

1 A bill to be entitled
 2 An act relating to caregivers for adults; providing
 3 legislative intent to foster caregiving as a nonlicensed
 4 paraprofessional activity and to promote the use of best
 5 practices; creating the Florida Caregiver Institute, Inc.,
 6 an independent not-for-profit corporation within the
 7 Agency for Workforce Innovation; providing purposes,
 8 duties, and powers of the corporation; providing for a
 9 board of directors; providing for membership, terms of
 10 office, meetings, and powers and duties of and
 11 restrictions on the board; providing for an audit
 12 committee; requiring reports to the Governor and the
 13 Legislature; providing duties of the Agency for Workforce
 14 Innovation and other public agencies; providing for the
 15 Office of Program Policy Analysis and Government
 16 Accountability to conduct a review of the corporation by a
 17 specified date and to report to the Governor and the
 18 Legislature; providing an effective date.

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

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 22 Section 1. Legislative intent; Florida Caregiver
 23 Institute, Inc.; creation, duties, board of directors,
 24 reports.--

25 (1) It is the intent of the Legislature to foster the
 26 development of caregiving for adults as a nonlicensed
 27 paraprofessional activity that is critical to the provision of
 28 community-based and institutional care for frail and vulnerable

29 adults who live in the community, in a licensed assisted living
 30 facility, or in a licensed adult family-care home. It is the
 31 further intent of the Legislature to promote the use of
 32 nationally recognized best-practices information by nonlicensed
 33 caregivers so as to improve the quality of care in the community
 34 and in facilities licensed under part III or part VII of chapter
 35 400, Florida Statutes, and to ensure some degree of uniformity
 36 of techniques, practices, and standards used in caring for the
 37 state's most vulnerable residents.

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

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 skills and
 58 availability of individuals who seek to work as caregivers in
 59 the community or in facilities licensed under part III or part
 60 VII of chapter 400, Florida Statutes. The corporation also:

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

65 (b) Shall work with state universities, research and
 66 policy development centers, and other institutions to develop
 67 training materials and a curriculum and identify best practices.

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

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

80 (e) Shall review and forecast the need for nonlicensed
 81 caregivers to work in the community or in facilities licensed
 82 under part III or part VII of chapter 400, Florida Statutes.

83 This information shall be provided annually to the Governor, the

84 President of the Senate, and the Speaker of the House of
 85 Representatives.

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

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

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

107 (i) May offer training to the personnel of assisted living
 108 facilities.

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

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112 Florida Statutes. The information collected must include, but
113 need not be limited to, the salary rates for various positions,
114 professional development needs of nonlicensed caregivers,
115 information regarding turnover rates and retention, and data
116 that identify the number of caregivers using best practices in
117 daily care-related activities.

118 (k) Shall develop a memorandum of understanding with the
119 Agency for Workforce Innovation that describes how the
120 corporation will interact with the agency and other state
121 agencies in carrying out its responsibilities.

122 (l) Shall develop an agreement with the Agency for
123 Workforce Innovation for the provision of administrative support
124 and startup costs, with the expectation that the corporation
125 shall not rely upon the agency for staff or financial assistance
126 after December 31, 2007.

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

130 (4)(a) The board of directors of the corporation shall
131 consist of 13 members who represent the views, interests, and
132 perspectives of the parties, individuals, and stakeholders
133 affected by the activities of the corporation. Each member of
134 the board shall be appointed to a 2-year term and may not be
135 reappointed to more than three additional terms, except that the
136 initial appointments made by the President of the Senate and the
137 Speaker of the House of Representatives shall be for a period of
138 3 years each.

- 139 (b) The board of directors of the corporation shall
 140 include:
 141 1. One member appointed by the Florida Association of
 142 Homes for the Aging.
 143 2. One member appointed by the Florida Assisted Living
 144 Affiliation.
 145 3. One member appointed by the Alzheimer's Association.
 146 4. One member appointed by the Florida Council on Aging.
 147 5. Three members appointed by the Governor.
 148 6. Three members appointed by the President of the Senate.
 149 7. Three members appointed by the Speaker of the House of
 150 Representatives.

151
 152 The Governor, the President of the Senate, and the Speaker of
 153 the House of Representatives must make their respective initial
 154 appointments no later than September 1, 2005.

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

158 (d) The board shall adopt bylaws for the regulation of its
 159 affairs and the conduct of its business. In conducting its
 160 meetings, the board shall use Robert's Rules of Order, revised
 161 edition.

162 (e) A majority of the members of the board constitutes a
 163 quorum.

164 (f) The meetings of the board shall be open to the public
 165 and shall provide for accepting input from family members,
 166 consumers, stakeholders, providers, or other parties affected by

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167 the activities of the corporation. The board shall post its
168 schedule and meeting locations on a publicly available Internet
169 website and in public buildings.

170 (g) The chair of the board shall ensure that accurate
171 minutes are kept which reflect the attendance, motions, and
172 actions of the board and the discussion of matters brought
173 before the board. These minutes shall be made available to the
174 public for inspection and review and, if possible, posted on a
175 publicly available Internet website to provide greater public
176 access.

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

182 (i) The chair of the board may appoint advisory committees
183 to advise the corporation on specific issues that fall within
184 the corporation's scope of work and stated objectives.

185 (j) Each member of the board and its advisory committees
186 shall serve at his or her own expense.

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

189 (l) An appointed member serves at the pleasure of the
190 entity that made the appointment and may be removed by that
191 entity without cause.

192 (5)(a) The chair of the board shall establish an audit
193 committee to annually review and report on the financial
194 condition of the corporation. The audit committee shall consist

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195 of board members and its report must include a complete
196 accounting for all revenues and expenses incurred by the
197 corporation. A copy of the audit committee's report shall be
198 provided to the board members, the Governor, the President of
199 the Senate, and the Speaker of the House of Representatives.

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

203 (c) In October of each year, the corporation shall submit
204 a report to the Governor, the President of the Senate, and the
205 Speaker of the House of Representatives that evaluates the
206 status of the work of the corporation relating to the use of
207 best practices by nonlicensed caregivers and the development of
208 nonlicensed caregivers who work in the community or in
209 facilities licensed under part III or part VII of chapter 400,
210 Florida Statutes.

211 (d) Each public-sector agency that provides training or
212 support for nonlicensed caregivers who work in the community or
213 in facilities licensed under part III or part VII of chapter
214 400, Florida Statutes, shall cooperate with the corporation and
215 the Agency for Workforce Innovation shall certify whether the
216 corporation is receiving the necessary and requested support
217 from public-sector organizations that provide training to such
218 nonlicensed caregivers.

219 Section 2. By October 1, 2008, the Office of Program
220 Policy Analysis and Government Accountability shall conduct a
221 review of the Florida Caregiver Institute, Inc., and shall
222 submit a report to the Governor, the President of the Senate,

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223 and the Speaker of the House of Representatives that evaluates
224 the effectiveness of the corporation in helping the state meet
225 it goal of improving the retention of nonlicensed caregivers in
226 the community or in facilities licensed under part III or part
227 VII of chapter 400, Florida Statutes, and whether the
228 corporation has been successful in promoting the use of best
229 practices by nonlicensed caregivers who care for Florida's frail
230 and vulnerable adults.

231 Section 3. This act shall take effect July 1, 2005.