involved with elder issues.

Several of the issues that FLiCRA has worked on have resulted in not only protection for residents but also significant cost savings to residents. Here are a few examples of Florida laws passed or proposals defeated due, in part or whole, to the efforts of FLiCRA:

### Cost Saving Measures

- Defeated proposal by the Department of Revenue to charge sales tax—retroactively for five years—on resident meals in Continuing Care Retirement Communities (CCRCs). Result: an average cost savings of \$150 per resident per year. A sales tax exemption on meals is now part of Florida law.
- Defeated proposed daily tax of \$1.50 per nursing bed in CCRCs in 1991 and a \$10 per day proposed tax in 2005. CCRC beds are exempt from nursing home bed taxes.
- Secured “homestead exemption” benefits for residents of for-profit and leased not-for-profit CCRCs. Based on local millage rates, this means an average annual savings of \$650 per year for each residential unit.



## Continuing Care

- Clarified election procedure for residents establishing a residents council. (F.S. 651.085)
- Secured protection of residents of accredited CCRCs against waivers of requirements of Chapter 651. (F.S. 651.028)
- Developed “Bill of Rights” for residents. (F.S. 651.083)
- Secured a provision requiring management to provide an explanation to residents when maintenance fees exceed the CPI. (F.S. 651.085)
- Secured procedure for CCRC residents to elect a representative to represent them at meetings of the governing body at which changes in residents’ fees or services are discussed. (F.S. 651.085)
- Attained expanded requirements for “full disclosure” of providers’ financial reports. (F.S. 651.091)
- Supported state financial assistance to residents of CCRCs closed due to liquidation or pending liquidation. (F.S.651.119)
- Secured mediation/arbitration procedures for disputes between CCRC residents and owner/providers. (F.S.651.123)
- Secured legislative change, which removes liability insurance and property insurance premiums from expenses used to calculate the minimum liquid reserve (F.S. 651.035), a \$25 million cost savings annually to CCRCs.
- Secured that residents of continuing care communities are not considered new admissions relative to staffing moratorium rules in the nursing home portion of the community.

## Nursing & Health Center Regulations

- Supported right of 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 after hospitalization. (F.S. 641)
- Supported right of CCRCs to a Certificate of Need exemption so providers can establish home health agencies at their facilities. (Chapters 400 & 651)
- Supported right of CCRCs in financial need to utilize vacant sheltered nursing beds beyond initial five years for use by private pay patients with agency approval.
- Obtained provision that allows a resident to self-administer medication in assisted living units.
- Supported legislation requiring background checks on prospective employees in nursing facilities and long-term care communities.
- Supported legislation that would require geriatric medical training for physicians in Florida medical schools.
- Secured right of qualified residents to have prescription drugs provided through retirement programs repackaged for use in the health/nursing center.



## ***These are your basic rights as a continuing care resident thanks to FLiCRA:***

### **651.083 Residents' rights:**

- 1.** No resident of any facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, by the State Constitution, or by the United States Constitution solely by reason of status as a resident of a facility. Each resident of a facility has the right to:
  - a.** Live in a safe and decent living environment, free from abuse and neglect.
  - b.** Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.
  - c.** Unrestricted private communication, including receiving and sending unopened correspondence. This includes the right to receive memos or announcements from or approved for distribution by the residents' council.
  - d.** Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.
  - e.** Exercise civil and religious liberties. No religious beliefs or practices, and no requirement of attendance at religious services, may be imposed upon any resident.
  - f.** Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without restraint, interference,

coercion, discrimination, or reprisal. This right includes access to ombudsman volunteers and advocates and the right to be a member of, and active in, and to associate with, advocacy or special interest groups or associations.

- g.** Freedom from governmental intrusion into the private life of the resident, as provided in s. 23, Art. I of the State Constitution.
- 2.** The provider shall provide a copy of the bill of rights provided by subsection (1) to each resident at or before the resident's admission to the facility.
- 3.** Any violation of the residents' rights set forth in subsection (1) constitutes grounds for disciplinary action by the office under ss. 651.106 and 651.108.
- 4.** Any person who submits or reports a complaint concerning a suspected violation of a resident's rights or concerning services or conditions in a facility or who testifies in any administrative or judicial proceeding arising from such complaint is immune from any civil or criminal liability therefor, unless such person has acted in bad faith or with malicious purpose or if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party.
- 5.** The provider may not restrict a resident's access to the residents' council.
- 6.** This section does not supersede any bill of rights provided by law for residents of nursing homes or assisted living facilities.

# YOU NEED FLiCRA - FLiCRA NEEDS YOU - WE NEED EACH OTHER!

FLiCRA has been successful to date due to its broad-based support from residents.

In order to continue effective advocacy for residents' rights and welfare, FLiCRA needs a chapter in every CCRC and every resident to belong!

## MEMBERSHIP BENEFITS

By joining FLiCRA today, you are helping protect your personal interest and financial investment for years to come. Your membership helps provide:

- Representation in Tallahassee that promotes your interests as a resident before the Florida Legislature and state agencies.
- A Tallahassee based association headquarters with staff prepared to assist residents with questions on their rights and provide information regarding long term care issues.
- A quarterly association newsletter, the *Resident Connection*, FLiCRA Legislative Updates and Action Alerts, which provide members with updates on resident news.
- State and regional meetings where residents can tour other facilities and meet with residents from communities around the state.
- Association website with access to information, current hot topics and FLiCRA events.

## JOIN FLiCRA TODAY!

### *How do I join FLiCRA?*

Complete the form on the next page and give to your local FLiCRA Chapter representative. Please make your check payable to FLiCRA.

### *What if my community doesn't have a FLiCRA Chapter?*

If no FLiCRA Chapter exists at your community, send payment to the FLiCRA Headquarters at:

325 John Knox Rd, L103  
Tallahassee, FL 32303

*Membership and contributions to FLiCRA are not tax deductible.*



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FLiCRA Headquarters  
325 John Knox Road, L103  
Tallahassee, FL 32303  
PHONE: 850/906-9314 • FAX: 850/906-9315

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FLORIDA LIFE CARE RESIDENTS ASSOCIATION, INC.  
*New Member Application*

Name: \_\_\_\_\_

Second Name *(if two persons in unit)*:  
\_\_\_\_\_

Community: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Apt. #: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

2<sup>nd</sup> Email: \_\_\_\_\_

Regular Member *(currently living in a CCRC)*

Affiliate Member *(on a waiting list for a CCRC, or relative/trustee of a regular member)*

**Annual Dues**

Single Person  
\$22.00

Two persons  
in a Unit \$37.00

**Life Membership**

Single Person  
\$200.00

Two persons  
in a Unit \$325.00

**Total Enclosed:** \$ \_\_\_\_\_

Would you like additional copies of this brochure to share with other residents?

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**Join FLiCRA Today!**

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## MEMBERSHIP IN FLiCRA IS AN INVESTMENT WHICH PAYS DIVIDENDS!

During its history, FLiCRA has secured a number of changes to Florida law, which save residents money every year.

### *These include:*

	<b>Estimated Annual Savings to Each Resident</b>
Prescription Drug Repackaging	<b>Average of \$350 a month or \$4,200 annually per resident</b>
Homestead Exemption Equivalent	<b>Average of \$650 annually per living unit (based on county millage rate)</b>
Sales Tax on Meals	<b>Average of \$482 annually per resident</b>
Liability Insurance Premiums in Minimum Liquid Reserves	<b>Average of of \$833 annually in reduced operating expenses per resident (based on a 300 resident CCRC)</b>
Defeat of a Bed Tax for Nursing Beds at CCRCs	<b>Average of \$1,800 savings a year per resident for a 300 resident CCRC with 100 skilled nursing beds</b>

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