

By Senator Wise

5-1414A-04

1 A bill to be entitled
2 An act relating to caregivers for disabled or
3 elderly adults; providing legislative intent to
4 foster caregiving as a nonlicensed
5 paraprofessional activity and to promote the
6 caregivers' use of best practices; creating the
7 Florida Caregiver Institute, Inc., an
8 independent nonprofit corporation housed in the
9 Agency for Workforce Innovation; providing
10 purposes, duties, and powers of the
11 corporation; providing for a board of
12 directors; providing for membership, terms of
13 office, meetings, and powers and duties of and
14 restrictions on the board; requiring reports to
15 the Governor and the Legislature; providing
16 duties of the Agency for Workforce Innovation
17 and other public agencies; providing for the
18 Office of Program Policy and Governmental
19 Accountability to conduct a review of the
20 corporation by a specified date and to report
21 to the Governor and the Legislature; providing
22 an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Caregivers, legislative intent; Florida
27 Caregiver Institute, Inc., creation, duties, board of
28 directors, reports.--

29 (1) It is the intent of the Legislature to foster the
30 development of caregiving as a nonlicensed paraprofessional
31 activity that is critical to the provision of community-based

1 and institutional care for frail and vulnerable Floridians who
2 live in the community, in a licensed assisted living facility,
3 or in a licensed adult family-care home. It is the further
4 intent of the Legislature to promote the use of nationally
5 recognized best-practices information by front line caregivers
6 so as to improve the quality of care both in the community and
7 in facilities licensed by the state and to ensure some degree
8 of uniformity as to the techniques, practices, and standards
9 used in caring for the state's most vulnerable residents.

10 (2) In order to accomplish the goal of developing
11 best-practices information and placing that information into
12 the hands of front line caregivers that care for Floridians
13 who live in the community or reside in facilities licensed by
14 the state under part III or part VII of chapter 400, Florida
15 Statutes, there is created the Florida Caregiver Institute,
16 Inc., a not-for-profit corporation that is to be registered,
17 incorporated, organized, and operated in compliance with
18 chapter 617, Florida Statutes, and that is not a unit or
19 entity of state government. The Florida Caregiver Institute,
20 hereinafter referred to as "the corporation," shall be
21 administratively housed within the Agency for Workforce
22 Innovation. Although the corporation is not subject to the
23 control of the Agency for Workforce Innovation, the
24 corporation shall work in collaboration with the agency to
25 help improve the availability of caregivers and the use of
26 best practices by front line caregivers in facilities licensed
27 by the state under part III or part VII of chapter 400,
28 Florida Statutes, and by caregivers in the community.

29 (3) The corporation shall assist the Agency for
30 Workforce Innovation in the development of policy
31 recommendations to enhance the agency's efforts to improve the

1 availability and skills of individuals who seek to work as
2 caregivers in the home, in the community, or in a facility
3 licensed by the state under part III or part VII of chapter
4 400, Florida Statutes. The corporation also:

5 (a) Shall seek to identify funding for the purpose of
6 providing training in and promotion of the use of best
7 practices to front line caregivers through state, federal, and
8 private sources.

9 (b) Shall work with universities, policy exchange
10 centers, and other related parties to develop training
11 materials, identify best-practices techniques, and develop a
12 curriculum.

13 (c) Shall conduct a needs assessment of the
14 nonlicensed caregivers who work in the community or in
15 facilities that are licensed under part III or part VII of
16 chapter 400, Florida Statutes.

17 (d) Shall make recommendations to the Agency for
18 Workforce Innovation, the Department of Elderly Affairs, the
19 Department of Children and Family Services, the Agency for
20 Health Care Administration, and the Department of Health
21 regarding policy and related changes that will help improve
22 the quality, availability, and retention of nonlicensed
23 caregivers who work in the community or in facilities licensed
24 under part III or part VII of chapter 400, Florida Statutes.

25 (e) Shall review and forecast the need for nonlicensed
26 caregivers to work in the community or in facilities licensed
27 under part III or part VII of chapter 400, Florida Statutes.
28 This information must be provided to the President of the
29 Senate, the Speaker of the House of Representatives, and the
30 Governor on a regular basis.

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1 (f) Shall make recommendations to the President of the
2 Senate, the Speaker of the House of Representatives, and the
3 Governor on proposed legislative changes and budget related
4 items that would affect the quality, availability, and
5 retention of trained nonlicensed caregivers who work in the
6 community or in facilities licensed under part III or part VII
7 of chapter 400, Florida Statutes.

8 (g) Shall develop agreements with the Agency for
9 Health Care Administration, the Department of Elderly Affairs,
10 the Department of Health, the Department of Children and
11 Family Services, and any other state agency it considers
12 necessary, for the exclusive purpose of accessing state-owned
13 buildings and state employees for the purpose of providing
14 low-cost, effective training and paraprofessional development
15 assistance to nonlicensed caregivers who work in the community
16 or in facilities licensed under part III or part VII of
17 chapter 400, Florida Statutes.

18 (h) May charge a reasonable fee for the provision of
19 training of nonlicensed caregivers who work in the community
20 or in facilities licensed under part III or part VII of
21 chapter 400, Florida Statutes. The corporation shall take all
22 steps possible to offer high-quality training at the most
23 cost-effective rates.

24 (i) May offer to assisted living facilities core
25 training, testing, and other training.

26 (j) Shall collect information regarding the
27 development of nonlicensed caregivers who work in the
28 community and in facilities licensed under part III or part
29 VII of chapter 400, Florida Statutes. The information
30 collected must include, but need not be limited to, the salary
31 rates for various positions, professional development needs of

1 nonlicensed caregivers, turnover rates, information regarding
2 turnover and retention, and data that identifies the number of
3 caregivers using best-practices information in day-to-day,
4 care-related activities.

5 (k) Shall develop a memorandum of understanding with
6 the Agency for Workforce Innovation which describes how the
7 corporation will interact with the agency in carrying out its
8 responsibilities.

9 (m) Shall develop an agreement with the Agency for
10 Workforce Innovation for the provision of administrative
11 support and startup, with the expectation that the corporation
12 will not rely upon the agency for staff or financial
13 assistance after June 1, 2005.

14 (n) May contract with the Agency for Workforce
15 Innovation for the provision of staff support, research,
16 technical assistance, and data storage under a memorandum of
17 agreement.

18 (4)(a) The board of directors of the corporation shall
19 consist of 13 members who represent the views, interests, and
20 perspectives of the parties, individuals, and stakeholders
21 affected by the activities of the corporation. Each member of
22 the board shall be appointed to a 2-year term and may not be
23 reappointed to more than three additional terms, except that
24 the initial legislative appointments shall be for a period of
25 3 years each.

26 (b) The board of directors of the corporation shall
27 include:

28 1. One member appointed by The Florida Association of
29 Homes for the Aged.

30 2. One member appointed by the Florida Assisted Living
31 Affiliation.

1 3. One member appointed by the Alzheimer's
2 Association.

3 4. One member appointed by the Florida Council on
4 Aging.

5 5. Three members appointed by the Governor.

6 6. Three members appointed by the President of the
7 Senate.

8 7. Three members appointed by the Speaker of the House
9 of Representatives.

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11 The Governor, the President of the Senate, and the Speaker of
12 the House of Representatives must make their respective
13 initial appointments not later than September 1, 2004.

14 (c) The chair shall be elected by the members, may not
15 serve more than two 1-year terms, and may not be a state
16 employee.

17 (d) The corporation shall adopt bylaws that describe
18 how it will do its work. The corporation shall follow
19 Robert's Rules of Order, revised edition, for all procedural
20 matters that arise.

21 (e) A majority of the members of the corporation's
22 board of directors constitutes a quorum.

23 (f) The corporation shall make its meetings open to
24 any member of the public and shall make provision for
25 accepting input from family members, consumers, stakeholders,
26 providers, or other parties affected by the activities of the
27 corporation. The corporation shall make every effort to make
28 its schedule and meeting location accessible to the public, by
29 means including the use of websites and public buildings.

30 (g) The chair of the corporation's board of directors
31 shall ensure that accurate minutes are kept which reflect the

1 attendance, motions, and actions of the board and the
2 discussion of matters brought before the board. These minutes
3 shall be made available to the public for inspection and
4 review and, if possible, posted on a website to provide
5 greater public access.

6 (h) The chair shall call a meeting quarterly and may
7 schedule other meetings using electronic means as he or she
8 considers appropriate. The chair must call at least one
9 meeting per year for the purpose of establishing goals and
10 evaluating the progress of the previous year.

11 (i) The chair of the corporation's board of directors
12 may appoint advisory committees to advise the corporation on
13 specific issues that fall within the corporation's scope of
14 work and stated objectives.

15 (j) Each member of the corporation's board of
16 directors and its advisory committees shall serve at his or
17 her own expense.

18 (k) The chair may remove a member of the board for
19 three unexcused absences from regularly scheduled meetings.

20 (l) An appointed member serves at the pleasure of the
21 entity that has made the appointment and may be removed by
22 that entity without cause.

23 (5)(a) The chair of the corporation's board of
24 directors shall establish an audit committee to annually
25 review and report on the financial condition of the
26 corporation. A copy of the audit committee's report shall be
27 provided to the members, the Governor, the President of the
28 Senate, and the Speaker of the House of Representatives. The
29 audit committee shall consist of board members, and its report
30 must include a complete accounting for all revenues and
31 expenses incurred by the corporation.

1 (b) The corporation may employ staff, contract with
2 consultants, and otherwise conduct its affairs using standard
3 accepted business practices to accomplish its goals.

4 (c) The corporation shall annually evaluate and, in
5 October of each year, shall report to the Legislature and the
6 Governor the status of its work relative to promoting the use
7 of best practices by front line caregivers and developing
8 nonlicensed caregivers who work in the community or in
9 facilities licensed under part III or part VII of chapter 400,
10 Florida Statutes.

11 (d) Each public-sector agency that provides training
12 or support for nonlicensed caregivers who work in the
13 community or in facilities licensed under part III or part VII
14 of chapter 400, Florida Statutes, shall cooperate with the
15 corporation, and the Agency for Workforce Innovation shall
16 certify as to whether the corporation is receiving the
17 necessary and requested support from various public-sector
18 organizations that provide training to such nonlicensed
19 caregivers.

20 Section 2. By October 1, 2007, the Office of Program
21 Policy and Governmental Accountability shall conduct a review
22 of the Florida Caregiver Institute, Inc., and shall report to
23 the Legislature and the Governor as to whether the corporation
24 has been effective in helping the state meet its goals of
25 improving the retention of nonlicensed caregivers in the
26 community or in facilities licensed under part III or part VII
27 of chapter 400, Florida Statutes, and whether it has been
28 successful in promoting the use of best-practices techniques
29 by front line caregivers who care for Florida's frail and
30 disabled adult population.

31 Section 3. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Provides legislative intent to foster caregiving for disabled or elderly adults as a nonlicensed paraprofessional activity and to promote the caregivers' use of best practices. Creates the Florida Caregiver Institute, Inc., an independent nonprofit corporation housed in the Agency for Workforce Innovation. Provides purposes, duties, and powers of the corporation. Provides for a board of directors. Provides for membership, terms of office, meetings, and powers and duties of and restrictions on the board. Requires reports to the Governor and the Legislature. Provides duties of the Agency for Workforce Innovation and other public agencies. Provides for the Office of Program Policy and Governmental Accountability to conduct a review of the corporation by October 1, 2007, and to report to the Governor and the Legislature.