

By Senator Wise

5-913-05

See HB 161

1                                   A bill to be entitled

2           An act relating to caregivers for adults;

3           providing legislative intent to foster

4           caregiving as a nonlicensed paraprofessional

5           activity and to promote the use of best

6           practices; creating the Florida Caregiver

7           Institute, Inc., an independent not-for-profit

8           corporation within the Agency for Workforce

9           Innovation; providing purposes, duties, and

10          powers of the corporation; providing for a

11          board of directors; providing for membership,

12          terms of office, meetings, and powers and

13          duties of and restrictions on the board;

14          providing for an audit committee; requiring

15          reports to the Governor and the Legislature;

16          providing duties of the Agency for Workforce

17          Innovation and other public agencies; providing

18          for the Office of Program Policy Analysis and

19          Government Accountability to conduct a review

20          of the corporation by a specified date and to

21          report to the Governor and the Legislature;

22          providing an effective date.

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

26           Section 1. Legislative intent; Florida Caregiver

27 Institute, Inc.; creation, duties, board of directors,

28 reports.--

29           (1) It is the intent of the Legislature to foster the

30 development of caregiving for adults as a nonlicensed

31 paraprofessional activity that is critical to the provision of

1 community-based and institutional care for frail and  
2 vulnerable adults who live in the community, in a licensed  
3 assisted living facility, or in a licensed adult family-care  
4 home. It is the further intent of the Legislature to promote  
5 the use of nationally recognized best-practices information by  
6 nonlicensed caregivers so as to improve the quality of care in  
7 the community and in facilities licensed under part III or  
8 part VII of chapter 400, Florida Statutes, and to ensure some  
9 degree of uniformity of techniques, practices, and standards  
10 used in caring for the state's most vulnerable residents.

11 (2) In order to accomplish the goal of developing  
12 best-practices information and providing that information to  
13 nonlicensed caregivers that care for residents who live in the  
14 community or in facilities licensed under part III or part VII  
15 of chapter 400, Florida Statutes, there is created the Florida  
16 Caregiver Institute, Inc., a not-for-profit corporation which  
17 shall be registered, incorporated, organized, and operated in  
18 compliance with chapter 617, Florida Statutes, and which may  
19 not be a unit of state government. The Florida Caregiver  
20 Institute, Inc., hereinafter referred to as "the corporation,"  
21 shall be administratively housed within the Agency for  
22 Workforce Innovation. Although the corporation is not subject  
23 to the control of the Agency for Workforce Innovation, the  
24 corporation shall work in collaboration with the agency to  
25 help improve the availability of caregivers and the use of  
26 best practices by caregivers in the community and in  
27 facilities licensed under part III or part VII of chapter 400,  
28 Florida Statutes.

29 (3) The corporation shall assist the Agency for  
30 Workforce Innovation in the development of policy  
31 recommendations to enhance the agency's efforts to improve the

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

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

9 (b) Shall work with state universities, research and  
10 policy development centers, and other institutions to develop  
11 training materials and a curriculum and identify best  
12 practices.

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

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

25 (e) Shall review and forecast the need for nonlicensed  
26 caregivers to work in the community or in facilities licensed  
27 under part III or part VII of chapter 400, Florida Statutes.  
28 This information shall be provided annually to the Governor,  
29 the President of the Senate, and the Speaker of the House of  
30 Representatives.

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1           (f) Shall make recommendations to the Governor, the  
2 President of the Senate, and the Speaker of the House of  
3 Representatives on proposed legislative changes and  
4 budget-related items that would affect the quality,  
5 availability, and retention of nonlicensed caregivers who work  
6 in the community or in facilities licensed under part III or  
7 part VII of chapter 400, Florida Statutes.

8           (g) Shall develop agreements with the Agency for  
9 Health Care Administration, the Department of Elderly Affairs,  
10 the Department of Health, the Department of Children and  
11 Family Services, and any other state agency it considers  
12 necessary for the exclusive purpose of providing access to  
13 state buildings and state employees in order to offer  
14 low-cost, effective training and paraprofessional development  
15 assistance to nonlicensed caregivers who work in the community  
16 or in facilities licensed under part III or part VII of  
17 chapter 400, Florida Statutes.

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

24           (i) May offer training to the personnel of assisted  
25 living facilities.

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

1 nonlicensed caregivers, information regarding turnover rates  
2 and retention, and data that identify the number of caregivers  
3 using best practices in daily care-related activities.

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

8 (l) Shall develop an agreement with the Agency for  
9 Workforce Innovation for the provision of administrative  
10 support and startup costs, with the expectation that the  
11 corporation shall not rely upon the agency for staff or  
12 financial assistance after December 31, 2007.

13 (m) May contract with the Agency for Workforce  
14 Innovation for the provision of staff support, research and  
15 technical assistance, and data storage under a memorandum of  
16 agreement.

17 (4)(a) The board of directors of the corporation shall  
18 consist of 13 members who represent the views, interests, and  
19 perspectives of the parties, individuals, and stakeholders  
20 affected by the activities of the corporation. Each member of  
21 the board shall be appointed to a 2-year term and may not be  
22 reappointed to more than three additional terms, except that  
23 the initial appointments made by the President of the Senate  
24 and the Speaker of the House of Representatives shall be for a  
25 period of 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. Three members appointed by the Governor.

6           6. Three members appointed by the President of the  
7 Senate.

8           7. Three members appointed by the Speaker of the House  
9 of Representatives.

10  
11 The Governor, the President of the Senate, and the Speaker of  
12 the House of Representatives must make their respective  
13 initial appointments no later than September 1, 2005.

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

17           (d) The board shall adopt bylaws for the regulation of  
18 its affairs and the conduct of its business. In conducting its  
19 meetings, the board shall use Robert's Rules of Order, revised  
20 edition.

21           (e) A majority of the members of the board constitutes  
22 a quorum.

23           (f) The meetings of the board shall be open to the  
24 public and shall provide for accepting input from family  
25 members, consumers, stakeholders, providers, or other parties  
26 affected by the activities of the corporation. The board shall  
27 post its schedule and meeting locations on a publicly  
28 available Internet website and in public buildings.

29           (g) The chair of the board shall ensure that accurate  
30 minutes are kept which reflect the attendance, motions, and  
31 actions of the board and the discussion of matters brought

1 before the board. These minutes shall be made available to the  
2 public for inspection and review and, if possible, posted on a  
3 publicly available Internet website to provide greater public  
4 access.

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

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

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

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 made the appointment and may be removed by that  
20 entity without cause.

21 (5)(a) The chair of the board shall establish an audit  
22 committee to annually review and report on the financial  
23 condition of the corporation. The audit committee shall  
24 consist of board members and its report must include a  
25 complete accounting for all revenues and expenses incurred by  
26 the corporation. A copy of the audit committee's report shall  
27 be provided to the board members, the Governor, the President  
28 of the Senate, and the Speaker of the House of  
29 Representatives.

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

4           (c) In October of each year, the corporation shall  
5 submit a report to the Governor, the President of the Senate,  
6 and the Speaker of the House of Representatives which  
7 evaluates the status of the work of the corporation relating  
8 to the use of best practices by nonlicensed caregivers and the  
9 development of nonlicensed caregivers who work in the  
10 community or in facilities licensed under part III or part VII  
11 of chapter 400, Florida Statutes.

12           (d) Each public-sector agency that provides training  
13 or support for nonlicensed caregivers who work in the  
14 community or in facilities licensed under part III or part VII  
15 of chapter 400, Florida Statutes, shall cooperate with the  
16 corporation and the Agency for Workforce Innovation shall  
17 certify whether the corporation is receiving the necessary and  
18 requested support from public-sector organizations that  
19 provide training to such nonlicensed caregivers.

20           Section 2. By October 1, 2008, the Office of Program  
21 Policy Analysis and Government Accountability shall conduct a  
22 review of the Florida Caregiver Institute, Inc., and shall  
23 submit a report to the Governor, the President of the Senate,  
24 and the Speaker of the House of Representatives which  
25 evaluates the effectiveness of the corporation in helping the  
26 state meet its goal of improving the retention of nonlicensed  
27 caregivers in the community or in facilities licensed under  
28 part III or part VII of chapter 400, Florida Statutes, and  
29 whether the corporation has been successful in promoting the  
30 use of best practices by nonlicensed caregivers who care for  
31 Florida's frail and vulnerable adults.



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