

By Senator Baxley

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20181362__

1 A bill to be entitled
2 An act relating to registration of home caregivers;
3 creating s. 430.075, F.S.; providing definitions;
4 authorizing local governmental authorities to
5 establish a registration program for home caregivers
6 under certain conditions; establishing minimum
7 requirements for registration; providing exclusions
8 from registration requirements; providing
9 applicability of existing ordinances; providing an
10 effective date.

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

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14 Section 1. Section 430.075, Florida Statutes, is created to
15 read:

16 430.075 Home caregivers for vulnerable adults; registration
17 requirements.-

18 (1) DEFINITIONS.-As used in this section, the term:

19 (a) "Activities of daily living" has the same meaning as in
20 s. 415.102.

21 (b) "Home caregiver" means a person who receives any form
22 of compensation in exchange for assisting a vulnerable adult
23 with one or more activities of daily living.

24 (c) "Vulnerable adult" has the same meaning as in s.
25 415.102.

26 (2) COMPLIANCE.-A county, municipality, special district as
27 defined in s. 189.012, or other political subdivision of the
28 state seeking to regulate home caregiver services must comply
29 with the requirements of this section. A local authority may not

12-01085-18

20181362__

30 enact or enforce any ordinance relating to registration of home
31 caregivers except as expressly authorized in this section.

32 (3) HOME CAREGIVER REGISTRATION PROGRAM.—A county,
33 municipality, special district as defined in chapter 189, or
34 other political subdivision of the state may establish a home
35 caregiver registration program to register individuals who
36 provide in-home care for vulnerable adults. A local ordinance
37 establishing a home caregiver registration program must, at a
38 minimum, specify the following:

39 (a) An applicant must be at least 18 years of age and
40 provide home caregiver services to a vulnerable adult for more
41 than 3 calendar days in a month or more than 24 days in a year,
42 for a total of more than 10 hours of service per month as a home
43 caregiver to an unrelated adult.

44 (b) An applicant may not be registered as a home caregiver,
45 and a registered home caregiver may have his or her registration
46 revoked, if such person has been convicted of, regardless of
47 adjudication, or entered a plea of nolo contendere or guilty to,
48 any offense prohibited under the following provisions of state
49 law, or similar law of another jurisdiction, within the past 15
50 years:

51 1. Section 415.111, relating to reporting adult abuse,
52 neglect, or exploitation of vulnerable adults.

53 2. Chapter 782, relating to homicide.

54 3. Chapter 784, relating to assault, battery, and culpable
55 negligence.

56 4. Chapter 787, relating to kidnapping, false imprisonment,
57 luring or enticing a child, custody offenses, or human
58 trafficking.

12-01085-18

20181362__

- 59 5. Chapter 794, relating to sexual battery.
- 60 6. Chapter 800, relating to lewdness and indecent exposure.
- 61 7. Chapter 806, relating to arson and criminal mischief.
- 62 8. Chapter 810, relating to burglary and trespass, if the
63 offense is a felony.
- 64 9. Chapter 812, relating to theft, robbery, and related
65 crimes, if the offense is a felony.
- 66 10. Chapter 817, relating to fraudulent practices.
- 67 11. Chapter 825, relating to abuse, neglect, and
68 exploitation of elderly persons and disabled adults.
- 69 12. Chapter 827, relating to abuse of children.
- 70 13. Chapter 831, relating to forgery and counterfeiting.
- 71 14. Chapter 847, relating to obscenity, if the offense is a
72 felony.
- 73 15. Chapter 859, relating to poisons and adulterated drugs,
74 if the offense is a felony.
- 75 16. Chapter 893, relating to drug abuse prevention and
76 control.
- 77 17. Chapter 896, relating to offenses related to financial
78 transactions.
- 79 (c) Payment of an application fee not to exceed the cost
80 incurred to process an application and issue a registration,
81 excluding the cost of the background screening.
- 82 (d) A process by which a person may appeal the denial or
83 revocation of the registration.
- 84 (e) A term of renewal for the registration, not to exceed 5
85 years.
- 86 (f) The issuance of a badge or other form of identification
87 that includes the applicant's name, an accurate and current

12-01085-18

20181362__

88 full-face photograph of the applicant, and an expiration date.

89 (g) The imposition of penalties for an unregistered person
90 who provides home caregiver services in violation of the
91 ordinance.

92 (h) A process by which the public may verify the
93 registration status of a caregiver.

94 (i) A process by which a caregiver who is not in compliance
95 with the ordinance may be reported by the public or by a
96 governmental entity.

97 (j) The implementation of an awareness or educational
98 campaign at least 6 months before the effective date of the
99 ordinance to educate the public about the registration process.

100 (4) EXEMPTIONS; EXCEPTIONS.—This section may not be
101 construed as prohibiting or restricting the practice, services,
102 or activities of:

103 (a) A person licensed in this state under chapter 457,
104 chapter 458, chapter 459, chapter 460, chapter 461, chapter 462,
105 chapter 463, chapter 464, chapter 465, chapter 466, part III of
106 chapter 468, chapter 480, chapter 486, chapter 490, or chapter
107 491, when engaging in the profession or occupation for which he
108 or she is licensed, or of any person employed by and under the
109 supervision of the licensee when rendering services within the
110 scope of the profession or occupation of the licensee.

111 (b) A relative of a vulnerable adult who provides home
112 care. For purposes of this section, the term "relative" means a
113 spouse, domestic partner, parent, sibling, grandparent, child,
114 or grandchild, whether related by whole or half blood, by
115 marriage, or by adoption.

116 (c) A charitable or faith-based organization that is exempt

12-01085-18

20181362__

117 from federal income tax under s. 501(c)(3) of the Internal
118 Revenue Code and that serves vulnerable adults by referring
119 volunteers to provide assistance with activities of daily
120 living.

121 (d) A person who receives compensation directly or
122 indirectly from a vulnerable adult in exchange for assistance
123 with activities of daily living on a nonrecurring basis, not to
124 exceed 3 days in any calendar month or 24 days in any calendar
125 year.

126 (5) APPLICABILITY.—This section does not apply to any local
127 law, ordinance, or regulation adopted on or before June 30,
128 2018, including any amendment to such law, ordinance, or
129 regulation that is more restrictive than the regulations
130 provided in this section.

131 Section 2. This act shall take effect July 1, 2018.