

HB 699

2015

1                   A bill to be entitled  
2           An act relating to the personal care attendant  
3           program; amending s. 413.402, F.S.; requiring that a  
4           specified agreement be maintained; renaming the James  
5           Patrick Memorial Work Incentive Personal Attendant  
6           Services Program as the James Patrick Memorial Work  
7           Incentive Personal Attendant Services and Employment  
8           Assistance Program; expanding the scope of, and  
9           support and services provided by, the program;  
10          defining a term; revising eligibility requirements;  
11          requiring the association, in consultation with the  
12          advisory committee, to adopt and revise certain  
13          policies and procedures; replacing an existing  
14          oversight group with an advisory committee; requiring  
15          that a member of the advisory committee be appointed  
16          by the association chair; requiring the association to  
17          provide administrative support to facilitate the  
18          activities of the advisory committee; amending s.  
19          320.08068, F.S.; conforming a provision to changes  
20          made by the act; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1.   Section 413.402, Florida Statutes, is amended  
25   to read:

26           413.402   Personal care attendant and employment assistance

27 | program.—The Florida Endowment Foundation for Vocational  
 28 | Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~  
 29 | ~~than October 1, 2008,~~ with the Florida Association of Centers  
 30 | for Independent Living to administer the James Patrick Memorial  
 31 | Work Incentive Personal Attendant Services and Employment  
 32 | Assistance Program. The program shall ~~to~~ provide personal care  
 33 | attendants and other support and services necessary to enable ~~to~~  
 34 | persons eligible under subsection (2) who have severe and  
 35 | chronic disabilities of any kind to obtain or maintain  
 36 | competitive employment. Such services may include, but are not  
 37 | limited to, assistive technology and transportation. ~~all kinds~~  
 38 | ~~and who are eligible under subsection (1).~~ Effective July 1,  
 39 | ~~2008,~~ The Florida Association of Centers for Independent Living  
 40 | shall receive 12 percent of the funds ~~paid to or on behalf of~~  
 41 | ~~participants from funds to be~~ deposited with the Florida  
 42 | Endowment Foundation for Vocational Rehabilitation pursuant to  
 43 | ss. 320.08068(4)(d) and 413.4021(1) to administer the program.  
 44 | ~~For the purpose of ensuring continuity of services, a memorandum~~  
 45 | ~~of understanding shall be executed between the parties to cover~~  
 46 | ~~the period between July 1, 2008, and the execution of the final~~  
 47 | ~~agreement.~~

48 |       (1) As used in this section, the term "competitive  
 49 | employment" means employment in the public or private sector  
 50 | earning comparable wages and benefits, consistent with the  
 51 | person's qualifications and experience, in comparable working  
 52 | conditions to those experienced by the general workforce in that

53 industry or profession.

54 (2)~~(1)~~ In order to be eligible to participate in the  
 55 program, a person must meet the following requirements:

56 (a) Be at least 18 years of age, be a legal resident of  
 57 this state, and be significantly and chronically disabled.~~;~~

58 (b) As determined by a physician, psychologist, or  
 59 psychiatrist, or an individual needs assessment determined to be  
 60 valid by the Florida Association of Centers for Independent  
 61 Living, require a personal care attendant for assistance with or  
 62 support for at least two activities of daily living as defined  
 63 in s. 429.02.~~, as determined by a physician, psychologist, or~~  
 64 ~~psychiatrist;~~

65 (c) Require a personal care attendant or other support and  
 66 services, or a combination thereof, a personal care attendant in  
 67 order to actively seek, obtain, and accept a job or maintain  
 68 substantial gainful employment.~~;~~ and

69 (d) Be able to acquire and direct the support and services  
 70 provided pursuant to this section, including the services of a  
 71 personal care attendant.

72 (3)~~(2)~~ (a) The Florida Association of Centers for  
 73 Independent Living shall provide training, as appropriate, to  
 74 program participants on hiring and managing a personal care  
 75 attendant and other self-advocacy skills needed to effectively  
 76 access and manage the support and services provided under this  
 77 section. ~~and,~~

78 (b) In consultation ~~cooperation~~ with the advisory

79 committee established in oversight group described in paragraph  
 80 (c), the Florida Association of Centers for Independent Living  
 81 shall ~~(b)~~, adopt and revise the policies and procedures  
 82 governing the operation of the personal care attendant program  
 83 and the training program required by paragraph (a).

84 (c) An advisory committee is established to make  
 85 recommendations on the development and revision of policies and  
 86 procedures related to the provision of services pursuant to this  
 87 section. The membership of the advisory committee must

88 ~~(b) The oversight group shall include, but need not be~~  
 89 ~~limited to, a member of, and a program participant appointed by~~  
 90 ~~the chair of, the Florida Association of Centers for Independent~~  
 91 ~~Living, a person who is participating in the program, and one~~  
 92 ~~representative each from the Department of Revenue, the~~  
 93 ~~Department of Children and Families, the Division of Vocational~~  
 94 ~~Rehabilitation in the Department of Education, the Medicaid~~  
 95 ~~program in the Agency for Health Care Administration, the~~  
 96 ~~Florida Endowment Foundation for Vocational Rehabilitation, and~~  
 97 ~~the Brain and Spinal Cord Injury Program in the Department of~~  
 98 ~~Health. The Florida Association of Centers for Independent~~  
 99 ~~Living shall provide administrative support to the advisory~~  
 100 ~~committee.~~

101 Section 2. Paragraph (d) of subsection (4) of section  
 102 320.08068, Florida Statutes, is amended to read:

103 320.08068 Motorcycle specialty license plates.—

104 (4) A license plate annual use fee of \$20 shall be

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105 collected for each motorcycle specialty license plate. Annual  
106 use fees shall be distributed to The Able Trust as custodial  
107 agent. The Able Trust may retain a maximum of 10 percent of the  
108 proceeds from the sale of the license plate for administrative  
109 costs. The Able Trust shall distribute the remaining funds as  
110 follows:

111 (d) Twenty percent to the Foundation for Vocational  
112 Rehabilitation to support the James Patrick Memorial Work  
113 Incentive Personal Care Attendant Services and Employment  
114 Assistance Program pursuant to s. 413.402.

115 Section 3. This act shall take effect July 1, 2015.