



HB 1033 Expands Disclosure Requirements for Continuing Care/Life Plan Communities – Learn More at Convention

Chapter 651, Florida Statutes, contains over two dozen disclosure and posting requirements for continuing care/life plan communities. That number will increase by another 12 when HB 1033 (Chapter No. 2019-160, Laws of Florida) takes effect on January 1, 2020.

Nationwide, older consumers are demanding and getting more information about lifestyle opportunities they are exploring. Some continuing care/life plan communities go above and beyond what is required by law because they recognize that seniors have more choices than ever before and that transparency is very important to prospective residents and those who have invested in a continuing care/life plan contract. The Florida Legislature recognizes this as well and, as a result, added to the list of disclosure requirements multiple times since 1977 when s. 651.091, F.S., (Availability, distribution, and posting of reports and records; requirement of full disclosure) became law.

The following additional information must be provided, made available, or posted in continuing care/life plan communities effective January 1, 2020:

- Notify the Residents' Council Chair of the issuance of a final examination report and any legal or administrative proceedings by the Office of Insurance Regulation (OIR) or the Department of Financial Services (DFS).
- Upon request, provide to the Residents' Council Chair written information with supporting documentation of what will be presented at the quarterly meeting where fee increases are discussed.
- Provide to the Residents' Council Chair a copy of any notice filed with OIR for a change of ownership within 10 business days.
- Make available to residents for review master plans approved by the governing board and any plans for expansion or phased development, to the extent that the availability of such plans does not put at risk real estate, financing, acquisition, negotiations or other implementation of operational plans and thus jeopardize the success of negotiations, operations and development. (Same as what is currently required for prospective residents).
- Provide to residents and prospective residents written notice of delinquency proceedings by the OIR or the DFS within 3 business days after initiation.
- Provide to the Residents' Council a general outline of financing or refinancing with the amount and anticipated terms at least 30 days before the closing date. Provide an updated notice within 10 business days of a material change in the notice.

- Provide a copy of s. 651.071 as amended by HB 1033 to prospective residents.
- Provide notice to prospective residents of the issuance of a final examination report or the initiation of any legal or administrative proceedings.
- Provide notice to prospective residents that after seven days of executing a contract, the resident's funds will be released to the provider unless the contract is rescinded within that time period.
- Provide a statement to prospective residents that distribution of a provider's assets or income may or may not occur.
- Provide a notice to prospective residents of a holding company system or obligated group.
- Post contact information (phone number and website) for the Division of Consumer Services and the OIR stating that either may be contacted for the submission of inquiries or complaints with respect to a potential violation of Chapter 651, F.S.

LeadingAge Florida's 56th Annual Convention and Exposition will have a session to discuss this in further detail. Part I of the "Idea Exchange - Continuing Care/Life Plan Community Roundtable Forum" (Wednesday, July 24 at 9:45 AM – 11 AM) will be used to discuss the new disclosure requirements as well as other major changes resulting from the passage of HB 1033. If you have not registered for the convention to attend this, and many other great sessions, you can do so by clicking [here](#). A comprehensive disclosure checklist that includes current and new requirements will be available to attendees at that time. **Online registration for the 56th Annual Convention closes at midnight on July 12. Any person looking to register after that time can do so onsite at the Hilton Bonnet Creek hotel.**

This article is the third in a series of articles on key provisions in HB 1033 that will be included in upcoming e-newsletters. If you have any questions or comments, please contact Mary Ellen Early, Public Policy Liaison, (386) 734-7681 or meeearly@earthlink.net.