



# The Resident CONNECTION

2nd Quarter 2019

## President's Message



After four years of compromising, collaboration, and cutting and pasting, FLiCRA (Florida Life Care Residents Association), LeadingAge and OIR (the Office of Insurance Regulation) have won the

passage of the most important piece of legislation we have sponsored in many years. Our legislators realized that it was necessary to strengthen Florida's continuing care laws and close the loopholes that leave retirees living in CCRCs (Continuing Care Retirement Communities) vulnerable from another University Village type situation. University Village was forced into bankruptcy leaving the residents there with little recourse to secure their financial or personal well-being. OIR will now have the necessary authority and tools to intervene early enough to prevent a similar financial crisis.

This achievement was made possible by the dedication and sensitive negotiation of Bennett Napier, CAE our executive director, Eric Thorn, Esq. our attorney, and William Stander, our legislative representative.

Testimony by CCRC residents Charlotte Cummings, Ray Neff, Karen Kugell, David Rader, Jim Jandreau, and Wayne Forehand plus statements made at Legislative Delegation meetings by other FLiCRA members, called the legislators' attention to the necessity of passing this bill. We should express our appreciation to those legislators who understood this need and supported passage of this legislation.

To all the members who wrote, called and emailed your senators and representatives, thank you. They heard you. They know our members represent a sizable part of their voting constituency.

The existence of an association like FLiCRA makes it possible to share information among CCRCs. For example, residents of a CCRC were inquiring about procedures for conducting an employee gift fund. Since the residents are prohibited from giving gifts directly to employees in the form of tips, the president of their FLiCRA chapter asked for advice from other chapters. I sent a survey to all our member chapters and received 19 responses.

*Continued on Page 2*

## In This Issue

- 2 Communities Explore Possible Merger
- 3 Member News
- 4 2019 Florida Legislative Session
- 6 Call for Nominations

# 2018 - 2019 FLiCRA Board Of Directors

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## *Continued from Page 1*

In summary, the residents have a committee to publicize, collect, allocate and distribute checks, usually at holiday time. Most of the cash donations are collected in a bank account held by the residents. Almost all indicated that the gift is not included as a payroll item. The gift checks are allocated based on a formula consisting of the years employed and the hours worked. In general, all employees are included as recipients of a holiday gift except for top management.

While this is not a scientific analysis, it should give a clear picture of the common practices used to say "Thank you" to the workers who are responsible for our health, safety and well-being.

In the coming months we will continue to expand our membership and the number of chapters. You can help by encouraging your fellow residents to keep their FLiCRA membership up-to-date.

***Diane Dalsimer***  
***FLiCRA State Board President***

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## **Presbyterian Senior Living, Westminster Communities of Florida Explore Possible Merger**

Dillsburg, PA-based Presbyterian Senior Living (PSL) and Orlando, FL-based Westminster Communities of Florida announced recently that they have entered into a memorandum of understanding to explore a possible affiliation by Jan. 1, 2020 that could "create additional opportunities for other faith-based organizations to join in."

"The planned retirement of both organizations' CEOs offers a window of opportunity that will enable PSL and Westminster to think creatively about what the relationship could look like," they said in a joint press release.

The memorandum was signed after the boards of both organizations approved it, Scott Townsley, principal of Trilogy Consulting, told McKnight's Senior Living. The boutique strategy, affiliations and consumer research firm specializes in senior living and care and is representing both organizations.

PSL CEO Stephen Proctor, who has been with the organization since 1971, is retiring June 7, although he will continue to advise the organization for several months, Townsley said.

***Continued on Page 8***

## Member News

### University Village Update

At the May 1st, 2019 Resident Association meeting, Jeff Warren, President of the Bush-Ross Law Firm and Court-appointed Liquidating Trustee responsible for University Village administration and preparation for sale advised residents:

- Bankruptcy Court gave interim approval for sale of University Village to Quality Senior Housing Foundation (“QSHF”) by Order entered on February 26, 2019.
- In the Consent Order with OIR of March 29, 2019, OIR:
  - Recognizes the Liquidating Trustee has sole authority to operate and manage Westport
  - Acquisition of Westport shall no longer require purchase of the Health Center; provided that assisted living and skilled nursing services obligations under the existing continuing care contracts are provided in facilities that are appropriately licensed by AHCA and are within an acceptable geographic proximity of the University Village campus
  - Extended to June 28, 2019 the time to obtain approvals for new ownership.
- QSHF has interviewed and is in the process of finalizing arrangements with acceptable assisted living and skilled nursing facilities within an acceptable proximity to the University Village campus.
- QSHF has prepared and is in process of filing applications to OIR for change of control as soon as feasibility study (which has been ordered) is received.

### Lifespace Communities Elects Resident to Board of Directors

In a first for the organization, Lifespace Communities, the owner and operator of 12 retirement communities across seven states, has

elected a Lifespace independent living resident as a voting member of its Board of Directors.

Resident William “Bill” Rich of The Waterford, a Lifespace community in Juno Beach, Florida, assumes the role following a comprehensive selection process. Lifespace is at the forefront of the growing trend in senior living to add a resident of the organization to its board of directors.

“I’m thrilled to welcome Bill as a voting member of the governing body for Lifespace Communities,” said E. LaVerne Epp, Chairman of the Lifespace Board of Directors. “Bill is passionate about making an impact. We believe his background and board experience make him well-suited for the fiduciary responsibility of serving as a Lifespace Board member, while also enabling him to bring forward the resident perspective.”



Wayne Forehand, FLICRA Region 8 Director from the Lamar Miller Chapter at Oak Hammock testifies before a state House Committee on CCRC Reform House Bill 1033.

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## 2019 Florida Legislative Session

As was shared through FLiCRA e-newsletters, nearly 3,000 bills were filed this session. In total, FLiCRA was monitoring 180 of those filed bills. This year represented the least amount of bills that passed the Legislature since 2001, with just less than 200 passing the Legislature.

### Continuing Care Reform

2019 marks the fourth year in a row that reform legislation was filed to address improvements in Florida Statutes 651, the continuing care retirement community laws in Florida. The overall work product continues to take into account joint input and agreement from FLiCRA and LeadingAge Florida.

The Senate took up House Bill 1033 on May 2nd and passed the bill. The bill will now move to the Governor for his signature.

Many thanks to the countless members around the state who made contacts with legislators throughout this entire process to ensure passage of this comprehensive and needed reform.

FLiCRA also wants to personally thank the following members who testified before House and Senate Committees this year on the CCRC reform legislation: Charlotte Cummings, Westminster Oaks, Tallahassee; Karen Kugell, Westminster Oaks, Tallahassee; Ray Neff, Plymouth Harbor, Sarasota; Wayne Forehand, Lamar Miller Chapter at Oak Hammock, Gainesville, David Rader, Lamar Miller Chapter at Oak Hammock, Gainesville, and Jim Jandreau, Cypress Village, Jacksonville.

Thanks to Senator Tom Lee and Representative Clay Yarborough for their lead sponsorship of this legislation. Further thanks to House Co-Sponsors Caruso; Diamond; Donalds; Stevenson; Watson, C.; and Zika.

At the end of session, it can take a couple of weeks before bills are officially delivered to the Governor. Once the Governor receives a bill, he has 15 days to sign the bill, let the bill become law without signature or veto a bill.

FLiCRA staff has already received contact from the Governor's office. There is no indication of any concern in this bill becoming law.

FLiCRA was featured prominently in an end of session media wrap up of this session's key outcomes published by Florida Politics.

To view that full report visit:

**<http://floridapolitics.com/archives/295674-winners-and-losers-of-the-2019-legislative-session>**

Here is the wording where FLiCRA was mentioned for its work by Florida Politics:

***Florida Life Care Residents Association - After four long years of coming tantalizingly close, the Legislature finally passed HB 1033 for improved regulation of continuing care retirement communities and to avoid another University Village, Tampa bankruptcy fiasco. Now, hopefully, seniors who put down their life savings to secure stable living conditions for the rest of their days won't have to worry about watching it all disappear and ending up in the streets.***

### Certificate of Need (CON)

House Bill 21 and Senate Bill 1712 proposed to repeal the Certificate of Need law for certain hospitals. House Bill 21 passed the Florida Legislature. The bill has not been received by the Governor as of yet.

At the beginning of the session, hospices and nursing homes were included in the proposal, but as occurred in 2018, hospices and nursing homes were pulled out of the final proposal.

A current text of the bill is located at:

**<http://www.flsenate.gov/Session/Bill/2019/21/BillText/er/PDF>**

### Aging Programs

Senate Bill 184 transfers certain duties on aging

regulations from the Department of Elder Affairs to the Agency for Health Care Administration. Senate Bill 184 was signed by the Governor on April 26th.

An analysis of the Senate bill is located at:

<https://www.flsenate.gov/Session/Bill/2019/184/Analyses/2019s00184.ap.PDF>

FLiCRA supported this legislation.

### **Alzheimer's Disease**

Senate Bill 860 and House Bill 449 requires the Alzheimer's Disease Advisory Committee to submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Elder Affairs by September 1 of each year. The report must include recommendations on Alzheimer's disease policy, all state-funded Alzheimer's disease efforts, and proposed updates to the Alzheimer's disease state plan.

House Bill 449 passed the Legislature. The bill has not been received by the Governor as of yet.

A link to a committee analysis is located at:

<http://www.flsenate.gov/Session/Bill/2019/860/Analyses/2019s00860-pcs363800.ap.PDF>

FLiCRA supported this legislation.

### **Mobility Devices and Motorized Scooters**

Senate Bill 542 and House Bill 453 define the term "micromobility device"; revising the definition of the term "motorized scooter"; providing that the operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle, except the duties imposed by specified provisions that by their nature do not apply; exempting electric personal assistive mobility devices and motorized scooters from certain emblem requirements.

House Bill 453 passed the Legislature. The bill has not been received by the Governor as of yet.

FLiCRA took no position on this legislation.

To highlight a few other bills that FLiCRA was monitoring, their final outcomes are provided in this report.

#### **Senate Bill 60 – Tax Exemption for Incontinence Products**

Died in Committee, did not get to the floor for a vote.

#### **House Bill 143 – Protection of Vulnerable Investors**

Died in Committee, did not get to the floor for a vote.

#### **Senate Bill 176 – Sales Tax exemptions on items that aid Independent Living**

Died in Committee, did not get to the floor for a vote.

#### **Senate Bill 206 – Physician Orders for Life Sustaining Treatment**

Died in Committee, did not get to the floor for a vote.

#### **House Bill 253 – Independent Living Task Force**

Died in Committee, did not get to the floor for a vote.

#### **House Bill 305 – At Risk Adult Alert Plan**

Died in Committee, did not get to the floor for a vote.

#### **Senate Bill 452 – Elder Abuse Fatality Review Teams**

Died in Committee, did not get to the floor for a vote.

#### **House Bill 583 – Elder Protection**

Died in Committee, did not get to the floor for a vote.

## **CCRC FINANCE GUIDEBOOK**

FLiCRA chapters can purchase copies of the "CCRC Finances, A Guidebook for Members of CCRC Resident Finance Committees".

The guidebook is intended to assist interested residents with achieving a basic understanding of your CCRC's financial position and performance as reflected in its financial statements and other key documents. Guidebooks are available for \$14.90 each and can be ordered by contacting the FLiCRA Office at (850) 906-9314 or by email at [lauren@executiveoffice.org](mailto:lauren@executiveoffice.org).

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# Call for Nominations

## REGIONAL DIRECTORS AND ONE DIRECTOR AT LARGE SEAT ON THE STATE BOARD

The next slate of the state FLiCRA Board of Directors will be elected November 7th at the 2019 Annual Conference. This year's annual conference will be hosted at Edgewater Pointe Estates in Boca Raton.

Detailed meeting information will be available in mid-August.

The association is seeking interested members to submit their names for consideration for the Regional Director positions or one of the At Large Director seats open for this election cycle.

For FLiCRA Regions, those Regions that have open seats in 2019 are listed below:

Regional Directors will be elected by the chapters within the regions by early fall prior to the Annual Conference following a process outlined in the FLiCRA state bylaws.

### Here are the Regions that have open seats:

**Region 3 (covers Orange, Seminole and Volusia counties)** - This Region is currently vacant. Any member residing in these counties is encouraged to apply.

**Region 6 (covers Lee, Collier and Charlotte counties)** - This Region is currently vacant. Any member residing in these counties is encouraged to apply.

**Region 8 (covers Lake, Alachua and Sumter Counties)** - This Regional Director will be open in November as the current Regional Director, Wayne Forehand from the Lamar Miller, FLiCRA chapter at Oak Hammock is completing his 2nd 3-year term.

**Director at Large Seat** – There is one director at large seat open on the board. The current director at large is completing their 1st three-year term and they are eligible for re-election to a second term if

they choose to run. Any interested candidate (statewide) can submit their name for consideration.

The Board of Directors for FLiCRA consists of twelve members, four of which are Directors at Large. Previous service as a local Chapter Board member is not required but may be helpful in fulfilling the duties of a state Board member.

## Qualities and Duties of FLiCRA Board Members

The members of the FLiCRA Board of Directors are the stewards of the Association and are responsible for reflecting the views and interests of all of our members. The Board also provides leadership, a shared vision and sense of mission for the association and is responsible for the fiscal health of the Association.

A board member must be a current member of the association.

### • Proven Performance

Leadership requires knowledge, talent, skill, vitality and the ability to make a difference. In the association environment, that translates into a solid track record of contributing to the success of programs, events or projects.

### • Commitment

Serving as an association leader is both an honor and a reward; it requires a demonstrated commitment to the organization and its mission and goals.

### • Time and Ability to Serve

Participating fully in association activities requires extra time for attending meetings.

### • Understanding of Team Work

Many people contribute their efforts toward the realization of an association's goals and objectives – no one does it alone. Well-developed interpersonal and communication skills are essential to effective teamwork.

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- **Sound Judgment and Integrity**

In many instances, popularity brings potential leaders into the limelight of an association; popularity must be tempered with good judgment and integrity when difficult decisions are required.

- **Communication and “Teaching” Skills**

By virtue of their position, current leaders serve as mentors and teachers to future leaders. Enthusiasm – a zest for serving the association is an important ingredient that leaders must possess.

- **Ability to Subordinate Special Interests**

Leaders often emerge because of their special expertise or effective representation of a specific constituency. Leadership, however, may require subordinating those interests for the greater good of the association. In essence, an effective board member brings their expertise and specific experience to the table to provide value, but such experience and expertise should not drive the policy-making process for the collective good.

- **Be Strategic Thinkers**

Intuitive and interpretive skills enable leaders to understand the people around them, internalize the data they receive, recognize the relationships that exist between the systems within their world and integrate all these elements into a coherent whole.

Effective boards of directors approach their role focusing on policy making not day to day operations of the organization. Micromanagement of operations is not an effective use of board time nor appropriate to fulfill fiduciary roles.

**FLiCRA Board Service Time Requirements:** Each term on the board is a three-year term, and a board member can serve up to two consecutive terms in a director position. Officers are one-year terms.

Service on the FLiCRA board requires attendance at up to three in-person meetings a year (February - ½ day meeting in person, May – Teleconference or in person, November - ½ day in conjunction with the Annual Conference in person).

The FLiCRA state board may also meet by teleconference 2-3 additional times a year if necessary.

FLiCRA board members are reimbursed for travel under the following policy: Board members may be reimbursed for mileage, lodging and meal expenses for attending FLiCRA meetings.

To assist in developing a slate of candidates, all members who are willing to serve for nomination to the state FLiCRA Board of Directors should submit their names, address, phone numbers and a brief career bio to: Nominations Committee Chair Charlotte Cummings c/o FLiCRA 325 John Knox Road, L103 Tallahassee, FL 32303 or by email to [bennett@executiveoffice.org](mailto:bennett@executiveoffice.org) **by July 19, 2019.**

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***Continued from Page 2***

Westminster CEO Roger Stevens, who is planning to retire at the end of the year, has been with Westminster since 1995, he added.

Proctor and Stevens already knew each other through the Presbyterian Association of Homes and Services for the Aging and had an informal discussion about a potential relationship between their organizations at the 2018 LeadingAge annual meeting, Townsley said.

“There are shared values, many similarities and a high level of trust,” he said. “There’s a sense or belief that this potential ‘merger’ will create additional opportunities for other faith-based organizations to join in.”

Now that the agreement is signed, due diligence will begin. Meetings will be scheduled with residents, staff members and other constituents over the next several weeks to provide more information on how the conversations are progressing.

“There will be opportunities for both boards to review, over the summer,” Townsley said. “Presuming that the affiliation proceeds, it is anticipated to be formalized as of Jan. 1, 2020.”

The 92-year-old Presbyterian Senior Living provides services and accommodations to more than 6,000 seniors in 32 communities across the mid-Atlantic region of Pennsylvania, Maryland, Ohio and Delaware. The 65-year-old Westminster Communities of Florida serves more than 7,000 residents in 10 continuing care retirement communities and 12 affordable rental retirement communities in Florida. The companies are ranked 13th and 15th, respectively, on the 2018 LeadingAge Ziegler 200 list of largest not-for-profit multi-site senior living organizations by total senior living units.

***Lois A. Bowers***  
***Publish Date April 30, 2019***