

CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to caregivers for disabled or elderly  
7 adults; providing legislative intent to foster caregiving  
8 as a nonlicensed paraprofessional activity and to promote  
9 the caregivers' use of best practices; creating the  
10 Florida Caregiver Institute, Inc., an independent  
11 nonprofit corporation housed in the Florida Policy  
12 Exchange Center on Aging at the University of South  
13 Florida; providing purposes, duties, and powers of the  
14 corporation; providing for a board of directors; providing  
15 for membership, terms of office, meetings, and powers and  
16 duties of and restrictions on the board; providing for an  
17 audit committee; requiring reports to the Governor and the  
18 Legislature; providing duties of the Florida Policy  
19 Exchange Center on Aging and other public agencies;  
20 providing for the Office of Program Policy Analysis and  
21 Government Accountability to conduct a review of the  
22 corporation by a specified date and to report to the  
23 Governor and the Legislature; providing an effective date.

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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, and 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, reside in a licensed assisted living facility or licensed adult family-care home, or attend a licensed adult day care center. It is the further intent of the Legislature to promote the use of nationally recognized best practices information by caregivers so as to improve the quality of care both in the community and in long-term care facilities licensed by the state and to ensure some degree of uniformity as to the techniques, practices, and standards used in caring for the state's most vulnerable residents.

(2) In order to accomplish the goal of developing best practices information and placing that information into the hands of caregivers that care for Floridians who live in the community, reside in facilities licensed by the state under part III or part VII of chapter 400, Florida Statutes, or attend an adult day care center licensed under part V of chapter 400, Florida Statutes, there is created the Florida Caregiver Institute, Inc., a not-for-profit corporation that is to be registered, incorporated, organized, and operated in compliance

52 with chapter 617, Florida Statutes, and that is not a unit or  
 53 entity of state government. The Florida Caregiver Institute,  
 54 Inc., hereinafter referred to as "the corporation," shall be  
 55 administratively housed in the Florida Policy Exchange Center on  
 56 Aging at the University of South Florida.

57 (3) The corporation shall assist the Florida Policy  
 58 Exchange Center on Aging in the development of policy  
 59 recommendations to enhance the center's efforts to improve the  
 60 availability and skills of individuals who seek to work as  
 61 caregivers in the home, in the community, or in a facility  
 62 licensed by the state under part III, part V, or part VII of  
 63 chapter 400, Florida Statutes. The corporation also:

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

68 (b) Shall work with universities and other related parties  
 69 to develop training materials, identify best practices  
 70 techniques, and develop a curriculum.

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

75 (d) Shall make recommendations to the Department of  
 76 Elderly Affairs, the Department of Children and Family Services,  
 77 the Agency for Health Care Administration, and the Department of  
 78 Health regarding policy and related changes that will help  
 79 improve the quality, availability, and retention of nonlicensed

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80 caregivers who work in the community or in facilities licensed  
81 under part III, part V, or part VII of chapter 400, Florida  
82 Statutes.

83 (e) Shall make recommendations on proposed legislative  
84 changes and budget-related items that would affect the quality,  
85 availability, and retention of nonlicensed caregivers and review  
86 the need for nonlicensed caregivers to work in the community or  
87 in facilities licensed under part III, part V, or part VII of  
88 chapter 400, Florida Statutes. This information must be provided  
89 to the President of the Senate, the Speaker of the House of  
90 Representatives, and the Governor by January 1 of each year.

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

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

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108        (h) May offer to assisted living facilities, adult family-  
109 care homes, and adult day care centers core training and other  
110 training. The Departmental of Elderly Affairs, in consultation  
111 with the corporation and the contractor responsible for the  
112 development of the core training testing materials, shall  
113 annually evaluate the testing materials and make any necessary  
114 changes to these materials.

115        (i) Shall collect information regarding nonlicensed  
116 caregivers who work in the community and in facilities licensed  
117 under part III, part V, or part VII of chapter 400, Florida  
118 Statutes. The information collected must include, but need not  
119 be limited to, the salary rates for various positions,  
120 professional development needs of nonlicensed caregivers,  
121 information regarding turnover and retention, and data that  
122 identify the number of caregivers using best practices  
123 information in day-to-day care-related activities.

124        (j) Shall develop a memorandum of understanding with the  
125 Florida Policy Exchange Center on Aging which describes how the  
126 corporation will interact with the center in carrying out its  
127 responsibilities.

128        (k) Shall develop an agreement with the Florida Policy  
129 Exchange Center on Aging for the provision of administrative  
130 support and startup, with the expectation that the corporation  
131 will not rely upon the center for staff or financial assistance  
132 after June 1, 2007.

133        (l) May contract with the Florida Policy Exchange Center  
134 on Aging for the provision of staff support, research, technical  
135 assistance, and data storage under a memorandum of agreement.

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136       (4)(a) The board of directors of the corporation shall  
 137 consist of 13 members who represent the views, interests, and  
 138 perspectives of the parties, individuals, and stakeholders  
 139 affected by the activities of the corporation. Each member of  
 140 the board shall be appointed to a 2-year term and may not be  
 141 reappointed to more than three additional terms, except that the  
 142 initial legislative appointments shall be for a period of 3  
 143 years each.

144       (b) The board of directors of the corporation shall  
 145 include:

146           1. One member appointed by the Florida Association of  
 147 Homes for the Aging.

148           2. One member appointed by the Florida Assisted Living  
 149 Affiliation.

150           3. One member appointed by the Alzheimer's Association.

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

152           5. One member appointed by the Florida Adult Day Care  
 153 Association.

154           6. One member appointed by the Florida Respite Coalition.

155           7. One member appointed by the State Long-Term Care  
 156 Ombudsman.

157           8. Two members appointed by the Governor.

158           9. Two members appointed by the President of the Senate.

159           10. Two members appointed by the Speaker of the House of  
 160 Representatives.

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162 The Governor, the President of the Senate, and the Speaker of  
163 the House of Representatives must make their respective initial  
164 appointments not later than September 1, 2005.

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

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

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

174 (f) The corporation shall be accountable to the board of  
175 directors and make its meetings open to any member of the public  
176 and shall make provision for accepting input from family  
177 members, consumers, stakeholders, providers, or other parties  
178 affected by the activities of the corporation. The corporation  
179 shall make every effort to make its schedule and meeting  
180 location accessible to the public by means that include the use  
181 of websites and public buildings.

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

188 (h) The chair shall call a meeting quarterly and may  
189 schedule other meetings using electronic means as he or she

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190 considers appropriate. The chair must call at least one meeting  
 191 per year for the purpose of establishing goals and evaluating  
 192 the progress of the corporation in the previous year.

193 (i) The chair of the corporation's board of directors may  
 194 appoint advisory committees to advise the corporation on  
 195 specific issues that fall within the corporation's scope of work  
 196 and stated objectives.

197 (j) Each member of the corporation's board of directors  
 198 and its advisory committees shall serve at his or her own  
 199 expense, including travel or other costs associated with his or  
 200 her duties as a member of the board of directors.

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

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

206 (5)(a) The chair of the corporation's board of directors  
 207 shall establish an audit committee, consisting of at least three  
 208 board members, to annually review and report on the financial  
 209 condition of the corporation. A copy of the audit committee's  
 210 report shall be provided to the board members, the Governor, the  
 211 President of the Senate, and the Speaker of the House of  
 212 Representatives by January 10 of each year. The audit  
 213 committee's report must include a complete accounting of all  
 214 revenues and expenses incurred by the corporation during that  
 215 year.

216       (b) The corporation may employ staff, contract with  
 217 consultants, and otherwise retain the necessary staff within the  
 218 limits of available funds to accomplish its goals and purposes.

219       (c) The corporation shall annually evaluate and, by  
 220 January 10 of each year, shall report to the Legislature and the  
 221 Governor the status of its work relative to promoting the use of  
 222 best practices by caregivers and developing nonlicensed  
 223 caregivers who work in the community or in facilities licensed  
 224 under part III, part V, or part VII of chapter 400, Florida  
 225 Statutes.

226       (d) Each public-sector agency that provides training or  
 227 support for nonlicensed caregivers who work in the community or  
 228 in facilities licensed under part III, part V, or part VII of  
 229 chapter 400, Florida Statutes, shall cooperate with the  
 230 corporation. The Florida Policy Exchange Center on Aging shall  
 231 certify to the Governor, the President of the Senate, and the  
 232 Speaker of the House of Representatives, using criteria that  
 233 include communication, timeliness of response, and coordination  
 234 of efforts, as to whether the corporation is receiving the  
 235 necessary and requested support from various public sector  
 236 organizations that provide training to such nonlicensed  
 237 caregivers.

238       Section 2. By October 1, 2008, the Office of Program  
 239 Policy Analysis and Government Accountability shall conduct a  
 240 review of the Florida Caregiver Institute, Inc., and shall  
 241 report to the Governor, the President of the Senate, and the  
 242 Speaker of the House of Representatives as to whether the  
 243 corporation has been effective in helping the state meet its

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244 | goals of improving the retention of nonlicensed caregivers in  
245 | the community or in facilities licensed under part III, part V,  
246 | or part VII of chapter 400, Florida Statutes, and whether it has  
247 | been successful in promoting the use of best practices  
248 | techniques by caregivers who care for Florida's frail and  
249 | disabled adult population.

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