

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 caregivers'  
 5           use of best practices; creating the Florida Caregiver  
 6           Institute, Inc., an independent not-for-profit corporation  
 7           housed in the Florida Policy Exchange Center on Aging at  
 8           the University of South Florida; providing purposes,  
 9           duties, and powers of the corporation; providing for a  
 10          board of directors; providing for membership, terms of  
 11          office, meetings, and powers and duties of and  
 12          restrictions on the board; providing for an audit  
 13          committee; requiring reports to the Governor and the  
 14          Legislature; providing duties of the Florida Policy  
 15          Exchange Center on Aging and other public agencies;  
 16          providing for the Office of Program Policy Analysis and  
 17          Government Accountability to conduct a review of the  
 18          corporation by a specified date and to report to the  
 19          Governor and the Legislature; providing an effective date.

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

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

26           (1) It is the intent of the Legislature to foster the  
 27 development of caregiving for frail elders and disabled adults  
 28 as a nonlicensed paraprofessional activity that is critical to

29 the provision of community-based and institutional care for  
 30 frail elders and disabled adults who live in the community or in  
 31 an assisted living facility licensed under part III of chapter  
 32 400, Florida Statutes, or an adult family-care home licensed  
 33 under part VII of chapter 400, Florida Statutes, or who attend  
 34 an adult day care center licensed under part V of chapter 400,  
 35 Florida Statutes. It is the further intent of the Legislature to  
 36 promote the use of nationally recognized best practices  
 37 information by caregivers so as to improve the quality of care  
 38 in the community and in long-term care facilities licensed by  
 39 the state and to ensure some degree of uniformity of techniques,  
 40 practices, and standards used in caring for frail elders and  
 41 disabled adults residing in the state.

42 (2) In order to accomplish the goal of developing best  
 43 practices information and providing that information to  
 44 caregivers of frail elders or disabled adults who live in the  
 45 community, reside in facilities licensed by the state under part  
 46 III or part VII of chapter 400, Florida Statutes, or attend an  
 47 adult day care center licensed under part V of chapter 400,  
 48 Florida Statutes, there is created the Florida Caregiver  
 49 Institute, Inc., a not-for-profit corporation that shall be  
 50 registered, incorporated, organized, and operated in compliance  
 51 with chapter 617, Florida Statutes, and that may not be a unit  
 52 of state government. The Florida Caregiver Institute, Inc.,  
 53 hereinafter referred to as "the corporation," shall be  
 54 administratively housed in the Florida Policy Exchange Center on  
 55 Aging at the University of South Florida.

56 (3) The corporation shall assist the Florida Policy

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

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

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

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, part V, or part VII of chapter 400,  
 72 Florida Statutes.

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

81 (e) Shall make recommendations on proposed legislative  
 82 changes and budget-related items that would affect the quality,  
 83 availability, and retention of nonlicensed caregivers and review  
 84 the need for nonlicensed caregivers to work in the community or

85 in facilities licensed under part III, part V, or part VII of  
 86 chapter 400, Florida Statutes. This information shall be  
 87 provided to the Governor, the President of the Senate, and the  
 88 Speaker of the House of Representatives by January 1 of each  
 89 year.

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

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

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

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

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

126 (k) Shall develop an agreement with the Florida Policy  
127 Exchange Center on Aging for the provision of administrative  
128 support and startup costs, with the expectation that the  
129 corporation will not rely upon the center for staff or financial  
130 assistance after June 1, 2008.

131 (l) May contract with the Florida Policy Exchange Center  
132 on Aging 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 13 members who represent the views, interests, and  
136 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:

144 1. One member appointed by the Florida Association of  
 145 Homes for the Aging.

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. One member appointed by the Florida Adult Day Care  
 151 Association.

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

153 7. One member appointed by the State Long-Term Care  
 154 Ombudsman.

155 8. Two members appointed by the Governor.

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

157 10. Two members appointed by the Speaker of the House of  
 158 Representatives.

159  
 160 The Governor, the President of the Senate, and the Speaker of  
 161 the House of Representatives must make their respective initial  
 162 appointments not later than September 1, 2006.

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

166 (d) The board shall adopt bylaws for the regulation of its  
 167 affairs and the conduct of business and shall follow Robert's  
 168 Rules of Order, newly revised edition, for all procedural

169 matters that arise.

170 (e) A majority of the members of the board constitutes a  
 171 quorum.

172 (f) The corporation shall be accountable to the board. The  
 173 meetings of the board shall be open to any member of the public  
 174 and shall accept input from family members, consumers,  
 175 stakeholders, providers, or other parties affected by the  
 176 activities of the corporation. The board shall post the schedule  
 177 and location of its meetings on a website and in public  
 178 buildings.

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

185 (h) The chair shall call a meeting quarterly and may  
 186 schedule other meetings using electronic means as he or she  
 187 considers appropriate. The chair shall call at least one meeting  
 188 per year to establish goals and evaluate the progress of the  
 189 corporation in the previous year.

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

193 (j) Each member of the board and its advisory committees  
 194 shall serve at his or her own expense, including travel or other  
 195 costs associated with his or her duties as a member of the board  
 196 of directors.

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

199        (l) An appointed member serves at the pleasure of the  
200 entity that made the appointment and may be removed by that  
201 entity without cause.

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

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

214        (c) By January 10 of each year, the corporation shall  
215 issue a report to the Governor, the President of the Senate, and  
216 the Speaker of the House of Representatives that evaluates the  
217 status of the work of the corporation relating to the use of  
218 best practices by caregivers and the development of nonlicensed  
219 caregivers who work in the community or in facilities licensed  
220 under part III, part V, or part VII of chapter 400, Florida  
221 Statutes.

222        (d) Each public sector agency that provides training or  
223 support for nonlicensed caregivers who work in the community or  
224 in facilities licensed under part III, part V, or part VII of



225 chapter 400, Florida Statutes, shall cooperate with the  
226 corporation. The Florida Policy Exchange Center on Aging shall  
227 certify to the Governor, the President of the Senate, and the  
228 Speaker of the House of Representatives, using criteria that  
229 include communication, timeliness of response, and coordination  
230 of efforts, whether the corporation is receiving the necessary  
231 and requested support from public sector organizations that  
232 provide training to nonlicensed caregivers.

233 Section 2. By October 1, 2009, the Office of Program  
234 Policy Analysis and Government Accountability shall conduct a  
235 review of the Florida Caregiver Institute, Inc., and shall issue  
236 a report to the Governor, the President of the Senate, and the  
237 Speaker of the House of Representatives evaluating the  
238 effectiveness of the corporation in helping the state meet its  
239 goals of improving the retention of nonlicensed caregivers in  
240 the community or in facilities licensed under part III, part V,  
241 or part VII of chapter 400, Florida Statutes, and whether it has  
242 been successful in promoting the use of best practices by  
243 caregivers of the state's frail elder and disabled adult  
244 population.

245 Section 3. This act shall take effect July 1, 2006.