

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 entities to establish a
 5 registration program for home caregivers under certain
 6 conditions; establishing minimum requirements for
 7 registration; providing exclusions from registration
 8 requirements; providing applicability of existing
 9 ordinances; providing an effective date.

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

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

15 430.075 Home caregivers for vulnerable adults;
 16 registration requirements.-

17 (1) DEFINITIONS.-As used in this part, the term:

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

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

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

25 (2) COMPLIANCE.-A county, municipality, special district

26 as defined in chapter 189, or other political subdivision of the
27 state seeking to regulate home caregiver services must comply
28 with the requirements of this section. A local authority may not
29 enact or enforce any ordinance relating to registration of home
30 caregivers except as expressly authorized pursuant to this
31 section.

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

39 (a) An applicant to 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
45 caregiver, and a registered home caregiver may have his or her
46 registration revoked, if such person has been convicted of,
47 regardless of adjudication, or entered a plea of nolo contendere
48 or guilty to, any offense prohibited under any of the following
49 provisions of state law or similar law of another jurisdiction
50 within the past 15 years:

- 51 1. Section 415.111, relating to reporting adult abuse,
52 neglect, or exploitation of aged persons or disabled 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
57 imprisonment, luring or enticing a child, custody offenses, or
58 human trafficking.
- 59 5. Chapter 794, relating to sexual battery.
- 60 6. Chapter 800, relating to lewdness and indecent
61 exposure.
- 62 7. Chapter 806, relating to arson.
- 63 8. Chapter 810, relating to burglary and trespass, if the
64 offense is a felony.
- 65 9. Chapter 812, relating to theft, robbery, and related
66 crimes, if the offense is a felony.
- 67 10. Chapter 817, relating to fraudulent practices.
- 68 11. Chapter 825, relating to abuse, neglect, or
69 exploitation of an elderly person or disabled adult.
- 70 12. Chapter 827, relating to abuse of children.
- 71 13. Chapter 831, relating to forgery and counterfeiting.
- 72 14. Chapter 847, relating to obscenity, if the offense was
73 a felony.
- 74 15. Chapter 859, relating to poisons and adulterated
75 drugs, if the offense is a felony.

76 16. Chapter 893, relating to drug abuse prevention and
77 control.

78 17. Chapter 896, relating to offenses related to financial
79 transactions.

80 (c) Payment of an application fee not to exceed the cost
81 incurred to process an application and issue a registration,
82 excluding the cost of the background screening.

83 (d) A process by which a person may appeal the denial or
84 revocation of the registration.

85 (e) A term of renewal for the registration, not to exceed
86 5 years.

87 (f) The issuance of a badge or other form of
88 identification that includes the applicant's name, an accurate
89 and current full-face photograph of the applicant, and an
90 expiration date.

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

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

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

99 (j) The implementation of an awareness or educational
100 campaign at least 6 months before the effective date of the

101 ordinance to educate the public about the registration process.

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

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

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

118 (c) A charitable or faith-based organization that is
 119 exempt from federal income tax under 501(c)(3) of the Internal
 120 Revenue Code, and which serves vulnerable adults by referring
 121 volunteers to provide assistance with activities of daily
 122 living.

123 (d) A person who receives compensation directly or
 124 indirectly from a vulnerable adult in exchange for assistance
 125 with activities of daily living on a nonrecurring basis, not to

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126 | exceed 3 days in any calendar month or 24 days in any calendar
127 | year.

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

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