

By the Committees on Health, Aging, and Long-Term Care;
Children and Families; and Senators Wise and Webster

317-2502-04

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 Florida Policy Exchange Center on Aging at the
10 University of South Florida; providing
11 purposes, duties, and powers of the
12 corporation; providing for a board of
13 directors; providing for membership, terms of
14 office, meetings, and powers and duties of and
15 restrictions on the board; requiring reports to
16 the Governor and the Legislature; providing
17 duties of the Florida Policy Exchange Center on
18 Aging and other public agencies; providing for
19 the Office of Program Policy Analysis and
20 Government Accountability to conduct a review
21 of the corporation by a specified date and to
22 report to the Governor and the Legislature;
23 providing an effective date.

24

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

26

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

30 (1) It is the intent of the Legislature to foster the
31 development of caregiving as a nonlicensed paraprofessional

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

12 (2) In order to accomplish the goal of developing
13 best-practices information and placing that information into
14 the hands of caregivers that care for Floridians who live in
15 the community, reside in facilities licensed by the state
16 under part III or part VII of chapter 400, Florida Statutes,
17 or attend an adult day care center licensed under part V of
18 chapter 400, Florida Statutes, there is created the Florida
19 Caregiver Institute, Inc., a not-for-profit corporation that
20 is to be registered, incorporated, organized, and operated in
21 compliance with chapter 617, Florida Statutes, and that is not
22 a unit or entity of state government. The Florida Caregiver
23 Institute, hereinafter referred to as "the corporation," shall
24 be administratively housed in the Florida Policy Exchange
25 Center on Aging at the University of South Florida.

26 (3) The corporation shall assist the Florida Policy
27 Exchange Center on Aging in the development of policy
28 recommendations to enhance the center's efforts to improve the
29 availability and skills of individuals who seek to work as
30 caregivers in the home, in the community, or in a facility

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1 licensed by the state under part III, part V, or part VII of
2 chapter 400, Florida Statutes. The corporation also:

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

7 (b) Shall work with universities and other related
8 parties to develop training materials, identify best-practices
9 techniques, and develop a curriculum.

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

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

22 (e) Shall make recommendations on proposed legislative
23 changes and budget-related items that would affect the
24 quality, availability, and retention of nonlicensed
25 caregivers, and review the need for nonlicensed caregivers to
26 work in the community or in facilities licensed under part
27 III, part V, 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 by January 1 of each year.

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1 (f) Shall develop agreements with the Agency for
2 Health Care Administration, the Department of Elderly Affairs,
3 the Department of Health, the Department of Children and
4 Family Services, and any other state agency it considers
5 necessary, for the exclusive purpose of accessing state-owned
6 buildings and state employees for the purpose of providing
7 low-cost, effective training and paraprofessional development
8 assistance to nonlicensed caregivers who work in the community
9 or in facilities licensed under part III, part V, or part VII
10 of chapter 400, Florida Statutes.

11 (g) May charge a reasonable fee, on a sliding scale,
12 as provided in the bylaws of the corporation for the provision
13 of training of nonlicensed caregivers who work in the
14 community or in facilities licensed under part III, part V, or
15 part VII of chapter 400, Florida Statutes. The corporation
16 shall take all steps possible to offer high-quality training
17 at the most cost-effective rates.

18 (h) May offer to assisted living facilities, adult
19 family day care homes, and adult day care centers core
20 training and other training. The Departmental of Elderly
21 Affairs, in consultation with the corporation and the
22 contractor responsible for the development of the core
23 training testing materials, shall annually evaluate the
24 testing materials and make any necessary changes to these
25 materials.

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

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

5 (j) Shall develop a memorandum of understanding with
6 the Florida Policy Exchange Center on Aging which describes
7 how the corporation will interact with the center in carrying
8 out its responsibilities.

9 (k) Shall develop an agreement with the Florida Policy
10 Exchange Center on Aging for the provision of administrative
11 support and startup, with the expectation that the corporation
12 will not rely upon the center for staff or financial
13 assistance after June 1, 2006.

14 (l) May contract with the Florida Policy Exchange
15 Center on Aging 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 Aging.

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. One member appointed by the Florida Adult Day Care
6 Association.

7 6. One member appointed by the Florida Respite
8 Council.

9 7. One member appointed by the State Long-Term Care
10 Ombudsman.

11 8. Two members appointed by the Governor.

12 9. Two members appointed by the President of the
13 Senate.

14 10. Two members appointed by the Speaker of the House
15 of Representatives.

16
17 The Governor, the President of the Senate, and the Speaker of
18 the House of Representatives must make their respective
19 initial appointments not later than September 1, 2004.

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

23 (d) The corporation shall adopt bylaws that describe
24 how it will do its work. The corporation shall follow
25 Robert's Rules of Order, newly revised edition, for all
26 procedural matters that arise.

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

29 (f) The corporation shall be accountable to the board
30 of directors and make its meetings open to any member of the
31 public and shall make provision for accepting input from

1 family members, consumers, stakeholders, providers, or other
2 parties affected by the activities of the corporation. The
3 corporation shall make every effort to make its schedule and
4 meeting location accessible to the public, by means including
5 the use of websites and public buildings.

6 (g) The chair of the corporation's board of directors
7 shall ensure that accurate minutes are kept which reflect the
8 attendance, motions, and actions of the board and the
9 discussion of matters brought before the board. These minutes
10 shall be made available to the public for inspection and
11 review and, if possible, posted on a website to provide
12 greater public access.

13 (h) The chair shall call a meeting quarterly and may
14 schedule other meetings using electronic means as he or she
15 considers appropriate. The chair must call at least one
16 meeting per year for the purpose of establishing goals and
17 evaluating the progress of the corporation in the previous
18 year.

19 (i) The chair of the corporation's board of directors
20 may appoint advisory committees to advise the corporation on
21 specific issues that fall within the corporation's scope of
22 work and stated objectives.

23 (j) Each member of the corporation's board of
24 directors and its advisory committees shall serve at his or
25 her own expense, including travel or other costs associated
26 with their duties as a member of the board of directors.

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

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

1 (5)(a) The chair of the corporation's board of
2 directors shall establish an audit committee, consisting of at
3 _____

4 the financial condition of the corporation. A copy of the
5 audit committee's report shall be provided to the board
6 _____

7 Speaker of the House of Representatives by January 10 of each
8 year. The audit committee's report must include a complete
9 _____

10 corporation during that year.

11 (b) The corporation may employ staff, contract with
12 _____

13 available funds to accomplish its goals and purposes.

14 (c) The corporation shall annually evaluate and, by
15 _____

16 the Governor the status of its work relative to promoting the
17 use of best practices by caregivers and developing nonlicensed
18 _____

19 under part III, part V, or part VII of chapter 400, Florida
20 Statutes.

21 _____

22 or support for nonlicensed caregivers who work in the
23 community or in facilities licensed under part III, part V, or
24 _____

25 with the corporation, and the Florida Policy Exchange Center
26 on Aging shall certify to the Governor, the President of the
27 _____

28 criteria that include communication, timeliness of response,
29 and coordination efforts, as to whether the corporation is
30 _____

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1 _____
2 nonlicensed caregivers.

3 By October 1, 2007, the Office of Program

4 _____
5 review of the Florida Caregiver Institute, Inc., and shall
6 report to the Legislature and the Governor as to whether the

7 _____
8 goals of improving the retention of nonlicensed caregivers in
9 the community or in facilities licensed under part III, part
10 V, or part VII of chapter 400, Florida Statutes, and whether
11 it has been successful in promoting the use of best-practices
12 techniques by caregivers who care for Florida's frail and
13 disabled adult population.

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

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS/SB 2098

19 The committee substitute makes the following changes to CS/SB
20 2098:

21 Provides that the Caregiver Institute, Inc. (corporation)
22 shall be housed in the Florida Policy Exchange Center on Aging
23 at the University of South Florida instead of in the Agency
24 for Workforce Innovation, and provides that the corporation
25 will not rely on the Florida Policy Exchange Center on Aging
26 for staff or financial assistance after June 1, 2006.

27 Requires the Department of Elderly Affairs, in consultation
28 with the corporation and the contractor responsible for the
29 development of the core training testing materials, to
30 annually evaluate the testing materials and make any necessary
31 changes to these materials.

Changes the board membership to include one member appointed
by the Florida Respite Council, one member appointed by the
State Long-Term Ombudsman, and one member appointed by the
Florida Adult Day Care Center Association.

Changes the number of board members appointed by the Governor,
the Speaker of the House of Representatives, and the President
of the Senate from three to two members each.