



# 2014 Legislative Session Weekly Update

## LeadingAge Florida

An Organization of Retirement Housing and Long-Term Care Communities

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## 2014 Session Summary

May 7, 2014

### The 2014 Legislative Session is now over

As previously reported, the Legislature only passed 264 bills and filed 1,812 bills during Florida's 60-day Legislative Session, the fewest since at least 2001. Compared to the yearly averages for the last 10 years, that represents a 22% drop in bills passed and a 23% drop in bills filed.

Now that session is over, the legislators are turning their attention to serving their constituents back home and getting re-elected. We encourage you to ask the legislators in your area to take a tour of your community and give the residents and your staff a post-session update. Please contact the LeadingAge Florida Public Policy staff if you would like assistance in arranging a legislator visit or if you would like us to attend.

### Budget

The House and Senate voted on the budget, along with any remaining bills, in time for a prompt finish of the 2014 Legislative Session at 10:40 Friday night, May 2, 2014.

Due to a revenue surplus, a number of previously unmet needs were addressed with a budget total of \$77.1 billion; a 3.5% increase over the 2013-14 budgets of \$74.5 billion.

### Housing Trust Funds

The Legislature allocated \$100 million to the **State Housing Initiatives Partnership Program (SHIP)**, and \$67.7 million to the **State Apartment Incentive Loan** program (SAIL). This constitutes full funding for SAIL and 75% funding for SHIP. While this is not what we hoped for, it is certainly an improvement.

This appropriation level represents 75% of the Sadowski funds estimated to be available for appropriation during FY 2014-2015, the highest level of funding since FY 2007-2008.

### Home and Community-Based Services

The Budget Conference Committee increased funding for Community Care for the Elderly (CCE) by \$5 million to provide services to seniors on the waiting list. \$4 million of this increase is provided as recurring general revenue; \$1 million is non-recurring general revenue. This constitutes **a 9% increase** in the base budget for CCE!

In addition, \$1.3 million is provided to the Aging Resource Centers to assist seniors enrolling in the Statewide Medicaid Managed Care Long Term Care Program.

An additional 500 PACE slots were provided in the following counties:

- Broward – 125 (Miami Jewish Health Systems)
- Charlotte - 10
- Collier - 10
- Lee - 30
- Miami-Dade – 125 125 (Miami Jewish Health Systems)
- Pinellas - 100
- Palm Beach – 200 (MorseLife)

For Alzheimer’s Respite Care, the budget conference committee provided a \$5.7 million increase, \$4 million of which is recurring general revenue and \$1,683,000 of which is non-recurring general revenue. These new funds constitute **a 39% increase** in the Alzheimer’s disease initiative’s base budget. All new funding is allocated to serve seniors who are on the waiting list for care.

In addition, Assistive Care Services received \$8.4 million for an unspecified rate increase. Details will be available at a later date.

### Nursing Homes

**For the first time in a very long time the personal needs allowance is increased!** The allowance increased substantially from the current \$35 per month to \$105 per month.

The budget authorizes the transition to annual rate setting for nursing homes. On July 1, 2014 rates will be set for six months, on January 1, 2015 for eight months, and on September 1, 2015 and thereafter for 12 months. This provision was a recommendation of the 2009 Nursing Home Reimbursement Workgroup.

The nursing home budget received a substantial infusion of funds. The increase is \$127 million, which equates to 4.2% above the 2013-14 budget level. \$75.2 million is dedicated to price level increase. This represents an average per day increase of close to \$5. Additional authority is provided for increasing the revenues generated by the Quality Assessment. The specific impact of this provision will not be determined until the July 1, rate setting.

### **SB 626/HB 587 Relating to Charitable Exemption from Ad Valorem Taxation** - by Sen. Hays/ Rep Metz

This bill would have created s. 196.1955, F.S., allowing property owned by an exempt organization to receive an ad valorem exemption for educational, literary, scientific, religious or charitable purposes if the property owner has taken “affirmative steps” to prepare the property for an exempt purpose. The bills failed to pass.

### **HB 573/SB 248 Relating to Assisted Living Facilities** - by Rep. Ahern/Senate Children, Families and Elder Affairs and Sen. Sobel

The ALF reform bill is intended to strengthen the enforcement of current regulations for Assisted Living Facilities (ALF) by revising fines imposed for licensure violations, clarifying existing enforcement tools, and requiring an additional inspection for facilities with significant violations. It is similar to the ALF bill that failed to pass in the last two years. The bills failed to pass again this year.

**HB 287/SB 268 Relating to Certificates of Need** - by Rep. Artiles/Sen. Grimsley

The bill provides for Certificates of Need. It is intended to provide flexibility for nursing homes to move beds in order to follow population trends that have occurred and create incentives for nursing home providers to replace older nursing homes with modern buildings to better meet the needs and demands of the current nursing home resident.

LeadingAge Florida advocated strongly for the CON flexibility and the bill as a whole. We were able to insert the amendment that will allow an expedited CON review for nursing homes wishing to relocate a portion of its beds to an existing facility or a new facility in the same district, or a contiguous district, provided that the total number of beds in the State does not increase. HB 287 passed and is now headed to the Governor.

**HB 569/SB 670 Relating to Nursing Home Litigation Reform** - by Rep. Gaetz/Sen. Thrasher

HB 569/SB 670 deals with nursing home lawsuits. The bill is intended to focus lawsuits against those directly at fault while preventing claims against “passive investors” such as banks, creditors, property landlords and others who do not make daily care decisions. The bill passed.

***Home and Community Based Services Bills***

**HB 935/SB 1082 Relating to Adult Day Care Centers** - by Rep. Murphy/Sen. Legg

This bill would have revised exemptions from licensure and regulation for Adult Day Care. If passed, it provides for operation of adult day care centers in temporary locations under certain conditions; establishes notification requirements when a center relocates; authorizes the Agency for Healthcare Administration (AHCA or Agency) to grant conditional licenses to centers that relocate; provides license renewal and inspection requirements; and adds grounds for Agency action against the owner of a center or its operator or employee. Both bills failed to pass.

***Bills of Interest – All Members***

**HB 91/SB 508 State Ombudsman Program** – by Rep. Roberson/Sen. Detert

This bill would have revised the operating structure and internal procedures of the State Long-Term Care Ombudsman Program (LTCOP), housed in the Department of Elder Affairs (DOEA), to reflect current practices, maximize operational and program efficiencies, and conform to the federal Older Americans Act (OAA), 42 U.S.C. §§ 3001, et seq. Both bills failed to pass.

**HB 819/SB 1066 Relating to Department of Health** - by Rep. Pigman/Sen. Grimsley

If passed, the bill would have authorized the Department of Highway Safety and Motor Vehicles (DHSMV) to provide reproductions of specified records to the Department of Health (DOH or Department). It would have clarified the Department's duties to maintain the confidentiality of patient records obtained under subpoena. Both bills failed to pass.

**HB 629/SB 638 Relating to Charities** - by Rep. Boyd/Sen. Brandes

The bill will ban charities that have violated laws in other states from operating in Florida and would add financial reporting requirements for charities that do business in the State. The bill contains additional rules requiring people who solicit funds to register and pay a fee to the State and banning convicted felons from working as solicitors. The bill passed and is on its way to the Governor.

**HB 271/SB 444 Relating to Workers' Compensation** - by Rep. Cummings/Sen. Galvano

This bill makes changes to workers' compensation insurance compliance rules. It would give companies receiving stop-work orders for not carrying enough workers' compensation insurance five more days before the order is issued, allow businesses to enter a payment plan for fines associated with the order, remove redundant reporting requirements and limit the review period for coverage gaps from three years to two years. HB 271 passed and is now on its way to the Governor's desk

**SB 782/HB 1231 Relating to Government Data Practices** - by Sen. Brandes and Rep, Beshears

This bill would have required the Division of Library and Information Services of the Department of State to adopt rules providing procedures for an agency to establish schedules for the physical destruction or other disposal of records containing personal identification information. It would have also required an agency that collects and maintains personal identification information to post a privacy policy on their website. Finally, it had language which required the Agency for Health Care Administration (AHCA or Agency) to provide specified data and information for a public website on assisted living facilities. The bills failed to pass.

**SPB 7028/HB 167 Relating to Telemedicine** - by Senate Health Policy

This bill would have created the Florida Telemedicine Act (the Act) and defines the key components for the practice of telemedicine. The Act would have established a registration process for out-of-state, non-Florida licensed health care practitioners with a biennial fee and exemptions from registration for limited annual consultations, emergency services, and practitioner-to-practitioner consultations without the patient present. The bills failed to pass.

**For a copy of the bills listed in this bulletin, please call Legislative Information at 800-342-1827 or use the Florida "Online Sunshine" website on the Internet at <http://www.leg.state.fl.us>. Hard copies of bills are available through House Documents (850/488-7097) or Senate Documents (850/487-5915).**