



September 20, 2022

The Honorable Ron DeSantis  
Governor  
State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

The Honorable Wilton Simpson  
Senate President  
Florida Senate  
409 The Capitol  
404 S. Monroe St.  
Tallahassee, FL 32399-1100

The Honorable Chris Sprowls  
House Speaker  
Florida House of Representatives  
420 The Capitol  
402 S. Monroe St.  
Tallahassee, FL 32399

Dear Governor DeSantis, President Simpson and Speaker Sprowls:

Thank you for your service to the State of Florida and to the long-term care community. As you know, our members have been on the front lines of the COVID-19 pandemic. Therefore, we are asking for your help to intervene on a critical issue and deadline facing our members who participate in the Medicaid program by accepting Medicaid residents. On behalf of the nearly 500 assisted living facility (ALF) members and nearly 300 associate members of FALA, I am writing in hopes that you will be able to intervene on this issue.

The Florida Assisted Living Association (FALA) is the longest-established and largest assisted living association in the state. We have been providing advocacy, education, and regulatory support for our members for the past 30 years. **FALA's board of directors met yesterday afternoon and since the new Medicaid rates have not yet been posted, they unanimously voted to request consideration from you, the Legislature and AHCA to allow Medicaid providers to sign the supplemental wage agreement/attestation form within sixty (60) days from the date the rates are posted instead of by October 1, 2022.** This request is simply because Medicaid providers cannot make an informed business decision about whether to continue to offer Medicaid services unless the rates are posted (see proviso language in line 217 of the GAA).

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FALA's mission is to ensure Floridians have the best choices and quality services in assisted care communities where one can live and age with dignity. We want to be there to help assist Florida lawmakers to develop a policy framework promoting excellence in assisted care communities by providing education, standards, advocacy, and consumer awareness. FALA is more than willing to be "at the table" if we can assist in discussions on this topic. Our members strive to provide the best care for their residents and will always place the health, safety and welfare of residents above all else. **Governor DeSantis, President Simpson and Speaker Sprowls, we desperately need your help on this matter.**

Should you need any additional information on this issue, please contact me directly via phone at (904) 476-4758, email at [veronica@fala.org](mailto:veronica@fala.org) or contact members of our advocacy team - Jennifer Green [jennifer@libertypartnersfl.com](mailto:jennifer@libertypartnersfl.com), Adam Potts [adam@libertypartnersfl.com](mailto:adam@libertypartnersfl.com) or Tim Parson [tim@libertypartnersfl.com](mailto:tim@libertypartnersfl.com).

Sincerely,



Veronica J. Catoe, LPN, QAS  
Chief Executive Officer

cc: Simone Marsteller, Secretary, Agency for Health Care Administration  
The Honorable Kathleen Passidomo, Senate President-Designate  
The Honorable Paul Renner, House Speaker-Designate  
The Honorable Kelli Stargel, Senate Appropriations Chairman  
The Honorable Jay Trumbull, House Appropriations Chairman  
FALA Board of Directors

**Excerpt from the FY 2022-23 General Appropriations Act (HB 5001):**

MEDICAID LONG TERM CARE  
217 SPECIAL CATEGORIES  
ASSISTIVE CARE SERVICES  
FROM GENERAL REVENUE FUND . . . . . 1,279,935  
FROM MEDICAL CARE TRUST FUND . . . . . 1,944,082

From the funds in Specific Appropriation 217, \$136,616 from the General Revenue Fund and \$207,505 from the Medical Care Trust Fund are provided to the Agency for Health Care Administration to adjust fee for service rates at the annual rate setting date for the sole purpose of raising wages of direct care employees of Medicaid providers including 1099 employees who provide services under the Florida Medicaid Program to at least \$15.00 per hour. The agency shall enter into a supplemental wage agreement with each provider to include this minimum wage requirement to ensure compliance. The agreement must require the provider to agree to pay each of its employees at least \$15.00 per hour. The agreement shall include an attestation under penalty of perjury under section 837.012, Florida Statutes, stating that every employee of the provider, as of October 1, 2022, will be paid at least \$15.00 per hour. Beginning January 1, 2023, an employee of a provider receiving an increased rate that is not receiving a wage of at least \$15.00 per hour may bring a civil action in a court of competent jurisdiction against his or her provider and, upon prevailing, shall recover the full amount of any back wages unlawfully withheld plus the same amount as liquidated damages, and shall be awarded reasonable attorney's fees and costs. In addition, they shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and/or injunctive relief. Such actions may be brought as a class action pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.