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A bill to be entitled

An act relating to caregivers for frail or elderly adults; providing legislative intent to foster caregiving as a nonlicensed paraprofessional activity and to promote the caregivers' use of best practices; creating the Florida Caregiver Institute, Inc., an independent nonprofit corporation housed in the Agency for Workforce Innovation; providing purposes, duties, and powers of the corporation; providing for a board of directors; providing for membership, terms of office, meetings, and powers and duties of and restrictions on the board; requiring reports to the Governor and the Legislature; providing duties of the Agency for Workforce Innovation and other public agencies; providing for the Office of Program Policy Analysis and Government Accountability to conduct a review of the corporation by a specified date and to report to the Governor and the Legislature; providing an effective date.

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

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

(1) It is the intent of the Legislature to foster the development of caregiving as a nonlicensed paraprofessional activity that is critical to the provision of community based and institutional care for frail and vulnerable Floridians who live in the community, in a licensed assisted living facility,

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30 or in a licensed adult family-care home. It is the further
 31 intent of the Legislature to promote the use of nationally
 32 recognized best-practices information by front line caregivers
 33 so as to improve the quality of care both in the community and
 34 in facilities licensed by the state and to ensure some degree of
 35 uniformity as to the techniques, practices, and standards used
 36 in caring for the state's most vulnerable residents.

37 (2) In order to accomplish the goal of developing best-
 38 practices information and placing that information into the
 39 hands of front line caregivers that care for Floridians who live
 40 in the community or reside in facilities licensed by the state
 41 under part III or part VII of chapter 400, Florida Statutes,
 42 there is created the Florida Caregiver Institute, Inc., a not-
 43 for-profit corporation that is to be registered, incorporated,
 44 organized, and operated in compliance with chapter 617, Florida
 45 Statutes, and that is not a unit or entity of state government.
 46 The Florida Caregiver Institute, Inc., hereinafter referred to
 47 as "the corporation," shall be administratively housed within
 48 the Agency for Workforce Innovation. Although the corporation is
 49 not subject to the control of the Agency for Workforce
 50 Innovation, the corporation shall work in collaboration with the
 51 agency to help improve the availability of caregivers and the
 52 use of best practices by front line caregivers in facilities
 53 licensed by the state under part III or part VII of chapter 400,
 54 Florida Statutes, and by caregivers in the community.

55 (3) The corporation shall assist the Agency for Workforce
 56 Innovation in the development of policy recommendations to
 57 enhance the agency's efforts to improve the availability and
 58 skills of individuals who seek to work as caregivers in the

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59 home, in the community, or in a facility licensed by the state
 60 under part III or part VII of chapter 400, Florida Statutes. The
 61 corporation also:

62 (a) Shall seek to identify funding for the purpose of
 63 providing training in and promotion of the use of best practices
 64 to front line caregivers through state, federal, and private
 65 sources.

66 (b) Shall work with universities, policy exchange centers,
 67 and other related parties to develop training materials,
 68 identify best-practices techniques, and develop a curriculum.

69 (c) Shall conduct a needs assessment of the nonlicensed
 70 caregivers who work in the community or in facilities that are
 71 licensed under part III or part VII of chapter 400, Florida
 72 Statutes.

73 (d) Shall make recommendations to the Agency for Workforce
 74 Innovation, the Department of Elderly Affairs, the Department of
 75 Children and Family Services, the Agency for Health Care
 76 Administration, and the Department of Health regarding policy
 77 and related changes that will help improve the quality,
 78 availability, and retention of nonlicensed caregivers who work
 79 in the community or in facilities licensed under part III or
 80 part VII of chapter 400, Florida Statutes.

81 (e) Shall review and forecast the need for nonlicensed
 82 caregivers to work in the community or in facilities licensed
 83 under part III or part VII of chapter 400, Florida Statutes.
 84 This information must be provided annually to the President of
 85 the Senate, the Speaker of the House of Representatives, and the
 86 Governor.

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87 (f) Shall make recommendations to the President of the
 88 Senate, the Speaker of the House of Representatives, and the
 89 Governor on proposed legislative changes and budget related
 90 items that would affect the quality, availability, and retention
 91 of trained nonlicensed caregivers who work in the community or
 92 in facilities licensed under part III or part VII of chapter
 93 400, Florida Statutes.

94 (g) Shall develop agreements with the Agency for Health
 95 Care Administration, the Department of Elderly Affairs, the
 96 Department of Health, the Department of Children and Family
 97 Services, and any other state agency it considers necessary, for
 98 the exclusive purpose of accessing state buildings and state
 99 employees for the purpose of providing low-cost, effective
 100 training and paraprofessional development assistance to
 101 nonlicensed caregivers who work in the community or in
 102 facilities licensed under part III or part VII of chapter 400,
 103 Florida Statutes.

104 (h) May charge a reasonable fee for the provision of
 105 training of nonlicensed caregivers who work in the community or
 106 in facilities licensed under part III or part VII of chapter
 107 400, Florida Statutes. The corporation shall take all steps
 108 possible to offer high-quality training at the most cost-
 109 effective rates.

110 (i) May offer to assisted living facilities core training,
 111 testing, and other training that the facilities may be able to
 112 provide to help achieve their goals.

113 (j) Shall collect information regarding the development of
 114 nonlicensed caregivers who work in the community and in
 115 facilities licensed under part III or part VII of chapter 400,

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116 Florida Statutes. The information collected must include, but
117 need not be limited to, the salary rates for various positions,
118 professional development needs of nonlicensed caregivers,
119 turnover rates, information regarding turnover and retention,
120 and data that identifies the number of caregivers using best-
121 practices information in day-to-day, care-related activities.

122 (k) Shall develop a memorandum of understanding with the
123 Agency for Workforce Innovation which describes how the
124 corporation will interact with the agency and other state
125 agencies in carrying out its responsibilities.

126 (l) Shall develop an agreement with the Agency for
127 Workforce Innovation for the provision of administrative support
128 and startup, with the expectation that the corporation will not
129 rely upon the agency for staff or financial assistance after
130 2006.

131 (m) May contract with the Agency for Workforce Innovation
132 for the provision of staff support, research, technical
133 assistance, and data storage under a memorandum of agreement.

134 (4)(a) The board of directors of the corporation shall
135 consist of thirteen members who represent the views, interests,
136 and perspectives of the parties, individuals, and stakeholders
137 affected by the activities of the corporation. Each member of
138 the board shall be appointed to a 2-year term and may not be
139 reappointed to more than three additional terms, except that the
140 initial legislative appointments shall be for a period of 3
141 years each.

142 (b) The board of directors of the corporation shall
143 include:

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- 144 1. One member appointed by the Florida Association of
 145 Homes for the Aged.
- 146 2. One member appointed by the Florida Assisted Living
 147 Affiliation.
- 148 3. One member appointed by the Alzheimer's Association.
- 149 4. One member appointed by the Florida Council on Aging.
- 150 5. Three members appointed by the Governor.
- 151 6. Three members appointed by the President of the Senate.
- 152 7. Three members appointed by the Speaker of the House of
 153 Representatives.

154

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

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

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

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

167 (f) The corporation shall make its meetings open to any
 168 member of the public and shall make provision for accepting
 169 input from family members, consumers, stakeholders, providers,
 170 or other parties affected by the activities of the corporation.
 171 The corporation shall make every effort to make its schedule and

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172 meeting location accessible to the public, by means including
173 the use of websites and public buildings.

174 (g) The chair of the corporation's board of directors
175 shall ensure that accurate minutes are kept which reflect the
176 attendance, motions, and actions of the board and the discussion
177 of matters brought before the board. These minutes shall be made
178 available to the public for inspection and review and, if
179 possible, posted on a website to provide greater public access.

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

185 (i) The chair of the corporation's board of directors may
186 appoint advisory committees to advise the corporation on
187 specific issues that fall within the corporation's scope of work
188 and stated objectives.

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

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

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

197 (5)(a) The chair of the corporation's board of directors
198 shall establish an audit committee to annually review and report
199 on the financial condition of the corporation. A copy of the
200 audit committee's report shall be provided to the members, the

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201 Governor, the President of the Senate, and the Speaker of the
 202 House of Representatives. The audit committee shall consist of
 203 board members, and its report must include a complete accounting
 204 for all revenues and expenses incurred by the corporation.

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

208 (c) The corporation shall annually evaluate and, in
 209 October of each year, shall report to the Legislature and the
 210 Governor the status of its work relative to promoting the use of
 211 best practices by front line caregivers and developing
 212 nonlicensed caregivers who work in the community or in
 213 facilities licensed under part III or part VII of chapter 400,
 214 Florida Statutes.

215 (d) Each public-sector agency that provides training or
 216 support for nonlicensed caregivers who work in the community or
 217 in facilities licensed under part III or part VII of chapter
 218 400, Florida Statutes, shall cooperate with the corporation, and
 219 the Agency for Workforce Innovation shall certify as to whether
 220 the corporation is receiving the necessary and requested support
 221 from various public-sector organizations that provide training
 222 to such nonlicensed caregivers.

223 Section 2. By October 1, 2007, the Office of Program
 224 Policy Analysis and Government Accountability shall conduct a
 225 review of the Florida Caregiver Institute, Inc., the
 226 "corporation," and shall report to the Legislature and the
 227 Governor as to whether the corporation has been effective in
 228 helping the state meet its goals of improving the retention of
 229 nonlicensed caregivers in the community or in facilities

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230 licensed under part III or part VII of chapter 400, Florida
231 Statutes, and whether it has been successful in promoting the
232 use of best-practices techniques by front line caregivers who
233 care for Florida's frail and disabled adult population.

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