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ORGANIZATIONAL STRUCTURE GUIDE
AGENCY FOR HEALTH CARE ADMINISTRATION
ASSISTED LIVING WORKGROUP

NAME

1.1 This body shall be known as the Agency for Health Care Administration (AHCA or the Agency) Assisted Living Workgroup and is established by the Secretary as directed by the Governor.

1.2 PURPOSE/SCOPE

2.1. The objectives of this Assisted Living Workgroup shall be to:

- Examine the regulation and oversight of assisted living facilities in Florida
- Develop recommendations for improvement in the State's ability to monitor quality and safety in assisted living facilities.

Discussions not applicable to the items above are outside the scope of the workgroup and will not be included as topics of discussion.

MEMBERSHIP

3.1. This Workgroup will include, but will not be limited to, representatives of providers and advocates who could potentially participate in assisted living facility regulation.

3.2. State agencies' staff will be resources, but not voting members of the workgroup.

3.3. Members of the Workgroup shall be appointed by the Secretary to serve a term of one year, or until dissolved by the Secretary.

3.4. Resignation/Vacancies: A member wishing to resign prior to the end of his/her term shall submit a letter of resignation to the Deputy Secretary of Health Quality Assurance. The Deputy Secretary of Health Quality Assurance shall fill each vacancy on the Workgroup for the balance of the unexpired term, if appropriate. Priority consideration must be given to the appointment of an individual whose primary interest, experience, or expertise lies with those whom are potentially directly affected by regulation and oversight of assisted living facilities.

3.5. Nominations for member vacancies will be submitted to the Deputy Secretary of Health Quality Assurance. If an appointment is not made within 120 days after a vacancy occurs on the Workgroup, the vacancy may be eliminated at the will of the Agency.

3.7. Chair: The Agency shall appoint a Chair for this Workgroup. The term of the Chair shall be for one year, or until the Workgroup is disbanded. The Chair will be selected at the discretion of

the Secretary. The Chair will be responsible for the general order of the Workgroup meetings, as well as ensuring the Workgroup stays within scope.

3.8. Quorum: Eight members present shall constitute a quorum.

3.9. Presence: Proxies will not be allowed as substitutes for members. To constitute “presence,” a member must be physically present, or audibly present via teleconferencing as offered by the Agency.

DUTIES OF THE WORKGROUP

Based on the Workgroup’s discussion and evaluations, recommendations will be made for improving the State’s ability to monitor quality and safety in assisted living facilities.

4.1. Duties: The duties of the Workgroup members shall include the following:

- A. Meeting attendance
- B. Substantive input in the discussions
- C. Research and/or Evaluation
- D. Make recommendations based on the outcome of Workgroup findings.

MEETINGS

5.1. The Workgroup shall meet at least three times or upon request of the Chair. The length of each meeting will be at least three hours, or as agreed upon by the Chair and the members of the Workgroup.

5.2. Public notice shall be published at least one week in advance of meetings, according to the Sunshine Laws. See Appendix A for a more detailed explanation of the Sunshine Laws.

5.3. Meeting materials shall be coordinated through the Chair. As per Sunshine Laws, members will not be allowed to share documentation at any other time than during the Workgroup meeting, advertised in accordance with the Sunshine Laws. The Chair will work with the individual members to develop an agenda that is inclusive of their related topics; however the Agency will retain control of the final contents of the agenda. Staff will work with members to develop supporting documentation of their items for each meeting.

5.4. Audience participation shall be limited to attendance. The Workgroup meetings will be open for public comment.

5.5. Duration of the Workgroup: The Workgroup shall continue to meet until August 31, 2012 or until dissolved by the Secretary whichever comes first.

ABSENCES

6.1. Members shall inform the Chair a minimum of one week in advance (when possible) if they are unable to attend a scheduled meeting. In the event that a quorum will not be met, the Secretary will determine if the meeting is to be rescheduled or proceed without quorum. In meetings where there is not quorum, the Workgroup can discuss topics on the agenda, but cannot make formal recommendations. These recommendations must be held until the next meeting that quorum is achieved.

REMUNERATION

7.1. Members shall receive no compensation, or reimbursement for time or travel.

PARLIAMENTARY AUTHORITY

8.1. RULES OF ORDER: Except where there is conflict with this document, the rules contained in the current edition of “Robert’s Rules of Order” shall govern the Workgroup in all cases to which they are applicable. Any special rules of order that the Workgroup or Agency may promulgate shall take precedence over “Robert’s Rules of Order.”

APPENDIX A – Explanation of Sunshine Laws

COMPLIANCE WITH SUNSHINE LAW

The ASSISTED LIVING WORKGROUP is a collegial body subject to the Sunshine Law. Any gathering (this includes email communication) of two or more members of the ASSISTED LIVING WORKGROUP to discuss some matter on which foreseeable action will be taken by the ASSISTED LIVING WORKGROUP is considered a meeting subject to Sunshine Law requirements. The following is a synopsis of Sunshine Law requirements.

The Sunshine Law

The Sunshine Law is established by Article I, Section 24 of the Florida State Constitution and Chapter 286, Florida Statutes. The Sunshine Law imposes three basic requirements: (1) meetings of the ASSISTED LIVING WORKGROUP must be open to the public; (2) the ASSISTED LIVING WORKGROUP must give “reasonable notice” of its meetings; and (3) the ASSISTED LIVING WORKGROUP must keep minutes of its meetings.

Meetings. A “meeting” of a body subject to the Sunshine Law is broadly defined to include any gathering—formal or informal—during which two or more members of the body discuss the official business of the body. Accordingly, business-related discussions between members of the ASSISTED LIVING WORKGROUP may only take place at open, properly-noticed meetings. Members may not discuss the business of the ASSISTED LIVING WORKGROUP with each other through private phone conversations or e-mail discussions. Members may distribute documents to each other, but they may not discuss or exchange comments on those documents outside of a public meeting. In addition, members may discuss business with third parties (i.e., non-members of the body), provided the members do not use a third party as a liaison for business-related communication with other members.

Notice. Because the ASSISTED LIVING WORKGROUP is under the auspices of AHCA, requirements for notice of public meetings are governed by Section 120.525, F.S. These requirements are more specific than those of the Sunshine Law and dictate the following:

- Notice of public meetings, hearings, and workshops shall be by publication in the Florida Administrative Weekly not less than 7 days before the event. The notice shall include a statement of the general subject matter to be considered.
- An agenda shall be prepared in time to ensure that a copy of the agenda may be received at least 7 days before the event by any person in the state who requests a copy and who pays the reasonable cost of the copy. The agenda shall contain the items to be considered in order of presentation. After the agenda has been made available, a change shall be made only for good cause, as determined by the person designated to preside in this case the Chair, and stated in the record. Notification of such change shall be at the earliest practicable time.

Minutes. Although the Sunshine Law requires the ASSISTED LIVING WORKGROUP to record minutes of its meetings, such minutes need not be verbatim transcripts of the proceedings. A summary or notes of the meeting is sufficient.

The Public Records Law

As a general matter, any documents or other materials that are (1) created or received by ASSISTED LIVING WORKGROUP members and (2) related to the ASSISTED LIVING WORKGROUP official business are “public records” which must be made available to the public for inspection and copying. Specific examples of “public records” include ASSISTED LIVING WORKGROUP reports, circulated drafts of such reports, and any business-related correspondence (including e-mail) between ASSISTED LIVING WORKGROUP members, between ASSISTED LIVING WORKGROUP members and AHCA, or any member of the

public. Even personal notes of ASSISTED LIVING WORKGROUP members are considered “public records” if they are used to “perpetuate, communicate, or formalize knowledge.”

It is possible that records created by the ASSISTED LIVING WORKGROUP will include information that is considered confidential and exempt from the Public Records Law. For example, some information which could conceivably come before the, ASSISTED LIVING WORKGROUP such as identification of a resident and medical records, is confidential and exempt. In the event that an ASSISTED LIVING WORKGROUP document were to include confidential information, the relevant portions of that document would have to be redacted before the document could be released to the public. ASSISTED LIVING WORKGROUP members should also take care during the public meetings not to discuss information derived from such confidential records.