



The Resident CONNECTION

2nd Quarter 2023



President's Message

The cost of doing advocacy work at the state level has steadily increased in the last few years. Is FLICRA keeping up with the times?

In 2007, Florida's state budget totaled \$71.5 billion.

That same year, reported lobbying fees were an estimated \$181.6 million. Contrast that to 2022, when Gov. Ron DeSantis signed a state budget of \$109.9 billion, and the median reported lobbying fees came in at \$275.7 million. In both cases, the ratio of fees to the budget equated to about one-quarter of one percent (0.25%).

Lest you think that lobbyists are working to get bills passed, you might be surprised to learn that much of those lobbying dollars are actually spent **killing** bills. As an example, there were 241 bills signed into law last year, but there were actually 1,002 bills proposed that year.

Records indicate that the average lobbyist in 2007 earned about \$55,000 in fees. In 2022, the average lobbyist earned just under \$92,000 in fees. The largest lobbying firm in Tallahassee, The Southern Group, had 9 registered lobbyists in 2007. It now employs 29 today. They are not alone, as many other firms are expanding and amassing armies of lobbyists. Many of the smaller firms have begun merging into the very large firms.

In 1992, term limits were put in place for the legislators. "Term limits have necessitated the lobbying profession enhance their approach with legislators to be more educators as opposed to

influencers," says Ken Pruitt, former President of the Florida Senate and a lobbyist himself.

The above information is gleaned from an article in The Capitolist written by Brian Burgess in April 2023, entitled "Sixteen years of records show the ways lobbying in Tallahassee has changed...and how it hasn't."

You may recall, in last quarter's Resident Connection, I mentioned that LeadingAge (who represent the proprietors of CCRCs, among other senior living providers) employs or contracts with nine to ten lobbyists each year.

Continued on Page 2

Issue at a Glance

- 3** FLICRA Call for Nominations
- 4** 2023 Florida Legislative Session Wrap-Up
- 6** FHCA Launches Long-Term Care Quality Dashboard
- 6** Ziegler Closes Financing for Presbyterian Retirement Communities
- 7** CCRC's Sustainability Initiatives Get Boost Through Resident Partnerships

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Continued from Page 1

AARP Florida, a huge and very active organization, has nine lobbyists at their disposal.

The Florida Health Care Association (which represents 85% of the state's licensed nursing homes) has twenty three lobbyists.

FLiCRA has three lobbyists.

I think you can see, that as FLiCRA looks to the future, we will need to step up our game in order to stay relevant and keep our influence with the state legislature.

For the past couple of years, your state board has tossed around some ideas for alternative revenue sources in order to cover the rising cost of doing business. For instance, we are looking into the possibility of a statewide renter's insurance program to residents of CCRCs, where we would partner with a reputable company and receive some non-dues revenue from. There are other ideas as well. We do not want to raise dues unless it becomes absolutely necessary.

There is one way that individual chapters could assist if they wanted to.

All chapters have an individual bank account to be used for expenses, like hosting lunches or wine and cheese events for membership recruitment and retention, or perhaps to pay a speaker.

It might surprise you to know that with all the chapters combined in Florida, there is almost \$100,000 sitting in local chapter bank accounts across the state. Some chapters have periodically given a portion of their bank account balances back to the state to help FLiCRA meet its mission.

For those of you who haven't thought about it, you might want to consider joining those chapters and examining your bank accounts to see if you feel comfortable sending a portion of your funds to state FLiCRA.

Please rest assured that FLiCRA as an organization is viable and strong, but as all responsible organizations, it is important to look at trends to determine what the future will bring.

Patricia Burdsall
FLiCRA President

FLiCRA Call for Nominations

DIRECTOR-AT-LARGE SEAT ON THE FLiCRA STATE BOARD OF DIRECTORS

The next slate of the state FLiCRA Board of Directors will be elected at the 2023 Annual Conference & Chapter Delegates Meeting being held on October 26th at Indian River Estates, West in Vero Beach.

The association is seeking interested members to submit their names for consideration for an director-at-large seat this election cycle.

Director-at-Large Seat – There may be one or more director-at-large seats that will open on the board. Any interested candidate (statewide) can submit their name for consideration. The newly elected director would take office at the conclusion of the 2023 annual conference.

The FLiCRA board of directors consists of a minimum of twelve members, at least 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 State Board Members

The members of the FLiCRA State 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.

Effective boards of directors approach their role focusing on policy making, not day-to-day operations of the organization.

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 three-year terms in a director position. Officers are elected by the board and those are one-year terms.

Service on the FLiCRA board requires attendance at a minimum of three meetings a year (February – ½ day meeting usually in person, May – by Zoom, November ½ day in conjunction with the annual conference).

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, email address and a brief career bio by **July 20, 2023**.

Mail:

Nominations Committee Chair
c/o FLiCRA
325 John Knox Road, L103
Tallahassee, FL 32303

Email:

bennett@executiveoffice.org

SAVE THE DATE

2023 FLiCRA Annual Conference & Chapter Delegates Meeting

October 26 Indian River Estates, West Vero Beach

2023 Florida Legislative Session Wrap-Up

The 2023 legislature adjourned on May 5, 2023.

This article provides a brief summary of key outcomes of importance to FLiCRA.

Continuing Care Retirement Communities Senate Bill 622/House Bill 1573

These bills relate to continuing care retirement communities. As it relates directly to resident issues, there were a number of provisions brought forward by FLiCRA that relate to Resident Councils and the role of the Designated Resident Representative.

A copy of the final version of the legislation is located at:

<https://www.flsenate.gov/Session/Bill/2023/1573/BillText/er/PDF>

The final Committee analysis that explains the bill is located at:

https://www.flsenate.gov/PublishedContent/Session/2023/BillSummary/Banking_BI1573_bi_01573.pdf

The portions focused on residents include the following:

The bill clarifies the examination time frames for a CCRC. Such an exam must cover the preceding three or five fiscal years of the provider, whichever is applicable, and must begin within 12 months after the end of the most recent fiscal year covered by the exam.

It may include examination of events following the end of the most recent fiscal year and events of any prior period that affect the provider's present financial condition. As part of the examination, the Office of Insurance Regulation (OIR) must interview the current president or chair of the residents' council or another designated officer if the president or chair is not available.

It also requires that, following an examination, every CCRC must provide a copy of the final examination report and corrective action plan, if required by OIR, to the executive officer of the provider's governing

body and the president or chair of the residents' council within 60 days after the report is issued, rather than only the executive officer of the governing body.

Additionally, all CCRCs must provide written notice of any change in management to the president or chair of the residents' council within 10 business days.

The bill also provides new definitions related to the residents of a CCRC.

It defines designated resident representative as a resident elected by the residents' council to represent residents on matters related to changes in fees or services within a CCRC.

The bill defines the residents' council as an organized body that represents the resident population of a CCRC. The residents' council serves as a liaison between residents and the provider.

It also clarifies that a residents' council has the authority to establish and maintain its own governance documents such as bylaws, operating agreements, policies, and operating procedures, which may include establishing committees. Additionally, residents have the right to participate in resident council matters, including elections.

Additionally, the bill clarifies that the resident representative designated to represent the residents before the governing body of the provider:

- Must be a resident as defined in s. 651.011, F.S.
- Must be elected to the position; and
- Need not be a current member of the residents' council.

If a provider owns or operates more than one facility in Florida, each facility must have its own designated resident representative. Designated resident representatives must perform their duties in good faith.

Additionally, the bill requires that a resident who serves as a member of the board or governing body of the facility must perform his or her duties in a fiduciary manner, including the following duties:

- Confidentiality;
- Care;
- Loyalty; and
- Obedience.

A representative of the provider must notify the designated resident representative at least 14 days in advance of any meeting of the full governing body at which the annual budget and any proposed changes or increases in resident fees are on the agenda or will be discussed.

House Bill 1573 passed the Senate unanimously on May 4th. The bill goes to the Governor for signature. The provisions will become law July 1, 2023.

This is a major win.

Great appreciation goes out to Representative Jenna Persons-Mulicka, Fort Myers, and Senator Clay Yarborough, Jacksonville, for their fine leadership as bill sponsors.

This legislation was the result of a collaborative effort between FLiCRA and LeadingAge Florida.

FLiCRA extends its appreciation to LeadingAge Florida in the partnership on this important legislation.

**Certified Nursing Assistants (CNA)
Senate Bill 558/House Bill 351**

This legislation creates a new designation of “qualified medication aide (QMA) for certified nursing assistants who work in a nursing home.

This legislation provides that a Registered Nurse (RN) can delegate certain tasks including medication administration to a CNA who has:

- Completed six hours of training on administering medication.
- Completed a thirty-four-hour training course approved by the Board of Nursing in medication administration.

- Has held active certification for at least a year before achieving the QMA designation.
- Has successfully completed a supervised clinical practice in medication administration.
- Once the QMA designation has been achieved, the CNA can only administer medication under the direct supervision of a licensed nurse.

The bills specify that a CNA performing the duties of a QMA may not be included in computing the hours of direct care or the staffing ratios that a nursing home is required to meet under Florida law.

A bill analysis is located at:

<https://www.flsenate.gov/Session/Bill/2023/558/Analyses/2023s00558.fp.PDF>

Senate Bill 558 passed the Senate and the House unanimously. The bill heads to the Governor for signature.

**Education and Training for Alzheimer’s Disease and Related Forms of Dementia (ADRD)
House Bill 299/Senate Bill 1182**

The bills require all employees of nursing homes, home health agencies, nurse registries, homemaker and companion service providers, assisted living facilities (ALFs), adult family-care homes, and adult day care centers, to complete one hour of initial ADRD training; not just those who have direct contact with individuals with ADRD.

The bills require the training to be completed within 30 days of beginning employment, instead of within three months. In addition to the initial training, current law requires employees of nursing homes, home health agencies, and adult day care centers who provide direct care to individuals with ADRD to complete additional ADRD training within nine months of beginning employment.

Current law does not require additional training for such employees of ALFs, home health agencies, nurse registries, homemaker and companion services providers, or adult family care homes.

Continued on Page 8

FHCA Launches Long-Term Care Quality Dashboard

The Florida Health Care Association (FHCA) recently announced the launch of its Long-Term Care Quality Dashboard, a helpful resource reflecting the association's commitment to accurately and transparently sharing data about the quality care being delivered in Florida's nursing centers.

"Our association is committed to providing information and resources to our members, key stakeholders, and the public across the state to help Florida remain a leader in ensuring high-quality care for its seniors and people with disabilities," said FHCA CEO Emmett Reed. "This website makes key data and information readily available and will serve as an innovative tool to help visitors understand how quality is measured and what providers are doing to make these advancements."

When visitors first go to the dashboard, the displayed data will include overarching statistics such as the number of nursing centers in Florida, how many Floridians are served by long-term care facilities, and the percentage of nursing care centers with quality recognitions – for example, that

currently 75% of Florida's nursing centers have received recognition for providing quality care.

The website features other key care metrics such as nursing turnover, hours per day for resident nursing care, and five-star evaluation data. It also includes quarterly data on key resident care and safety measures, including the percentages of long-stay residents who need assistance with daily activities, are experiencing urinary tract infections, or are receiving antipsychotics.

In each of these measures and several others, Florida's metrics demonstrate better care outcomes than the national average. For example, Florida ranks in the top 15 states with 4- and 5-star rated facilities from the federal Centers for Medicare and Medicaid Services, with over 65% of nursing centers achieving this level of star rating. Florida is also a top 10 state for having more residents who have increased their independence in completing activities of daily living and in reducing falls.

For more information about the dashboard, visit www.qualitycaredashboard.org.

Ziegler Closes Financing for Presbyterian Retirement Communities

In May 2023, Ziegler, a specialty investment bank, is pleased to announce the successful closing Presbyterian Retirement Communities, Inc.'s (PRC) \$142,585,000 Series 2023A Bonds.

PRC is a not-for-profit corporation originally chartered in 1954 in the state of Florida and has communities throughout Florida. PRC and its affiliates are a part of Westminster Communities of Florida and constitute the largest group of continuing care communities (CCRCs) in Florida with a total of 3,643 units comprised of 2,326 IL units, 536 AL units, and 781 SNF units.

According to the 2022 LeadingAge Ziegler 200 Report, PRC and its affiliates are the 11th largest nonprofit operator of senior living units in the United States.

Proceeds of the Series 2023A bonds along with other available funds will be used to (1) refund the outstanding principal amount of the Series 2016 Bonds, (2) pay interest expense due on 8/1/2023, and (3) pay the closing costs and cost of issuance associated with the Series 2023A Bonds.

The Series 2023A bonds were priced as a forward delivery in January 2022 with a 15-month forward period until delivery on May 3, 2023. The Series 2023A Bonds are rated A- from Fitch and will be issued through the Orange County Health Facilities Authority.

The Series 2023A Bonds have a final maturity of 24-years, a weighted average maturity of 17 years, and an overall yield to maturity of 3.35%.

Continued on Page 7

CCRC's Sustainability Initiatives Get Boost Through Resident Partnerships

Being good stewards of resources is especially important to residents in the Pacific Northwest, and particularly among the residents of Rose Villa Senior Living, according to the continuing care retirement/life plan community's leader.

The 22-acre community in Portland, OR, advertises sustainability and social responsibility as "more than a trendy selling point," CEO Vassar Byrd said Wednesday during a LeadingAge membership call. Rose Villa fosters a sustainable environment and culture that "treads lightly on the earth" while partnering with residents on projects, she added.

What started as a composting project has expanded to several sustainable efforts, including a two-acre, resident-run community garden that supplies fresh produce for the food and beverage department, and a Bringing Nature Home club through the resident council that practices "naturescaping" by using native plants and low-impact foliage in campus landscape.

The campus also implemented a "greywater" reclamation system called ROSIE (Recycled Stuff Is Everywhere) used to flush toilets and for irrigation, as well as two net zero independent living neighborhoods: The Oaks, which opened in 2019, and Trillium Townhomes, opened in 2022.

The CCRC uses resident interest and expertise to make projects a reality, said Byrd, a 2020 McKnight's Women of Distinction Hall of Honor inductee.

"We have conversations with them about ways to change the process to run this community to make it more sustainable, efficient and to engage everyone," she said. Communities considering similar projects, she added, need to have a long-term sustainability process in place before anything. "It can be harder to engage [residents] in the longer-term process. You have to be more thoughtful because you can run around in circles if you're not following a longer-term plan," Byrd said.

All of those initiatives were part of Rose Villa's redevelopment of its campus. From there, Byrd said, the community is looking at a 10-year plan that involves an audit of the entire campus. The CEO called it a "resiliency action plan" that is a sister to its sustainability plan and will look at how the community can reduce its reliance on outside systems and be resilient in the face of climate change, natural disasters and other factors outside of its control.

Other providers considering embarking down a similar path, Byrd said, need to think of it as educating, not convincing stakeholders.

"It's really important to start small," she said, adding that the initial composting project was a 50-50 resident/staff collaboration that created an understanding of the process and goals and was measurable.

Byrd said she goes by the mantra "smaller efforts, small successes, big impact."

"If elders can't care for the planet, who in the world is going to?" she asked. "Elders have the perspective. They have the time. Think what you can delegate and partner with residents about, and then call people out. It's really our job to model how to do this for the rest of the world."

Source: <https://www.mcknightsseniorliving.com/home/news/ccrcs-sustainability-initiatives-get-boost-through-resident-partnerships/>

Ziegler Continued from Page 6

This execution resulted in annual debt service savings of approximately \$1.74 million per year from 2024-2047. Total savings are projected to be \$42 million through 2047, or \$18.9 million on a net present value basis after release of the Series 2016 Debt Service Reserve Fund.

Source: Yahoo News



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2023 Florida Legislative Session Wrap-Up - Cont.

Continued from Page 5

The bills fill in the gaps of facility types not currently required to complete additional training in the first year of employment by requiring employees of ALFs, nurse registries, homemaker and companion service providers, and adult family-care homes who provide direct care to individuals with ADRD, to complete the additional training.

The bills require all individuals currently employed, contracted, or referred to provide services when the bill becomes effective to complete the required training by July 1, 2026.

The bill analysis is located at:

<https://www.flsenate.gov/Session/Bill/2023/299/Analyses/h0299c.HHS.PDF>

House Bill 299 passed the House and Senate unanimously. The bill goes to the Governor for signature.

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