

1 (1) It is the intent of the Legislature to foster the
2 development of caregiving for frail elders and disabled adults
3 as a nonlicensed paraprofessional activity that is critical to
4 the provision of community-based and institutional care for
5 frail elders and disabled adults who live in the community or
6 in an assisted living facility licensed under part III of
7 chapter 400, Florida Statutes, or an adult family-care home
8 licensed under part VII of chapter 400, Florida Statutes, or
9 who attend an adult day care center licensed under part V of
10 chapter 400, Florida Statutes. It is the further intent of the
11 Legislature to promote the use of nationally recognized best
12 practices information by caregivers so as to improve the
13 quality of care in the community and in long-term care
14 facilities licensed by the state and to ensure some degree of
15 uniformity of techniques, practices, and standards used in
16 caring for frail elders and disabled adults residing in the
17 state.

18 (2) In order to accomplish the goal of developing best
19 practices information and providing that information to
20 caregivers of frail elders or disabled adults who live in the
21 community, reside in facilities licensed by the state under
22 part III or part VII of chapter 400, Florida Statutes, or
23 attend an adult day care center licensed under part V of
24 chapter 400, Florida Statutes, there is created the Florida
25 Caregiver Institute, Inc., a not-for-profit corporation that
26 shall be registered, incorporated, organized, and operated in
27 compliance with chapter 617, Florida Statutes, and that may
28 not be a unit of state government. The Florida Caregiver
29 Institute, Inc., hereinafter referred to as "the corporation,"
30 shall be administratively housed in the Florida Policy
31 Exchange Center on Aging at the University of South Florida.

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

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

11 (b) Shall work with universities and other related
12 parties to develop training materials and a curriculum and
13 identify best practices.

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

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

26 (e) Shall make recommendations on proposed legislative
27 changes and budget-related items that would affect the
28 quality, availability, and retention of nonlicensed caregivers
29 and review the need for nonlicensed caregivers to work in the
30 community or in facilities licensed under part III, part V, or
31 part VII of chapter 400, Florida Statutes. This information

1 shall be provided to the Governor, the President of the
2 Senate, and the Speaker of the House of Representatives by
3 January 1 of each year.

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

14 (g) May charge a reasonable fee, on a sliding scale,
15 as provided in the bylaws of the corporation for the training
16 of nonlicensed caregivers who work in the community or in
17 facilities licensed under part III, part V, or part VII of
18 chapter 400, Florida Statutes. The corporation shall take all
19 steps possible to offer high-quality training at the most
20 cost-effective rates.

21 (h) May offer training to the personnel of assisted
22 living facilities, adult family-care homes, and adult day care
23 centers. The Department of Elderly Affairs, in consultation
24 with the corporation and the contractor responsible for the
25 development of training materials, shall annually evaluate and
26 make any necessary changes to these materials.

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

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

5 (j) Shall develop a memorandum of understanding with
6 the Florida Policy Exchange Center on Aging that describes how
7 the corporation will interact with the center in carrying out
8 its responsibilities.

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

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

18 (4)(a) The board of directors of the corporation shall
19 consist of 13 members who represent the views, interests, and
20 perspectives of the parties, individuals, and stakeholders
21 affected by the activities of the corporation. Each member of
22 the board shall be appointed to a 2-year term and may not be
23 reappointed to more than three additional terms, except that
24 the initial legislative appointments shall be for a period of
25 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. One member appointed by the Florida Adult Day Care
6 Association.
- 7 6. One member appointed by the Florida Respite
8 Coalition.
- 9 7. One member appointed by the State Long-Term Care
10 Ombudsman.
- 11 8. Two members appointed by the Governor.
- 12 9. Two members appointed by the President of the
13 Senate.
- 14 10. Two members appointed by the Speaker of the House
15 of Representatives.
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- 17 The Governor, the President of the Senate, and the Speaker of
18 the House of Representatives must make their respective
19 initial appointments not later than September 1, 2006.
- 20 (c) The chair shall be elected by the members, may not
21 serve more than two 1-year terms, and may not be a state
22 employee.
- 23 (d) The board shall adopt bylaws for the regulation of
24 its affairs and the conduct of business and shall follow
25 Robert's Rules of Order, newly revised edition, for all
26 procedural matters that arise.
- 27 (e) A majority of the members of the board constitutes
28 a quorum.
- 29 (f) The corporation shall be accountable to the board.
30 The meetings of the board shall be open to any member of the
31 public and shall accept input from family members, consumers,

1 stakeholders, providers, or other parties affected by the
2 activities of the corporation. The board shall post the
3 schedule and location of its meetings on a website and in
4 public buildings.

5 (g) The chair shall ensure that accurate minutes are
6 kept which reflect the attendance, motions, and actions of the
7 board and the discussion of matters brought before the board.
8 These minutes shall be made available to the public for
9 inspection and review and, if possible, posted on a website to
10 provide greater public access.

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

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

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

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

25 (l) An appointed member serves at the pleasure of the
26 entity that made the appointment and may be removed by that
27 entity without cause.

28 (5)(a) The chair shall establish an audit committee
29 consisting of at least three board members to annually review
30 and report on the financial condition of the corporation. A
31 copy of the audit committee's report shall be provided to

1 board members, the Governor, the President of the Senate, and
2 the Speaker of the House of Representatives by January 10 of
3 each year. The audit committee's report must include a
4 complete accounting of all revenues received and expenses
5 incurred by the corporation during that year.

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

10 (c) By January 10 of each year, the corporation shall
11 issue a report to the Governor, the President of the Senate,
12 and the Speaker of the House of Representatives which
13 evaluates the status of the work of the corporation relating
14 to the use of best practices by caregivers and the development
15 of nonlicensed caregivers who work in the community or in
16 facilities licensed under part III, part V, or part VII of
17 chapter 400, Florida Statutes.

18 (d) Each public sector agency that provides training
19 or support for nonlicensed caregivers who work in the
20 community or in facilities licensed under part III, part V, or
21 part VII of chapter 400, Florida Statutes, shall cooperate
22 with the corporation. The Florida Policy Exchange Center on
23 Ageing shall certify to the Governor, the President of the
24 Senate, and the Speaker of the House of Representatives, using
25 criteria that include communication, timeliness of response,
26 and coordination of efforts, whether the corporation is
27 receiving the necessary and requested support from public
28 sector organizations that provide training to nonlicensed
29 caregivers.

30 Section 2. By October 1, 2009, the Office of Program
31 Policy Analysis and Government Accountability shall conduct a

1 review of the Florida Caregiver Institute, Inc., and shall
2 issue a report to the Governor, the President of the Senate,
3 and the Speaker of the House of Representatives evaluating the
4 effectiveness of the corporation in helping the state meet its
5 goals of improving the retention of nonlicensed caregivers in
6 the community or in facilities licensed under part III, part
7 V, or part VII of chapter 400, Florida Statutes, and whether
8 it has been successful in promoting the use of best practices
9 by caregivers of the state's frail elder and disabled adult
10 population.

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