



194392

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2023	.	
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The Appropriations Committee on Health and Human Services  
(Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 77 - 494

and insert:

provider, a health care services pool, an assisted living  
facility, an adult family-care home, or an adult day care center  
licensed or registered under chapter 400 or chapter 429.

(b) "Department" means the Department of Elderly Affairs.

(c) "Employee" means a person, contracted staff, or an  
independent contractor employed or referred by a covered



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11 provider who is required to undergo a level 2 background  
12 screening under s. 408.809 and chapter 435.

13 (d) "Personal care" means providing, through in-person  
14 contact, assistance with activities of daily living, assistance  
15 with self-administration of medication, homemaker or companion  
16 services, nursing services, or other services that promote the  
17 physical, mental, and psychosocial well-being of participants,  
18 patients, and residents of covered providers. The term does not  
19 include duties involving administrative functions or maintaining  
20 the physical environment of a licensed facility, including  
21 grounds maintenance, building maintenance, housekeeping,  
22 laundry, or food preparation.

23 (e) "Regular contact" means the performance of duties other  
24 than personal care which may require employees to interact in  
25 person on a daily basis with participants, patients, or  
26 residents.

27 (3) The department shall offer to the general public  
28 education about Alzheimer's disease and related forms of  
29 dementia. Such education must provide basic information about  
30 the most common forms of dementia, how to identify the signs and  
31 symptoms of dementia, coping skills, how to respond to changes,  
32 planning for the future, and how to access additional resources  
33 about dementia.

34 (4) Employees of covered providers must complete the  
35 following training for Alzheimer's disease and related forms of  
36 dementia:

37 (a) Upon beginning employment, each employee must receive  
38 basic written information about interacting with persons who  
39 have Alzheimer's disease or related forms of dementia.



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40 (b) Within 30 days after beginning employment, each  
41 employee who provides personal care to or has regular contact  
42 with participants, patients, or residents must complete a 1-hour  
43 training program provided by the department.

44 1. The department shall provide the training in an online  
45 format at no cost. The 1-hour training program must contain  
46 information on understanding the basics about the most common  
47 forms of dementia, how to identify the signs and symptoms of  
48 dementia, and skills for communicating and interacting with  
49 persons with Alzheimer's disease or related forms of dementia. A  
50 record of the completion of the training program must be made  
51 available to the covered provider which identifies the training  
52 course, the name of the employee, and the date of completion.

53 2. A covered provider must maintain a record of the  
54 employee's completion of the training and, upon written request  
55 of the employee, must provide the employee with a copy of the  
56 record of completion consistent with the employer's written  
57 policies.

58 3. An employee who has completed the training required in  
59 this subsection is not required to repeat the program upon  
60 changing employment to a different covered provider.

61 (c) Within 7 months after beginning employment for a home  
62 health agency, nurse registry, or companion or homemaker service  
63 provider, each employee who provides personal care must complete  
64 2 hours of training in addition to the training required in  
65 paragraphs (a) and (b). The additional training must include,  
66 but is not limited to, behavior management, promoting the  
67 person's independence in activities of daily living, and skills  
68 in working with families and caregivers.



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69       (d) Within 7 months after beginning employment for a  
70 nursing home, an assisted living facility, an adult family-care  
71 home, or an adult day care center, each employee who provides  
72 personal care must complete 3 hours of training in addition to  
73 the training required in paragraphs (a) and (b). The additional  
74 training must include, but is not limited to, behavior  
75 management, promoting the person's independence in activities of  
76 daily living, skills in working with families and caregivers,  
77 group and individual activities, maintaining an appropriate  
78 environment, and ethical issues.

79       (e) For an assisted living facility, adult family-care  
80 home, or adult day care center that advertises and provides, or  
81 is designated to provide, specialized care for persons with  
82 Alzheimer's disease or related forms of dementia, in addition to  
83 the training specified in paragraphs (a) and (b), employees must  
84 receive the following training:

85       1. Within 3 months after beginning employment, each  
86 employee who provides personal care to or has regular contact  
87 with the residents or participants must complete the additional  
88 3 hours of training as provided in paragraph (d).

89       2. Within 6 months after beginning employment, each  
90 employee who provides personal care must complete an additional  
91 4 hours of dementia-specific training. Such training must  
92 include, but is not limited to, understanding Alzheimer's  
93 disease and related forms of dementia, the stages of Alzheimer's  
94 disease, communication strategies, medical information, and  
95 stress management.

96       3. Thereafter, each employee who provides personal care  
97 must participate in at least 4 hours of continuing education



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98 each calendar year through contact hours, on-the-job training,  
99 or electronic learning technology. For this subparagraph, the  
100 term "on-the-job training" means a form of direct coaching in  
101 which a facility administrator or his or her designee instructs  
102 an employee who provides personal care with guidance, support,  
103 or hands-on experience to help develop and refine the employee's  
104 skills for caring for a person with Alzheimer's disease or a  
105 related form of dementia. The continuing education must cover at  
106 least one of the topics included in the dementia-specific  
107 training in which the employee has not received previous  
108 training in the previous calendar year. The continuing education  
109 may be fulfilled and documented in a minimum of one quarter-hour  
110 increments through on-the-job training of the employee by a  
111 facility administrator or his or her designee or by an  
112 electronic learning technology chosen by the facility  
113 administrator. On-the-job training may not account for more than  
114 2 hours of continuing education each calendar year.

115 (f)1. An employee provided, assigned, or referred by a  
116 health care services pool must complete the training required in  
117 paragraph (c), paragraph (d), or paragraph (e) as applicable to  
118 the covered provider and the position in which the employee will  
119 be working. The documentation verifying the completed training  
120 and continuing education of the employee must, if applicable, be  
121 provided to the covered provider upon request.

122 2. A health care services pool must verify and maintain  
123 documentation as required under s. 400.980(5) before providing,  
124 assigning, or referring an employee to a covered provider.

125 (5) The department may establish training curricula  
126 guidelines for the training required in paragraphs (4)(c), (d),



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127 and (e). The department may approve training providers and  
128 training curricula and maintain a list of approved providers.  
129 Approved training may be offered in a variety of formats,  
130 including, but not limited to, in person, electronically, or on-  
131 the-job by a facility administrator or his or her designee.  
132 Continuing education under this section does not require the  
133 adoption of training curricula guidelines by the department or  
134 approval of the training provider and curricula by the  
135 department. The department may develop or provide continuing  
136 education training or curricula as an option for covered  
137 providers and employees.

138 (a) A training provider meeting one of the following  
139 qualifications may offer training in compliance with the  
140 training curricula guidelines without prior approval of the  
141 department:

142 1. A person approved by an applicable board or the  
143 Department of Health to provide training who is registered with  
144 the electronic continuing education tracking system under s.  
145 456.025; or

146 2. A training provider approved by the department or its  
147 designee before July 1, 2023.

148 (b) Training providers qualified under subparagraph (a)1.  
149 must also have:

150 1. At least 1 year of teaching experience as an educator  
151 for caregivers of persons with Alzheimer's disease or related  
152 forms of dementia;

153 2. At least 1 year of practical experience in a program  
154 providing care to persons with Alzheimer's disease or related  
155 forms of dementia; or



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156       3. Completed a specialized training program in the subject  
157 matter of Alzheimer's disease and related forms of dementia from  
158 an accredited health care, human services, or gerontology  
159 education provider.

160       (c) Upon an employee's completion of the training specified  
161 in paragraphs (4) (c), (d), and (e), the training provider must  
162 provide a record of the completion of the training which  
163 includes the name of the employee, the name of the training  
164 provider, the topics covered, and the date of completion. The  
165 training record is evidence of completion of training in the  
166 identified topic and the employee is not required to repeat  
167 training in that topic if the employee changes employment to a  
168 different covered provider.

169       (d) Any Alzheimer's disease and related forms of dementia  
170 training curriculum approved by the department or its designee  
171 before July 1, 2023, remains in effect until the curriculum's  
172 expiration date.

173       (6) The department may adopt rules to establish training  
174 curriculum guidelines, requirements for the approval of other  
175 qualified training providers, and a process for conducting a  
176 sampling of training or training curricula as necessary to  
177 monitor for compliance with curricula guidelines.

178       (7) For a certified nursing assistant as defined in s.  
179 464.201, training hours completed as required under this section  
180 may count toward the total hours of training required to  
181 maintain certification as a nursing assistant.

182       (8) For a health care practitioner as defined in s.  
183 456.001, training hours completed as required under this section  
184 may count toward the total hours of continuing education



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185 required by that practitioner's licensing board.

186 (9) Each person employed, contracted, or referred to  
187 provide services before July 1, 2023, must complete the training  
188 required in this section before July 1, 2026. Proof of  
189 completion of equivalent training completed before July 1, 2023,  
190 shall substitute for the training required in subsection (4).  
191 Each person employed, contracted, or referred to provide  
192 services on or after July 1, 2023, may satisfy the training  
193 requirements by completing training using approved curricula as  
194 specified in paragraph (5)(d) until the effective date of the  
195 rules adopted by the department under subsection (6).

196 Section 2. Paragraph (b) of subsection (2) of section  
197 400.0239, Florida Statutes, is amended to read:

198 400.0239 Quality of Long-Term Care Facility Improvement  
199 Trust Fund.—

200 (2) Expenditures from the trust fund shall be allowable for  
201 direct support of the following:

202 (b) Development and implementation of specialized training  
203 programs for long-term care facility personnel who provide  
204 direct care for residents with Alzheimer's disease and other  
205 dementias, including training provided under s. 430.5025,  
206 residents at risk of developing pressure sores, and residents  
207 with special nutrition and hydration needs.

208 Section 3. Section 400.1755, Florida Statutes, is amended  
209 to read:

210 400.1755 Care for persons with Alzheimer's disease or  
211 related disorders; staff training requirements.—

212 ~~(1)~~ As a condition of licensure, the employees of  
213 facilities licensed under this part must complete the training





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214 ~~required under s. 430.5025 provide to each of their employees,~~  
215 ~~upon beginning employment, basic written information about~~  
216 ~~interacting with persons with Alzheimer's disease or a related~~  
217 ~~disorder.~~

218 ~~(2) All employees who are expected to, or whose~~  
219 ~~responsibilities require them to, have direct contact with~~  
220 ~~residents with Alzheimer's disease or a related disorder must,~~  
221 ~~in addition to being provided the information required in~~  
222 ~~subsection (1), also have an initial training of at least 1 hour~~  
223 ~~completed in the first 3 months after beginning employment. This~~  
224 ~~training must include, but is not limited to, an overview of~~  
225 ~~dementias and must provide basic skills in communicating with~~  
226 ~~persons with dementia.~~

227 ~~(3) An individual who provides direct care shall be~~  
228 ~~considered a direct caregiver and must complete the required~~  
229 ~~initial training and an additional 3 hours of training within 9~~  
230 ~~months after beginning employment. This training shall include,~~  
231 ~~but is not limited to, managing problem behaviors, promoting the~~  
232 ~~resident's independence in activities of daily living, and~~  
233 ~~skills in working with families and caregivers.~~

234 ~~(a) The required 4 hours of training for certified nursing~~  
235 ~~assistants are part of the total hours of training required~~  
236 ~~annually.~~

237 ~~(b) For a health care practitioner as defined in s.~~  
238 ~~456.001, continuing education hours taken as required by that~~  
239 ~~practitioner's licensing board shall be counted toward this~~  
240 ~~total of 4 hours.~~

241 ~~(4) For an employee who is a licensed health care~~  
242 ~~practitioner as defined in s. 456.001, training that is~~



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243 ~~sanctioned by that practitioner's licensing board shall be~~  
244 ~~considered to be approved by the Department of Elderly Affairs.~~

245 ~~(5) The Department of Elderly Affairs or its designee must~~  
246 ~~approve the initial and continuing training provided in the~~  
247 ~~facilities. The department must approve training offered in a~~  
248 ~~variety of formats, including, but not limited to, Internet-~~  
249 ~~based training, videos, teleconferencing, and classroom~~  
250 ~~instruction. The department shall keep a list of current~~  
251 ~~providers who are approved to provide initial and continuing~~  
252 ~~training. The department shall adopt rules to establish~~  
253 ~~standards for the trainers and the training required in this~~  
254 ~~section.~~

255 ~~(6) Upon completing any training listed in this section,~~  
256 ~~the employee or direct caregiver shall be issued a certificate~~  
257 ~~that includes the name of the training provider, the topic~~  
258 ~~covered, and the date and signature of the training provider.~~  
259 ~~The certificate is evidence of completion of training in the~~  
260 ~~identified topic, and the employee or direct caregiver is not~~  
261 ~~required to repeat training in that topic if the employee or~~  
262 ~~direct caregiver changes employment to a different facility or~~  
263 ~~to an assisted living facility, home health agency, adult day~~  
264 ~~care center, or adult family care home. The direct caregiver~~  
265 ~~must comply with other applicable continuing education~~  
266 ~~requirements.~~

267 Section 4. Section 400.4785, Florida Statutes, is amended  
268 to read:

269 400.4785 Patients with Alzheimer's disease or other related  
270 disorders; staff training requirements; certain disclosures.—

271 (1) The employees of a home health agency must complete the



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272 ~~training required under s. 430.5025 A home health agency must~~  
273 ~~provide the following staff training:~~

274 ~~(a) Upon beginning employment with the agency, each~~  
275 ~~employee must receive basic written information about~~  
276 ~~interacting with participants who have Alzheimer's disease or~~  
277 ~~dementia-related disorders.~~

278 ~~(b) In addition to the information provided under paragraph~~  
279 ~~(a), newly hired home health agency personnel who will be~~  
280 ~~providing direct care to patients must complete 2 hours of~~  
281 ~~training in Alzheimer's disease and dementia-related disorders~~  
282 ~~within 9 months after beginning employment with the agency. This~~  
283 ~~training must include, but is not limited to, an overview of~~  
284 ~~dementia, a demonstration of basic skills in communicating with~~  
285 ~~persons who have dementia, the management of problem behaviors,~~  
286 ~~information about promoting the client's independence in~~  
287 ~~activities of daily living, and instruction in skills for~~  
288 ~~working with families and caregivers.~~

289 ~~(c) For certified nursing assistants, the required 2 hours~~  
290 ~~of training shall be part of the total hours of training~~  
291 ~~required annually.~~

292 ~~(d) For a health care practitioner as defined in s.~~  
293 ~~456.001, continuing education hours taken as required by that~~  
294 ~~practitioner's licensing board shall be counted toward the total~~  
295 ~~of 2 hours.~~

296 ~~(e) For an employee who is a licensed health care~~  
297 ~~practitioner as defined in s. 456.001, training that is~~  
298 ~~sanctioned by that practitioner's licensing board shall be~~  
299 ~~considered to be approved by the Department of Elderly Affairs.~~

300 ~~(f) The Department of Elderly Affairs, or its designee,~~



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301 ~~must approve the required training. The department must consider~~  
302 ~~for approval training offered in a variety of formats. The~~  
303 ~~department shall keep a list of current providers who are~~  
304 ~~approved to provide the 2-hour training. The department shall~~  
305 ~~adopt rules to establish standards for the employees who are~~  
306 ~~subject to this training, for the trainers, and for the training~~  
307 ~~required in this section.~~

308 ~~(g) Upon completing the training listed in this section,~~  
309 ~~the employee shall be issued a certificate that states that the~~  
310 ~~training mandated under this section has been received. The~~  
311 ~~certificate shall be dated and signed by the training provider.~~  
312 ~~The certificate is evidence of completion of this training, and~~  
313 ~~the employee is not required to repeat this training if the~~  
314 ~~employee changes employment to a different home health agency.~~

315 ~~(2)(h)~~ A licensed home health agency whose unduplicated  
316 census during the most recent calendar year was composed  
317 ~~comprised~~ of at least 90 percent of individuals aged 21 years or  
318 younger at the date of admission is exempt from the training  
319 requirements in this section.

320 ~~(3)(2)~~ An agency licensed under this part which claims that  
321 it provides special care for persons who have Alzheimer's  
322 disease or other related disorders must disclose in its  
323 advertisements or in a separate document those services that  
324 distinguish the care as being especially applicable to, or  
325 suitable for, such persons. The agency must give a copy of all  
326 such advertisements or a copy of the document to each person who  
327 requests information about the agency and must maintain a copy  
328 of all such advertisements and documents in its records. The  
329 Agency for Health Care Administration shall examine all such



330 advertisements and documents in the agency's records as part of  
331 the license renewal procedure.

332 Section 5. Section 400.51, Florida Statutes, is created to  
333 read:

334 400.51 Patients with Alzheimer's disease or other related  
335 disorders; staff training requirements.—A person employed,  
336 contracted, or referred by a nurse registry or a person  
337 registered with the agency to provide companion or homemaker  
338 services must complete the training required under s. 430.5025.

339 Section 6. Subsection (5) of section 400.980, Florida  
340 Statutes, is amended to read:

341 400.980 Health care services pools.—

342 (5) A health care services pool shall verify and maintain  
343 documentation ~~document~~ that each temporary employee or  
344 independent contractor provided, assigned, or referred to a  
345 health care facility has met the licensing, certification,  
346 training, or continuing education requirements, as established  
347 by the appropriate regulatory agency, for the position in which  
348 he or she will be working. The requirements of this subsection  
349 may not be delegated to another provider as defined in s.  
350 408.803.

351 Section 7. Section 429.178, Florida Statutes, is amended to  
352 read:

353 429.178 Special care for persons with Alzheimer's disease  
354 or other related disorders.—

355 ~~(1)~~ A facility that ~~which~~ advertises that it provides  
356 special care for persons with Alzheimer's disease or other  
357 related disorders must meet the following standards of  
358 operation:



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359            (1) ~~(a)1-~~ If the facility has 17 or more residents, have an  
360 awake staff member on duty at all hours of the day and night; or

361            (b) ~~2-~~ If the facility has fewer than 17 residents, have an  
362 awake staff member on duty at all hours of the day and night or  
363 have mechanisms in place to monitor and ensure the safety of the  
364 facility's residents.

365            (2) ~~(b)~~ Offer activities specifically designed for persons  
366 who are cognitively impaired.

367            (3) ~~(c)~~ Have a physical environment that provides for the  
368 safety and welfare of the facility's residents.

369            (4) ~~(d)~~ Require employed ~~Employ~~ staff to complete ~~who have~~  
370 ~~completed~~ the training and continuing education required under  
371 s. 430.5025 ~~in subsection (2)~~.

372            ~~(2) (a) An individual who is employed by a facility that~~  
373 ~~provides special care for residents who have Alzheimer's disease~~  
374 ~~or other related disorders, and who has regular contact with~~  
375 ~~such residents, must complete up to 4 hours of initial dementia-~~  
376 ~~specific training developed or approved by the department. The~~  
377 ~~training must be completed within 3 months after beginning~~  
378 ~~employment and satisfy the core training requirements of s.~~  
379 ~~429.52(3)(g).~~

380            ~~(b) A direct caregiver who is employed by a facility that~~  
381 ~~provides special care for residents who have Alzheimer's disease~~  
382 ~~or other related disorders and provides direct care to such~~  
383 ~~residents must complete the required initial training and 4~~  
384 ~~additional hours of training developed or approved by the~~  
385 ~~department. The training must be completed within 9 months after~~  
386 ~~beginning employment and satisfy the core training requirements~~  
387 ~~of s. 429.52(3)(g).~~



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388 ~~(c) An individual who is employed by a facility that~~  
389 ~~provides special care for residents with Alzheimer's disease or~~  
390 ~~other related disorders, but who only has incidental contact~~  
391 ~~with such residents, must be given, at a minimum, general~~  
392 ~~information on interacting with individuals with Alzheimer's~~  
393 ~~disease or other related disorders, within 3 months after~~  
394 ~~beginning employment.~~

395 ~~(3) In addition to the training required under subsection~~  
396 ~~(2), a direct caregiver must participate in a minimum of 4~~  
397 ~~contact hours of continuing education each calendar year. The~~  
398 ~~continuing education must include one or more topics included in~~  
399 ~~the dementia-specific training developed or approved by the~~  
400 ~~department, in which the caregiver has not received previous~~  
401 ~~training.~~

402 ~~(4) Upon completing any training listed in subsection (2),~~  
403 ~~the employee or direct caregiver shall be issued a certificate~~  
404 ~~that includes the name of the training provider, the topic~~  
405 ~~covered, and the date and signature of the training provider.~~  
406 ~~The certificate is evidence of completion of training in the~~  
407 ~~identified topic, and the employee or direct caregiver is not~~  
408 ~~required to repeat training in that topic if the employee or~~  
409 ~~direct caregiver changes employment to a different facility. The~~  
410 ~~employee or direct caregiver must comply with other applicable~~  
411 ~~continuing education requirements.~~

412 ~~(5) The department, or its designee, shall approve the~~  
413 ~~initial and continuing education courses and providers.~~

414 ~~(6) The department shall keep a current list of providers~~  
415 ~~who are approved to provide initial and continuing education for~~  
416 ~~staff of facilities that provide special care for persons with~~



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417 ~~Alzheimer's disease or other related disorders.~~

418 ~~(7) Any facility more than 90 percent of whose residents~~  
419 ~~receive monthly optional supplementation payments is not~~  
420 ~~required to pay for the training and education programs required~~  
421 ~~under this section. A facility that has one or more such~~  
422 ~~residents shall pay a reduced fee that is proportional to the~~  
423 ~~percentage of such residents in the facility. A facility that~~  
424 ~~does not have any residents who receive monthly optional~~  
425 ~~supplementation payments must pay a reasonable fee, as~~  
426 ~~established by the department, for such training and education~~  
427 ~~programs.~~

428 ~~(8) The department shall adopt rules to establish standards~~  
429 ~~for trainers and training and to implement this section.~~

430 Section 8. Subsection (1) of section 429.52, Florida  
431 Statutes, is amended to read:

432 429.52 Staff training and educational requirements.—

433 (1) (a) Each new assisted living facility employee who has  
434 not previously completed core training must attend a preservice  
435 orientation provided by the facility before interacting with  
436 residents. The preservice orientation must be at least 2 hours  
437 in duration and cover topics that help the employee provide  
438 responsible care and respond to the needs of facility residents.  
439 Upon completion, the employee and the administrator of the  
440 facility must sign a statement that the employee completed the  
441 required preservice orientation. The facility must keep the  
442 signed statement in the employee's personnel record.

443 (b) Each assisted living facility employee must complete  
444 the training required under s. 430.5025. However, an employee of  
445 an assisted living facility licensed as a limited mental health





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446 facility under s. 429.075 is exempt from the training  
447 requirements under s. 430.5025(4) (d).

448

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

450 And the title is amended as follows:

451 Delete lines 57 - 62

452 and insert:

453 made by the act; creating s. 400.51, F.S.; requiring a  
454 person employed, contracted, or referred by a nurse  
455 registry or a person registered with the Agency for  
456 Health Care Administration to provide companion or  
457 homemaker services to complete specified training;  
458 amending s. 400.980, F.S.; requiring health care  
459 services pools to verify and maintain documentation  
460 that certain employees or independent contractors have  
461 met specified licensing, certification, training, and  
462 continuing education requirements; prohibiting  
463 delegation of specified responsibilities; amending s.  
464 429.178, F.S.; conforming provisions to changes made  
465 by the act; amending s. 429.52, F.S.; conforming  
466 provisions to changes made by the act; exempting  
467 certain employees of assisted living facilities from  
468 specified training requirements; amending ss. 429.83,  
469 429.917, and