



The Resident CONNECTION

3rd Quarter 2019



President's Message

After four years of dedicated work our legislation has passed. So, what happens next? When a law is passed, Florida law provides a process for regulatory agencies to adopt rules that outline how a regulatory

agency will administer that law.

What is a rule? According to Chapter 120, Florida Statutes, Administrative Procedure Act (A.P.A.): Rule means "each agency's statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule."

In plain English, this means that the Office of Insurance Regulation (OIR) is the agency tasked with writing and enforcing these particular rules.

Rulemaking consists of drafting the rule text, providing notice to the public, accepting public comment and filing the rule for adoption.

(OIR) will likely hold rule workshops to develop new rules since the newly passed legislation is so comprehensive in nature.

Florida Administrative Register (FAR) is the title of a daily publication which gives the public current information about the status of rules moving through the rulemaking process (see more on Page 6).

While the state proceeds with implementing changes to the existing law which will add to protections for residents of CCRCs, and to the continuing care industry as a whole, FLiCRA is proceeding with the development of an updated Strategic Plan. We are in the process of developing an operational guide for chapters to help them be successful in recruiting and serving their membership. To be effective, we must also increase our membership numbers and our chapter presence in underserved CCRC communities. This is an ongoing project.

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2018 - 2019 FLICRA Board Of Directors

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After several visits to various CCRCs during the past few months, it has become clear to me the concept, “once you have seen one CCRC, you have seen ONE CCRC.” They are all different in atmosphere, personality and accommodations. However, there is one common thread that is very noticeable today.

The industry is changing. Providers are experiencing pressure to update infrastructure, amenities, contracts and services. All over the state of Florida there is evidence of change. This can be very disturbing to current residents who are content with the status quo. It is important that we recognize that in order for our communities to stay viable and able to sustain our wellbeing, they must attract new residents by addressing their needs.

While FLICRA’s mission is to address issues that have a direct impact on our members, relationships with the providers related to issues in individual communities are best served by the local resident council. Your FLICRA Board of Directors and the FLICRA staff are always willing to share their experience and resources when asked.

Diane Dalsimer, FLICRA State Board President

ADA Lawsuit Against Brookdale Takes Steps in Class Action Process

A lawsuit accusing Brookdale Senior Living of understaffing and violating the Americans with Disabilities Act recently took a step in the class action process. Attorneys for plaintiffs and the country’s largest senior living provider filed a joint case management statement as ordered by the federal court hearing the case.

“In that statement, we are going to propose the schedule for class certification briefing,” attorney Gay Grunfeld told McKnight’s Senior Living. A case management conference was scheduled for July 16.

The lawsuit originally was filed in July 2017. Grunfeld previously said that if it is certified as a class action and the plaintiffs win, damages could exceed \$45 million. That’s because the lawsuit is seeking a minimum of \$9,000 for each affected resident, and more than 5,000 residents of Brookdale communities in California could become part of the class.

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Member News

2020 Legislative Session Dates for Florida

January 10, 2020 5:00 p.m. - deadline for approving final drafts of general bills and joint resolutions, including companion bills.

January 14, 2020 - Regular Session convenes (Article III, section 3(b), Constitution).

12:00 noon - deadline for filing bills for introduction (Rule 3.7(1)).

March 3, 2020 50th day - last day for regularly scheduled committee meetings (Rule 2.9(2)).

March 13, 2020 60th day - last day of Regular Session.

2019 Interim Committee Meeting Schedule

September 2019 - Week of the 16th

October 2019 - Week of the 14th

October 2019 - Week of the 21st

November 2019 - Week of the 4th

November 2019 - Week of the 12th

December 2019 - Week of the 9th

Regional Director Updates

FLiCRA is pleased to announce that two Regions have new Directors. A third Region will have a new leader after the November Annual Conference.

Region 3 – Richard Greatwood of the Mayflower in Winter Park, Florida has been appointed. Region 3 of FLiCRA includes Orange, Seminole and Volusia counties.

Region 6 – At a recent meeting of Region 6 chapter leaders, Sally Jane of Gulf Coast Village, Cape Coral was elected. Region 6 includes Charlotte, Lee and Collier counties.

Region 8 – At the November 2019 Annual Conference, Mr. Wayne Forehand, of the Lamar Miller FLiCRA Chapter at Oak Hammock, Gainesville will step down after two terms. Mr. David Rader, also a resident of Lamar Miller FLiCRA Chapter at Oak Hammock, Gainesville is running for the open seat to succeed Mr. Forehand.

CCRC Executive Directors See Salaries Up Nearly 4% in 2019

Wages rose again for executive directors of continuing care retirement communities (CCRCs), and they weren't the only ones who saw a pay bump in the past year.

The national average salary for a CCRC executive director rose to \$172,806 in 2019, an increase of 3.94% over the previous year's average executive director salary of \$166,252, according to the latest Continuing Care Retirement Community Salary & Benefits Report from the Hospital & Healthcare Compensation Service and endorsed by provider association LeadingAge. The nearly 4% increase in annual pay only includes respondents who participated in both the 2018 and 2019 studies.

In total, the 2019 report included input from 506 CCRCs, with compensation data for more than 86,650 employees working in 46 management and 53 non-management roles. Just over 80% of the respondents represented not-for-profit providers, with the rest working at for-profit companies.

Chief financial officers (CFOs) who participated in both the 2018 and 2019 surveys saw a national average salary of \$149,395 this year, marking a 2.96% gain from the \$145,100 they took in the year prior. And associate directors logged \$118,929 in 2019, a 1.53% increase from the \$117,139 they reported earning last year.

Turnover for top-level executive positions also fell among the surveyed CCRCs, declining from 20.22% in 2018 to just 7.68% in 2019.

The outlook for non-profit CCRCs in 2019 is stable, with economic tailwinds expected to persist through the end of the year, according to a December report from Fitch Ratings. Specifically, favorable demographic trends and robust residential real estate markets are helping to maintain demand for those communities.

Tim Regan, Source: Senior Housing News

Calculating Your Medical Expense Deduction

For the tax years 2017 and 2018, you were eligible to deduct the total amount of your medical expenses that exceed 7.5% of your adjusted gross income (AGI). For the tax year 2019, you'll only be able to deduct expenses that exceed 10% of your AGI. This change is due to the Tax Cuts and Jobs Act, which Donald Trump signed in late 2017.

You can get your deduction by taking your AGI and multiplying it by 10%. If your AGI is \$50,000, only qualifying medical expenses over \$5,000 can be deducted ($\$50,000 \times 10\% = \$5,000$). If your total medical expenses are \$6,000, you can deduct \$1,000 of it on your taxes.

Note, however, that you'll need to itemize deductions to deduct medical expenses. Itemizing deductions only makes sense if the total deductions you qualify for would exceed your standard deduction – a fixed dollar amount that reduces the amount of money you're taxed on.

The Tax Cuts and Jobs Act effectively doubled the standard deduction, which makes it less likely that you'll wind up itemizing. For the tax year 2019, which you'll file in 2020, the standard deduction limits are as follows:

- Single or married filing separately - \$12,200
- Married filing jointly or qualifying widow(er) - \$24,400
- Head of household - \$18,350

If the value of your total itemized deductions would exceed your standard deduction, you'll need to complete a Form 1040 and detail every deduction in an itemized list. The standard deduction may be easier, but if you paid a lot of healthcare expenses or have other deductible expenses, they could help you reduce your tax bill.

Medical Expenses You Can Deduct

Many medical-related costs can be included in your itemized deductions. Remember that you can only claim medical expenses that you paid for this year

only, whether it's for you, your spouse or another dependent. Here are the expenses that qualify:

- Payments you've made to doctors, surgeons, dentists, chiropractors, psychiatrists, psychologists and some other nontraditional medical practitioners
- Insurance premiums for health or long-term care coverage
- In-home nursing care and inpatient hospital care
- Inpatient treatment for alcohol or drug addiction
- Acupuncture treatments
- Organ donation and transplants
- Smoking-cessation programs and prescription drugs that help with nicotine withdrawal
- Weight-loss programs for a disease diagnosed by a physician
- Insulin and related prescription drugs
- Admission and transportation to a medical conference that relates to a chronic illness you, your spouse or a dependent is suffering from
- Dentures, prescription glasses, contacts, hearing aids, crutches, wheelchairs, guide dogs and service animals
- Costs for transportation to and from medical care facilities, including taxis, buses, trains and ambulances. If using your car, standard mileage rate reimbursements qualify (20 cents per mile), as well as out-of-pocket expenses for gas and oil.

Medical Expenses You Can't Deduct

While there's a decent amount of healthcare costs you can itemize on your taxes, there are a few that don't qualify, including:

- Funeral or burial expenses

- Nonprescription medicines
- Toothpaste, toiletries and cosmetics
- Most cosmetic surgery
- Nicotine gum and patches that don't require a prescription
- Meals and lodging while attending a medical conference
- Future medical expenses
- Nutritional supplements

Any medical expenses that you already get

reimbursed for from insurance can't be deducted on your taxes.

Bottom Line

There are plenty of qualifying medical expenses that can claim on your taxes. But for tax year 2019, you can only deduct expenses that exceed 10% of your adjusted gross income. And if your total itemized deductions don't exceed the new, higher standard deduction, then you won't take the deduction. Review the list of expenses that qualify (and the ones that don't), and decide whether it makes sense to take this deduction

Source: <https://smartasset.com/taxes/medical-expense-deduction>

ADA Lawsuit - Continued from Page 2

The filing of the joint case management statement and the case management conference will be the next steps in the case after the U.S. District Court for Northern California on June 5 denied two motions brought by Brookdale, one of which sought to stay the claims of two plaintiffs while the company appeals a ruling that their claims are not subject to arbitration.

"We were pleased. That was our view, that their [the residents'] claims should go forward in the District Court," Grunfeld said of the motion denial. "We are now in discovery, which is where you're taking facts and evidence for each side, so we wanted to keep going with regard to all of our named plaintiffs. And of course we also are seeking class certification, so we want to have robust discovery."

The judge also denied a motion from Brookdale that sought a so-called interlocutory appeal through which the District Court could have asked the appeals court to consider the question of whether the ADA applies to assisted living earlier than it would otherwise. The District Court previously ruled that the ADA does apply to assisted living. In his June 5 order, U.S. District Judge Haywood Gilliam Jr. said Brookdale didn't meet the legal standard for

interlocutory appeal and that the ADA claims could continue.

"We are very pleased with the court's ruling," Grunfeld said. "We believe that the ADA does apply to these facilities, and we are moving forward to establish that Brookdale is not complying with the ADA."

Lois A. Bowers

Source: McKnight's Senior Living

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Florida's Rulemaking Process

Florida law provides a process for regulatory agencies to adopt rules that outline how a regulatory agency will administer a law passed by the Florida Legislature.

Florida Statutes 651 has administrative rules already; residents can view those rules at www.flicra.com/uploadedFiles/File/Chapter_690193_Rule_Continuing_Care_Contracts.pdf Residents can view this link below to see when the rules of each section were actually implemented www.flrules.org/gateway/ChapterHome.asp?Chapter=690-193

With the passage of House Bill 1033 from the 2019 Regular Legislative Session, the Office of Insurance Regulation will likely hold rule workshops to develop new rules since the newly passed legislation is so comprehensive in nature.

What is Rulemaking?

"Rulemaking" is defined as the adoption, amendment or repeal of a rule. In its simplest form, rulemaking consists of drafting the rule text, providing notice to the public, accepting public comment and filing the rule for adoption. However, rulemaking can become more complicated, involving many more steps.

What is a Rule?

According to Chapter 120, Florida Statutes, Administrative Procedure Act (A.P.A.): Rule means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule.

What is the Florida Administrative Code?

The online Florida Administrative Code (FAC) is the official compilation of administrative rules for the state of Florida. The Department of State oversees the publishing of the FAC and updates it weekly.

What is the Florida Administrative Register?

Florida Administrative Register (FAR) is the title of a daily publication which gives the public current information about the status of rules moving through the rulemaking process including proposed rules; emergency rules; and notices of change, corrections and withdrawals. The Register also includes notices of agency public meetings, workshops and hearings, and miscellaneous actions required to be published by statute.

Below is a list of notices required to be published in the FAR:

- Notices of Rule Development
- Notices of Proposed Rules
- Notices of Change, Correction and Withdrawal
- Emergency Rules
- Petitions and Dispositions Regarding Rule Variance and Waiver
- Notices of Meetings, Workshops and Public Hearings
- Notices of Petitions and Dispositions Regarding Declaratory Statements
- Notices of Petitions and Dispositions Regarding Non-rule Policy Changes
- Announcements and Objection Reports of the Joint Administrative Procedures Committee
- Notices Regarding Bids, Proposals and Purchasing
- Notices of Intent to Adopt rules pursuant to Sections 120.54(6), 120.54(1)(i)2., and 403.8055, Florida Statute
- Notices of Invalidation of a Proposed or Effective Rule

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FLiCRA 2019 Annual Conference & Chapter Delegates Meeting
November 7, 2019 • Edgewater at Boca Pointe, Boca Raton

Thursday, November 7, 2019

8:15 a.m. – 9:00 a.m.

Registration & Continental Breakfast

9:00 a.m. – 10:00 a.m.

“2019 CCRC Reform, Monumental Change Ahead”

Keynote Speaker: Craig Wright, Deputy Commissioner, Florida Office of Insurance Regulation

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 12:00 p.m.

Board, Membership & Chapter Delegates Meeting

TOPICS: Membership Growth; Chapter Leadership, FLiCRA State Board Elections; State Budget Adoption

12:00 p.m. – 12:20 p.m.

Break

12:20 p.m. – 1:30 p.m.

Membership Luncheon

“Residents on CCRC Boards, a Conversation on Options”

Speaker: Bennett Napier, CAE

**Please mail registration forms
by October 28, 2019 to:**

FLiCRA
325 John Knox Road, L103
Tallahassee, FL 32303

Please call the FLiCRA office at (850) 906-9314 if you require any special needs due to a disability.

Location

Edgewater at Boca Pointe

23315 Blue Water Circle
Boca Raton, FL 33433
Phone: (954) 388-0141

All meetings will be held at Edgewater at Boca Pointe.

Directions from North Florida: On Florida Turnpike, take exit 75 for FL 808 towards Glades Road. Turn right on FL 808 West/Glades Road. Go less than 0.25 miles, turn left at 1st red light onto Boca Rio Road. Turn left onto SW 18th Street (1.2 miles). Turn right on Blue Water Circle.

Directions from Naples Area: Take Interstate 75 South. When in Broward County, continue on Interstate 595 E/Fort Lauderdale. Use left 2 lanes to merge onto FL 869 N/Sawgrass Expressway, go 22.7 miles. Continue onto SW 10th St. Turn left onto FL845 North/Powerline Road. Turn right onto SE 18th Street. Turn right onto Bluewater Circle.

Hotel Information for Lodging

There is no formal FLiCRA room block at a hotel. Prices are subject to change.

La Quinta Inn & Suites Deerfield Beach I-95
100 Southwest 12th Ave, Deerfield Beach, FL 33442
3.2 miles from Edgewater at Boca Pointe
(954) 428-0661 (room rates starting at \$75.00)

Quality Suites Deerfield Beach
1040 E Newport Center Dr, Deerfield Beach, FL 33442
4.1 miles from Edgewater at Boca Pointe
(954) 570-8887 (room rates starting at \$92.00)

FLiCRA 2019 Annual Conference & Chapter Delegates Meeting Registration Form

Please Duplicate for Multiple Registrants

\$18.00 per person (includes AM refreshments and lunch on Thursday)

\$12.00 per person (includes AM refreshments on Thursday ONLY)

Name(s): _____

Community Name: _____

Address: _____ Apt. No.: _____

City: _____ State: FL Zip: _____

Phone: _____ Email: _____

Total Amount Enclosed: \$ _____



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***Florida's Rulemaking Process -
Continued from Page 6***

How do I subscribe to the Florida Administrative Register?

Electronic Version:

Current and past issues of the FAR are available for viewing online here at: ***www.flrules.org/Default.asp***. Users of the e-rulemaking website may subscribe, free of charge, to receive e-mail notification of notices submitted by agencies at: ***www.flrules.org/subscriber/signup.asp***.

What Laws and Rules Govern Rulemaking?

Chapter 120, Florida Statutes, Administrative Procedure Act (A.P.A.), sets forth the rulemaking procedures that agencies must follow. The Department of State, through its legislatively-delegated rulemaking authority, has adopted Chapter 1-1, Florida Administrative Code (F.A.C.), to interpret, implement and make specific the requirements of Chapter 120, Florida Statutes.

What authority does an agency need to adopt a rule?

A grant of rulemaking authority and a specific law to be implemented are required before an agency may draft a new rule, amend a current rule, or repeal an existing rule (reference). Furthermore, an agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy.