

Bill No. SB 884

Barcode 801502

CHAMBER ACTION

Senate

House

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The Committee on Children and Families (Webster) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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1 uniformity as to the techniques, practices, and standards used
2 in caring for the state's most vulnerable residents.

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

17 (3) The corporation shall assist the Florida Policy
18 Exchange Center on Aging in the development of policy
19 recommendations to enhance the center's efforts to improve the
20 availability and skills of individuals who seek to work as
21 caregivers in the home, in the community, or in a facility
22 licensed by the state under part III, part V, or part VII of
23 chapter 400, Florida Statutes. The corporation also:

24 (a) Shall seek to identify funding for the purpose of
25 providing training in and promotion of the use of best
26 practices to front line caregivers through state, federal, and
27 private sources.

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

31 (c) Shall conduct a needs assessment of the

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1 nonlicensed caregivers who work in the community or in
2 facilities that are licensed under part III, part V, or part
3 VII of chapter 400, Florida Statutes.

4 (d) Shall make recommendations to the Department of
5 Elderly Affairs, the Department of Children and Family
6 Services, the Agency for Health Care Administration, and the
7 Department of Health regarding policy and related changes that
8 will help improve the quality, availability, and retention of
9 nonlicensed caregivers who work in the community or in
10 facilities licensed under part III, part V, or part VII of
11 chapter 400, Florida Statutes.

12 (e) Shall make recommendations on proposed legislative
13 changes and budget-related items that would affect the
14 quality, availability, and retention of nonlicensed
15 caregivers, and review the need for nonlicensed caregivers to
16 work in the community or in facilities licensed under part
17 III, part V, or part VII of chapter 400, Florida Statutes.
18 This information must be provided to the President of the
19 Senate, the Speaker of the House of Representatives, and the
20 Governor by January 1 of each year.

21 (f) Shall develop agreements with the Agency for
22 Health Care Administration, the Department of Elderly Affairs,
23 the Department of Health, the Department of Children and
24 Family Services, and any other state agency it considers
25 necessary, for the exclusive purpose of accessing state-owned
26 buildings and state employees for the purpose of providing
27 low-cost, effective training and paraprofessional development
28 assistance to nonlicensed caregivers who work in the community
29 or in facilities licensed under part III, part V, or part VII
30 of chapter 400, Florida Statutes.

31 (g) May charge a reasonable fee, on a sliding scale,

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1 as provided in the bylaws of the corporation for the provision
 2 of training of nonlicensed caregivers who work in the
 3 community or in facilities licensed under part III, part V, or
 4 part VII of chapter 400, Florida Statutes. The corporation
 5 shall take all steps possible to offer high-quality training
 6 at the most cost-effective rates.

7 (h) May offer to assisted living facilities, adult
 8 family day care homes, and adult day care centers core
 9 training and other training. The Departmental of Elderly
 10 Affairs, in consultation with the corporation and the
 11 contractor responsible for the development of the core
 12 training testing materials, shall annually evaluate the
 13 testing materials and make any necessary changes to these
 14 materials.

15 (i) Shall collect information regarding nonlicensed
 16 caregivers who work in the community and in facilities
 17 licensed under part III, part V, or part VII of chapter 400,
 18 Florida Statutes. The information collected must include, but
 19 need not be limited to, the salary rates for various
 20 positions, professional development needs of nonlicensed
 21 caregivers, information regarding turnover and retention, and
 22 data that identifies the number of caregivers using
 23 best-practices information in day-to-day, care-related
 24 activities.

25 (j) Shall develop a memorandum of understanding with
 26 the Florida Policy Exchange Center on Aging which describes
 27 how the corporation will interact with the center in carrying
 28 out its responsibilities.

29 (k) Shall develop an agreement with the Florida Policy
 30 Exchange Center on Aging for the provision of administrative
 31 support and startup, with the expectation that the corporation

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1 will not rely upon the center for staff or financial
2 assistance after June 1, 2007.

3 (1) May contract with the Florida Policy Exchange
4 Center on Aging for the provision of staff support, research,
5 technical assistance, and data storage under a memorandum of
6 agreement.

7 (4)(a) The board of directors of the corporation shall
8 consist of 13 members who represent the views, interests, and
9 perspectives of the parties, individuals, and stakeholders
10 affected by the activities of the corporation. Each member of
11 the board shall be appointed to a 2-year term and may not be
12 reappointed to more than three additional terms, except that
13 the initial legislative appointments shall be for a period of
14 3 years each.

15 (b) The board of directors of the corporation shall
16 include:

17 1. One member appointed by The Florida Association of
18 Homes for the Aging.

19 2. One member appointed by the Florida Assisted Living
20 Affiliation.

21 3. One member appointed by the Alzheimer's
22 Association.

23 4. One member appointed by the Florida Council on
24 Aging.

25 5. One member appointed by the Florida Adult Day Care
26 Association.

27 6. One member appointed by the Florida Respite
28 Council.

29 7. One member appointed by the State Long-Term Care
30 Ombudsman.

31 8. Two members appointed by the Governor.

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1 9. Two members appointed by the President of the
2 Senate.

3 10. Two members appointed by the Speaker of the House
4 of Representatives.

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

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

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

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

18 (f) The corporation shall be accountable to the board
19 of directors and make its meetings open to any member of the
20 public and shall make provision for accepting input from
21 family members, consumers, stakeholders, providers, or other
22 parties affected by the activities of the corporation. The
23 corporation shall make every effort to make its schedule and
24 meeting location accessible to the public, by means including
25 the use of websites and public buildings.

26 (g) The chair of the corporation's board of directors
27 shall ensure that accurate minutes are kept which reflect the
28 attendance, motions, and actions of the board and the
29 discussion of matters brought before the board. These minutes
30 shall be made available to the public for inspection and
31 review and, if possible, posted on a website to provide

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1 greater public access.

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

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

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

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

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

21 (5)(a) The chair of the corporation's board of
22 directors shall establish an audit committee, consisting of at
23 least three board members, to annually review and report on
24 the financial condition of the corporation. A copy of the
25 audit committee's report shall be provided to the board
26 members, the Governor, the President of the Senate, and the
27 Speaker of the House of Representatives by January 10 of each
28 year. The audit committee's report must include a complete
29 accounting of all revenues and expenses incurred by the
30 corporation during that year.

31 (b) The corporation may employ staff, contract with

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1 consultants, and otherwise retain the necessary staff within
2 available funds to accomplish its goals and purposes.

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

10 (d) Each public-sector agency that provides training
11 or support for nonlicensed caregivers who work in the
12 community or in facilities licensed under part III, part V, or
13 part VII of chapter 400, Florida Statutes, shall cooperate
14 with the corporation, and the Florida Policy Exchange Center
15 on Aging shall certify to the Governor, the President of the
16 Senate, and the Speaker of the House of Representatives, using
17 criteria that include communication, timeliness of response,
18 and coordination efforts, as to whether the corporation is
19 receiving the necessary and requested support from various
20 public-sector organizations that provide training to such
21 nonlicensed caregivers.

22 Section 2. By October 1, 2008, the Office of Program
23 Policy Analysis and Government Accountability shall conduct a
24 review of the Florida Caregiver Institute, Inc., and shall
25 report to the Legislature and the Governor as to whether the
26 corporation has been effective in helping the state meet its
27 goals of improving the retention of nonlicensed caregivers in
28 the community or in facilities licensed under part III, part
29 V, or part VII of chapter 400, Florida Statutes, and whether
30 it has been successful in promoting the use of best-practices
31 techniques by caregivers who care for Florida's frail and

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1 disabled adult population.

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

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

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9 and insert:

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A bill to be entitled

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An act relating to caregivers for disabled or

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elderly adults; providing legislative intent to

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foster caregiving as a nonlicensed

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paraprofessional activity and to promote the

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caregivers' use of best practices; creating the

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Florida Caregiver Institute, Inc., an

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independent nonprofit corporation housed in the

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Florida Policy Exchange Center on Aging at the

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University of South Florida; providing

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purposes, duties, and powers of the

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corporation; providing for a board of

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directors; providing for membership, terms of

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office, meetings, and powers and duties of and

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restrictions on the board; requiring reports to

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the Governor and the Legislature; providing

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duties of the Florida Policy Exchange Center on

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Aging and other public agencies; providing for

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the Office of Program Policy Analysis and

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Government Accountability to conduct a review

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of the corporation by a specified date and to

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report to the Governor and the Legislature;

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1 providing an effective date.
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