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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/07/2023	.	
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	.	
	.	

The Committee on Banking and Insurance (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (13) through (26) and (27) of section 651.011, Florida Statutes, are redesignated as subsections (14) through (27) and (29), respectively, and new subsection (13) and subsection (28) are added to that section,



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10 to read:

11 651.011 Definitions.—As used in this chapter, the term:

12 (13) "Designated resident representative" means a resident
13 elected by the residents' council to represent residents on
14 matters related to changes in fees or services as specified in
15 s. 651.085(2) and (3).

16 (28) "Residents' council" means an organized body
17 representing the resident population of a certified facility. A
18 residents' council shall serve as a liaison between residents
19 and the appropriate representative of the provider.

20 Section 2. Paragraph (b) of subsection (4) and subsection
21 (6) of section 651.0246, Florida Statutes, are amended to read:

22 651.0246 Expansions.—

23 (4) The provider is entitled to secure release of the
24 moneys held in escrow within 7 days after receipt by the office
25 of an affidavit from the provider, along with appropriate copies
26 to verify, and notification to the escrow agent by certified
27 mail that the following conditions have been satisfied:

28 (b) Payment in full has been received for at least 50
29 percent of the total units of a phase or of the total of the
30 combined phases constructed; or a provider has collected a
31 reservation deposit for at least 75 percent of the proposed
32 units for which an entrance fee is to be charged and the
33 escrowed funds will be used for the sole purpose of paying
34 secured indebtedness as specified in the feasibility study
35 submitted pursuant to paragraph (2) (a). The minimum reservation
36 deposit must be the lesser of \$40,000 or 10 percent of the then-
37 current entrance fee for the unit being reserved. If the
38 expansion is to be completed in multiple phases, the 75 percent



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39 reservation requirement applies separately to each phase of the
40 expansion. If a provider offering continuing care at-home is
41 applying for a release of escrowed entrance fees, the same
42 minimum requirement must be met for the continuing care and
43 continuing care at-home contracts independently of each other.
44

45 Notwithstanding chapter 120, only the provider, the escrow
46 agent, and the office have a substantial interest in any office
47 decision regarding release of escrow funds in any proceedings
48 under chapter 120 or this chapter.

49 (6) Within 30 ~~45~~ days after the date on which an
50 application is deemed complete as provided in paragraph (5) (b),
51 the office shall complete its review and, based upon its review,
52 approve an expansion by the applicant and issue a determination
53 that the application meets all requirements of law, that the
54 feasibility study was based on sufficient data and reasonable
55 assumptions, and that the applicant will be able to provide
56 continuing care or continuing care at-home as proposed and meet
57 all financial and contractual obligations related to its
58 operations, including the financial requirements of this
59 chapter. If the application is denied, the office must notify
60 the applicant in writing, citing the specific failures to meet
61 the requirements of this chapter. The denial entitles the
62 applicant to a hearing pursuant to chapter 120.

63 Section 3. Paragraph (b) of subsection (2) of section
64 651.026, Florida Statutes, is amended to read:

65 651.026 Annual reports.—

66 (2) The annual report shall be in such form as the
67 commission prescribes and shall contain at least the following:



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68 (b) A financial report audited by an independent certified
69 public accountant which must contain, for two or more periods if
70 the facility has been in existence that long, all of the
71 following:

72 1. An accountant's opinion and, in accordance with
73 generally accepted accounting principles:

- 74 a. A balance sheet;
- 75 b. A statement of income and expenses;
- 76 c. A statement of equity or fund balances; and
- 77 d. A statement of changes in cash flows.

78 2. Notes to the financial report considered customary or
79 necessary for full disclosure or adequate understanding of the
80 financial report, financial condition, and operation.

81 3. If the provider's financial statements are consolidated
82 or combined in accordance with generally accepted accounting
83 principles with the financial statements of additional entities
84 owned or controlled by the provider, the financial report must
85 include as supplemental information a separate balance sheet,
86 statement of income and expenses, statement of equity or fund
87 balances, and statement of changes in cash flows for the
88 individual provider and each additional entity comprising the
89 consolidated or combined financial report.

90 4. If the provider is a member of an obligated group, the
91 provider may use the obligated group's audited financial
92 statements if they contain as supplemental information a
93 separate balance sheet, statement of income and expenses,
94 statement of equity or fund balances, and statement of changes
95 in cash flows for the individual provider and other members of
96 the obligated group.



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97 Section 4. Paragraph (a) of subsection (1) and paragraph
98 (c) of subsection (3) of section 651.033, Florida Statutes, are
99 amended, and paragraph (a) of subsection (3) of that section is
100 republished, to read:

101 651.033 Escrow accounts.—

102 (1) When funds are required to be deposited in an escrow
103 account pursuant to s. 651.0215, s. 651.022, s. 651.023, s.
104 651.0246, s. 651.035, or s. 651.055:

105 (a) The escrow account must be established in a Florida
106 bank, Florida savings and loan association, Florida trust
107 company, or a national bank that is chartered and supervised by
108 the Office of the Comptroller of the Currency within the United
109 States Department of the Treasury ~~and that has a branch in this~~
110 ~~state~~, which is acceptable to the office, or such funds must be
111 deposited with the department and be kept and maintained in an
112 account separate and apart from the provider's business
113 accounts.

114 (3) When entrance fees are required to be deposited in an
115 escrow account pursuant to s. 651.0215, s. 651.022, s. 651.023,
116 s. 651.0246, or s. 651.055:

117 (a) The provider shall deliver to the resident a written
118 receipt. The receipt must show the payor's name and address, the
119 date, the price of the care contract, and the amount of money
120 paid. A copy of each receipt, together with the funds, must be
121 deposited with the escrow agent or as provided in paragraph (c).
122 The escrow agent must release such funds to the provider 7 days
123 after the date of receipt of the funds by the escrow agent if
124 the provider, operating under a certificate of authority issued
125 by the office, has met the requirements of s. 651.0215(8), s.



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126 651.023(6), or s. 651.0246. However, if the resident rescinds
127 the contract within the 7-day period, the escrow agent must
128 release the escrowed fees to the resident.

129 (c) As an alternative to paragraph (a) ~~At the request of an~~
130 ~~individual resident of a facility~~, the provider may hold the
131 check for the 7-day period and may not deposit it during this
132 time period. If the resident rescinds the contract within the 7-
133 day period, the check must be immediately returned to the
134 resident. Upon the expiration of the 7 days, the provider shall
135 deposit the check.

136 Section 5. Subsection (6) of section 651.034, Florida
137 Statutes, is amended to read:

138 651.034 Financial and operating requirements for
139 providers.—

140 (6) The office may exempt a provider from subsection (1) or
141 subsection (2) until stabilized occupancy is reached or until
142 the time projected to achieve stabilized occupancy as reported
143 in the last feasibility study required by the office as part of
144 an application filing under s. 651.0215, s. 651.023, s. 651.024,
145 or s. 651.0246 has elapsed, but for no longer than 5 years after
146 the end of the provider's fiscal year in which the certificate
147 of occupancy was issued ~~date of issuance of the certificate of~~
148 ~~occupancy~~.

149 Section 6. Paragraph (b) of subsection (1), paragraph (a)
150 of subsection (2), subsection (5), and paragraph (a) of
151 subsection (7) of section 651.035, Florida Statutes, are amended
152 to read:

153 651.035 Minimum liquid reserve requirements.—

154 (1) A provider shall maintain in escrow a minimum liquid



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155 reserve consisting of the following reserves, as applicable:

156 (b) A provider that has outstanding indebtedness that
157 requires a debt service reserve to be held in escrow pursuant to
158 a trust indenture or mortgage lien on the facility and for which
159 the debt service reserve may only be used to pay principal and
160 interest payments on the debt that the debtor is obligated to
161 pay, and which may include property taxes and insurance, may
162 include such debt service reserve in computing the minimum
163 liquid reserve needed to satisfy this subsection if the provider
164 furnishes to the office a copy of the agreement under which such
165 debt service reserve is held, together with a statement of the
166 amount being held in escrow for the debt service reserve,
167 certified by the lender or trustee and the provider to be
168 correct. The trustee shall provide the office with any
169 information concerning the debt service reserve account upon
170 request of the provider or the office. In addition, the trust
171 indenture, loan agreement, or escrow agreement must provide that
172 the provider, trustee, lender, escrow agent, or another person
173 designated to act in their place shall notify the office in
174 writing at least 10 days before the withdrawal of any portion of
175 the debt service reserve funds required to be held in escrow as
176 described in this paragraph. The notice must include an
177 affidavit sworn to by the provider, the trustee, or a person
178 designated to act in their place which includes the amount of
179 the scheduled debt service payment, the payment due date, the
180 amount of the withdrawal, the accounts from which the withdrawal
181 will be made, and a plan with a schedule for replenishing the
182 withdrawn funds. If the plan is revised by a consultant that is
183 retained as prescribed in the provider's financing documents,



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184 the revised plan must be submitted to the office within 10 days
185 after approval by the lender or trustee. Any such separate debt
186 service reserves are not subject to the transfer provisions set
187 forth in subsection (8).

188 (2) (a) In facilities where not all residents are under
189 continuing care or continuing care at-home contracts, the
190 reserve requirements of subsection (1) shall be computed only
191 with respect to the proportional share of operating expenses
192 that are applicable to residents. For purposes of this
193 calculation, the proportional share shall be based upon the
194 ratio of residents under continuing care or continuing care at-
195 home contracts to the total of all residents, including those
196 residents who do not hold such contracts.

197 (5) A provider may satisfy the minimum liquid reserve
198 requirements of this section by acquiring from a financial
199 institution, as specified in paragraph (b), a clean,
200 unconditional irrevocable letter of credit equal to the
201 requirements of this section, less the amount of escrowed
202 operating cash required by paragraph (d).

203 (a) The letter of credit must be issued by a financial
204 institution participating in the State of Florida Treasury
205 Certificate of Deposit Program or a Florida bank, a Florida
206 savings and loan association, a Florida trust company, or a
207 national bank that is chartered and supervised by the Office of
208 the Comptroller of the Currency within the United States
209 Department of the Treasury, and must be approved by the office
210 before issuance and before any renewal or modification thereof.
211 At a minimum, the letter of credit must provide for:

212 1. Ninety days' prior written notice to both the provider



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213 and the office of the financial institution's determination not
214 to renew or extend the term of the letter of credit.

215 2. Unless otherwise arranged by the provider to the
216 satisfaction of the office, deposit by the financial institution
217 of letter of credit funds in an account designated by the office
218 no later than 30 days before the expiration of the letter of
219 credit.

220 3. Deposit by the financial institution of letter of credit
221 funds in an account designated by the office within 4 business
222 days following written instructions from the office that, in the
223 sole judgment of the office, funding of the minimum liquid
224 reserve is required.

225 (b) The terms of the letter of credit must be approved by
226 the office and the long-term debt of the financial institution
227 providing such letter of credit must be rated in one of their
228 top three long-term debt rating categories by either Moody's
229 Investors Service, Standard & Poor's Corporation, or a
230 recognized securities rating agency acceptable to the office.

231 (c) The letter of credit must name the office as
232 beneficiary.

233 (d) Notwithstanding any other provision of this section, a
234 provider using a letter of credit pursuant to this subsection
235 shall, at all times, have and maintain in escrow an operating
236 cash reserve equal to 2 months' operating expenses as determined
237 pursuant to s. 651.026.

238 (e) If the issuing financial institution no longer
239 participates in the State of Florida Treasury Certificate of
240 Deposit Program, such financial institution shall deposit as
241 collateral with the department eligible securities, as



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242 prescribed by s. 625.52, having a market value equal to or
243 greater than 100 percent of the stated amount of the letter of
244 credit.

245 (7) (a) A provider may withdraw funds held in escrow without
246 the approval of the office if:

247 1. The amount held in escrow exceeds the requirements of
248 this section and if the withdrawal will not affect compliance
249 with this section; or

250 2. The withdrawal is from a debt service reserve required
251 to be held in escrow pursuant to a trust indenture or mortgage
252 lien on the facility as described in paragraph (1) (b) and will
253 be used to pay principal or interest payments, which may include
254 property taxes and insurance, the debtor is obligated to pay
255 when sufficient funds are not available on the next principal or
256 interest payment due date.

257
258 The notice specified in paragraph (1) (b) must be sent to the
259 office at least 10 days before debt service reserve funds may be
260 withdrawn without prior approval.

261 Section 7. Subsection (2) of section 651.055, Florida
262 Statutes, is amended to read:

263 651.055 Continuing care contracts; right to rescind.—

264 (2) A resident has the right to rescind a continuing care
265 contract and receive a full refund of any funds paid, without
266 penalty or forfeiture, within 7 days after executing the
267 contract. However, if an individual signs a reservation
268 agreement pursuant to s. 651.023(4) and fails to cancel such
269 agreement within 30 days after executing the agreement and
270 subsequently signs a residency contract pursuant to this section



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271 and rescinds the contract within 7 days, the forfeiture penalty
272 authorized under s. 651.023(4) (b) may be deducted from the
273 refund unless the individual can demonstrate extenuating
274 circumstances, such as, but not limited to, the death or illness
275 of a spouse or partner, a diagnosis of a chronic or terminal
276 illness of the individual, or a change in financial or asset
277 position which warrants cancellation of the contract. A resident
278 may not be required to move into the facility designated in the
279 contract before the expiration of the 7-day period. During the
280 7-day period, the resident's funds must be held in an escrow
281 account or the provider may hold the check until the 7-day
282 period expires ~~unless otherwise requested by the resident~~
283 pursuant to s. 651.033(3) (c).

284 Section 8. Paragraphs (a) and (d) of subsection (2) of
285 section 651.081, Florida Statutes, are amended to read:

286 651.081 Residents' council.—

287 (2) (a) Each facility shall establish a residents' council
288 created for the purpose of representing residents on matters set
289 forth in s. 651.085. A residents' council has authority to
290 establish and maintain its own governance documents, such as
291 bylaws or operating agreements, policies, and operating
292 procedures, which may include establishment of committees. A
293 person is eligible to participate in residents' council matters,
294 including elections, if the person meets the definition of a
295 resident under s. 651.011. The residents' council shall be
296 established through an election in which the residents, as
297 defined in s. 651.011, vote by ballot, physically or by proxy.
298 If the election is to be held during a meeting, a notice of the
299 organizational meeting must be provided to all residents of the



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300 community at least 10 business days before the meeting. Notice
301 may be given through internal mailboxes, communitywide
302 newsletters, bulletin boards, in-house television stations, and
303 other similar means of communication. An election creating a
304 residents' council is valid if at least 40 percent of the total
305 resident population participates in the election and a majority
306 of the participants vote affirmatively for the council. The
307 initial residents' council created under this section is valid
308 for at least 12 months. A residents' organization formalized by
309 bylaws and elected officials must be recognized as the
310 residents' council under this section and s. 651.085. Within 30
311 days after the election of a newly elected president or chair of
312 the residents' council, the provider shall give the president or
313 chair a copy of this chapter and rules adopted thereunder, or
314 direct him or her to the appropriate public website to obtain
315 this information. Only one residents' council may represent
316 residents before the governing body of the provider as described
317 in s. 651.085(2).

318 ~~(d) A residents' council shall adopt its own bylaws and~~
319 ~~governance documents subject to the vote and approval of the~~
320 ~~residents. The residents' council shall provide for open~~
321 ~~meetings when appropriate. The residents' council governing~~
322 documents shall define the manner in which residents may submit
323 an issue to the council and define a reasonable timeframe in
324 which the residents' council shall respond to a resident
325 submission or inquiry. A residents' council may include term
326 limits in its governing documents to ensure consistent
327 integration of new leaders. If a licensed facility files for
328 bankruptcy under chapter 11 of the United States Bankruptcy



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329 Code, 11 U.S.C. chapter 11, the facility, in its required filing
330 of the 20 largest unsecured creditors with the United States
331 Trustee, shall include the name and contact information of a
332 designated resident selected by the residents' council, and a
333 statement explaining that the designated resident was chosen by
334 the residents' council to serve as a representative of the
335 residents' interest on the creditors' committee, if appropriate.

336 Section 9. Paragraph (f) of subsection (1) of section
337 651.083, Florida Statutes, is amended to read:

338 651.083 Residents' rights.—

339 (1) No resident of any facility shall be deprived of any
340 civil or legal rights, benefits, or privileges guaranteed by
341 law, by the State Constitution, or by the United States
342 Constitution solely by reason of status as a resident of a
343 facility. Each resident of a facility has the right to:

344 (f) Present grievances and recommend changes in policies,
345 procedures, and services to the staff of the facility, governing
346 officials, or any other person without restraint, interference,
347 coercion, discrimination, or reprisal. This right includes
348 access to ombudsman volunteers or staff and advocates and the
349 right to be a member of, and active in, and to associate with,
350 advocacy or special interest groups or associations.

351 Section 10. Subsections (2), (3), and (5) of section
352 651.085, Florida Statutes, are amended to read:

353 651.085 Quarterly meetings between residents and the
354 governing body of the provider; resident representation before
355 the governing body of the provider.—

356 (2) A residents' council formed pursuant to s. 651.081,
357 members of which are elected by the residents, shall nominate



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358 and elect ~~designate~~ a designated resident representative to
359 represent them on matters specified in subsection (3) before the
360 governing body of the provider. The initial designated resident
361 representative elected under this section shall be elected to
362 serve at least 12 months. The designated resident representative
363 need not be a current member of the residents' council; however,
364 such individual must meet the definition of a resident under s.
365 651.011.

366 (3) The designated resident representative shall be
367 notified by a representative of the provider at least 14 days in
368 advance of any meeting of the full governing body at which the
369 annual budget and proposed changes or increases in resident fees
370 or services are on the agenda or will be discussed. The
371 designated resident representative shall be invited to attend
372 and participate in that portion of the meeting designated for
373 the discussion of such changes. A designated resident
374 representative shall perform his or her duties in good faith.
375 For a provider that owns or operates more than one facility in
376 this state, each facility must have its own designated resident
377 representative.

378 (5) The board of directors or governing board of a licensed
379 provider may at its sole discretion allow a resident of the
380 facility to be a voting member of the board or governing body of
381 the facility. The board of directors or governing board of a
382 licensed provider may establish specific criteria for the
383 nomination, selection, and term of a resident as a member of the
384 board or governing body. If the board or governing body of a
385 licensed provider operates more than one licensed facility,
386 regardless of whether the facility is in-state or out-of-state,



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387 the board or governing body may select at its sole discretion
388 one resident from among its facilities to serve on the board of
389 directors or governing body on a rotating basis. A resident who
390 serves as a member of a board or governing body of the facility
391 shall perform his or her duties in a fiduciary manner, including
392 the duty of confidentiality, duty of care, duty of loyalty, and
393 duty of obedience, as required of any individual serving on the
394 board or governing body.

395 Section 11. Present paragraphs (e) through (k) and (l) of
396 subsection (2) of section 651.091, Florida Statutes, are
397 redesignated as paragraphs (f) through (l) and (n),
398 respectively, new paragraph (e) and paragraph (m) are added to
399 that subsection, and paragraph (m) is added to subsection (3) of
400 that section, to read:

401 651.091 Availability, distribution, and posting of reports
402 and records; requirement of full disclosure.—

403 (2) Every continuing care facility shall:

404 (e) Provide a copy of the final examination report and
405 corrective action plan, if one is required by the office, to the
406 executive officer of the governing body of the provider and the
407 president or chair of the residents' council within 60 days
408 after issuance of the report.

409 (m) Notify the president or chair of the residents' council
410 in writing of a change in management within 10 business days
411 after the change.

412 (3) Before entering into a contract to furnish continuing
413 care or continuing care at-home, the provider undertaking to
414 furnish the care, or the agent of the provider, shall make full
415 disclosure, obtain written acknowledgment of receipt, and



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416 provide copies of the disclosure documents to the prospective
417 resident or his or her legal representative, of the following
418 information:

419 (m) Disclosure of whether the provider has one or more
420 residents serving on its board or governing body and whether
421 that individual has a vote or is serving in a nonvoting, ex
422 officio capacity.

423 Section 12. Subsections (1) and (6) of section 651.105,
424 Florida Statutes, are amended to read:

425 651.105 Examination.—

426 (1)(a) The office may at any time, and shall at least once
427 every 3 years, examine the business of any applicant for a
428 certificate of authority and any provider engaged in the
429 execution of care contracts or engaged in the performance of
430 obligations under such contracts, in the same manner as is
431 provided for the examination of insurance companies pursuant to
432 ss. 624.316 and 624.318. For a provider as deemed accredited
433 under s. 651.028, such examinations must take place at least
434 once every 5 years. An examination covering the preceding 3 or 5
435 fiscal years of the provider, as applicable, must be commenced
436 within 12 months after the end of the most recent fiscal year
437 covered by the examination. Such examination may include events
438 subsequent to the end of the most recent fiscal year and the
439 events of any prior period which relate to possible violations
440 of this chapter or which affect the present financial condition
441 of the provider. At least once every 3 or 5 fiscal years, as
442 applicable, the office shall conduct an interview in person,
443 telephonically, or through electronic communication with the
444 current president or chair of the residents' council, or another



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445 designated officer of the council if the president or chair is
446 not available, as part of the examination process.

447 **(b)** Such examinations must be made by a representative or
448 examiner designated by the office whose compensation will be
449 fixed by the office pursuant to s. 624.320. Routine examinations
450 may be made by having the necessary documents submitted to the
451 office; and, for this purpose, financial documents and records
452 conforming to commonly accepted accounting principles and
453 practices, as required under s. 651.026, are deemed adequate.
454 The final written report of each examination must be filed with
455 the office and, when so filed, constitutes a public record. Any
456 provider being examined shall, upon request, give reasonable and
457 timely access to all of its records. The representative or
458 examiner designated by the office may at any time examine the
459 records and affairs and inspect the physical property of any
460 provider, whether in connection with a formal examination or
461 not.

462 ~~(6) A representative of the provider must give a copy of~~
463 ~~the final examination report and corrective action plan, if one~~
464 ~~is required by the office, to the executive officer of the~~
465 ~~governing body of the provider within 60 days after issuance of~~
466 ~~the report.~~

467 Section 13. Section 651.012, Florida Statutes, is amended
468 to read:

469 651.012 Exempted facility; written disclosure of
470 exemption.—Any facility exempted under ss. 632.637(1)(e) and
471 651.011(24) ~~ss. 632.637(1)(e) and 651.011(23)~~ must provide
472 written disclosure of such exemption to each person admitted to
473 the facility. This disclosure must be written using language



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474 likely to be understood by the person and must briefly explain
475 the exemption.

476 Section 14. Subsection (1) of section 651.0261, Florida
477 Statutes, is amended to read:

478 651.0261 Quarterly and monthly statements.—

479 (1) Within 45 days after the end of each fiscal quarter,
480 each provider shall file a quarterly unaudited financial
481 statement of the provider or of the facility in the form
482 prescribed by commission rule and days cash on hand, occupancy,
483 debt service coverage ratio, and a detailed listing of the
484 assets maintained in the liquid reserve as required under s.
485 651.035. The last quarterly statement for a fiscal year is not
486 required if a provider does not have pending a regulatory action
487 level event, impairment, or a corrective action plan. If a
488 provider falls below two or more of the thresholds set forth in
489 s. 651.011(26) ~~s. 651.011(25)~~ at the end of any fiscal quarter,
490 the provider shall submit to the office, at the same time as the
491 quarterly statement, an explanation of the circumstances and a
492 description of the actions it will take to meet the
493 requirements.

494 Section 15. This act shall take effect July 1, 2023.

495
496 ===== T I T L E A M E N D M E N T =====

497 And the title is amended as follows:

498 Delete everything before the enacting clause
499 and insert:

500 A bill to be entitled
501 An act relating to continuing care contracts; amending
502 s. 651.011, F.S.; defining the terms "designated



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503 resident representative" and "residents' council";
504 amending s. 651.0246, F.S.; revising a condition for
505 the release of certain escrowed funds to providers
506 applying for expansions of certificated continuing
507 care facilities; revising the timeframe in which the
508 Office of Insurance Regulation must complete its
509 review of an application for expansion; amending s.
510 651.026, F.S.; revising information required to be
511 contained in certain providers' financial reports in
512 their annual reports; amending s. 651.033, F.S.;
513 revising a requirement for national banks in which
514 escrow accounts are established; revising a condition
515 under which a provider may hold and not deposit a
516 resident's check for a specified period; amending s.
517 651.034, F.S.; revising the timeframe during which the
518 office may exempt certain providers from certain
519 regulatory actions; amending s. 651.035, F.S.;
520 providing that certain documents relating to a
521 provider's debt service reserve must require certain
522 notice to the office before the withdrawal of debt
523 service reserve funds; specifying requirements for the
524 notice and for certain plans to replenish withdrawn
525 funds; revising the calculation of minimum liquid
526 reserve requirements for certain facilities; revising
527 requirements for letters of credit which satisfy
528 minimum liquid reserve requirements; revising
529 circumstances under which a provider may withdraw
530 funds held in escrow without the office's approval;
531 making a technical change; amending s. 651.055, F.S.;



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532 specifying that a forfeiture penalty may be deducted
533 from certain resident refunds except under certain
534 circumstances; conforming a provision to changes made
535 by the act; amending s. 651.081, F.S.; specifying the
536 authority of residents' councils and the eligibility
537 of persons to participate in residents' council
538 matters; deleting a requirement for open meetings of
539 residents' councils; amending s. 651.083, F.S.;
540 specifying that a resident has the right to access
541 ombudsman staff; amending s. 651.085, F.S.; requiring
542 residents' councils to nominate and elect a designated
543 resident representative to represent them on specified
544 matters; providing requirements for designated
545 resident representatives; revising meetings of the
546 full governing body for which the designated resident
547 representative must be notified; requiring each
548 facility of certain providers to have its own
549 designated resident representative; providing a
550 requirement for certain designated resident
551 representatives; amending s. 651.091, F.S.; adding
552 reporting and notice requirements for continuing care
553 facilities; adding a disclosure requirement for
554 providers to prospective residents or their legal
555 representatives; amending s. 651.105, F.S.; specifying
556 requirements for the office's examination of providers
557 and applicants for certificates of authority; deleting
558 a requirement for a provider's representative to give
559 examination reports and corrective action plans to the
560 governing body's executive officer within a certain



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561 timeframe; amending ss. 651.012 and 651.0261, F.S.;
562 conforming cross-references; providing an effective
563 date.