

**By** the Committees on Fiscal Policy; and Children, Families, and Elder Affairs; and Senator Bean

594-02689-16

2016202c2

1                                   A bill to be entitled  
2           An act relating to the Florida Association of Centers  
3           for Independent Living; amending s. 413.402, F.S.;  
4           requiring that a specified agreement be maintained  
5           between the Florida Endowment Foundation for  
6           Vocational Rehabilitation and the Florida Association  
7           of Centers for Independent Living; renaming the James  
8           Patrick Memorial Work Incentive Personal Attendant  
9           Services Program as the James Patrick Memorial Work  
10          Incentive Personal Attendant Services and Employment  
11          Assistance Program; defining a term; requiring the  
12          program to provide additional support and services;  
13          revising eligibility requirements; expanding the kinds  
14          of training required; requiring the association, in  
15          cooperation with the oversight council for the James  
16          Patrick Memorial Work Incentive Personal Attendant  
17          Services and Employment Assistance Program, to adopt  
18          and revise certain policies and procedures and to  
19          provide technical assistance and support under certain  
20          circumstances; requiring that the oversight council  
21          recommend the maximum monthly reimbursement provided  
22          to program participants; requiring the program to  
23          reimburse the Florida Association of Centers for  
24          Independent Living for certain costs approved by the  
25          center's board of directors, taking into consideration  
26          certain recommendations; prohibiting the program's  
27          operation, administration, and oversight from  
28          exceeding a certain percentage of the annual operating  
29          budget; creating the James Patrick Memorial Work  
30          Incentive Personal Attendant Services and Employment  
31          Assistance Program Oversight Council adjunct to the

594-02689-16

2016202c2

32 Department of Education; providing the council's  
33 purpose; providing for council membership; amending s.  
34 413.4021, F.S.; revising the maximum amount of  
35 specified funds for each state attorney which may be  
36 used to administer the personal attendant and  
37 employment assistance program and to contract with the  
38 state attorneys participating in the tax collection  
39 enforcement diversion program; amending s. 320.08068,  
40 F.S.; making a technical change; conforming a  
41 provision to changes made by the act; providing an  
42 effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Section 413.402, Florida Statutes, is amended to  
47 read:

48 413.402 James Patrick Memorial Work Incentive Personal care  
49 Attendant Services and Employment Assistance Program.—The  
50 Florida Endowment Foundation for Vocational Rehabilitation shall  
51 maintain ~~enter into~~ an agreement, ~~no later than October 1, 2008,~~  
52 with the Florida Association of Centers for Independent Living  
53 to administer the James Patrick Memorial Work Incentive Personal  
54 Attendant Services and Employment Assistance Program and shall  
55 remit sufficient funds monthly to meet the requirements of  
56 subsection (5).

57 (1) As used in this section, the term "competitive and  
58 integrated employment" means employment in the public or private  
59 sector in which the employee earns comparable wages and  
60 benefits, commensurate with his or her qualifications and

594-02689-16

2016202c2

61 experience, and works in comparable conditions to those  
62 experienced by the general workforce in that industry or  
63 profession.

64 (2) The program shall ~~to~~ provide personal care attendants  
65 and other support and services necessary to enable ~~to~~ persons  
66 eligible under subsection (3) who have significant ~~severe~~ and  
67 chronic disabilities to obtain or maintain competitive and  
68 integrated employment, including self-employment ~~of all kinds~~  
69 ~~and who are eligible under subsection (1). Effective July 1,~~  
70 ~~2008, the Florida Association of Centers for Independent Living~~  
71 ~~shall receive 12 percent of the funds paid to or on behalf of~~  
72 ~~participants from funds to be deposited with the Florida~~  
73 ~~Endowment Foundation for Vocational Rehabilitation pursuant to~~  
74 ~~ss. 320.08068(4)(d) and 413.4021(1) to administer the program.~~  
75 ~~For the purpose of ensuring continuity of services, a memorandum~~  
76 ~~of understanding shall be executed between the parties to cover~~  
77 ~~the period between July 1, 2008, and the execution of the final~~  
78 ~~agreement.~~

79 (3)~~(1)~~ In order to be eligible to participate in the  
80 program, a person must:

81 (a) Be at least 18 years of age, be a legal resident of  
82 this state, and be significantly and chronically disabled.†

83 (b) As determined by a physician, psychologist, or  
84 psychiatrist, require a personal care attendant for assistance  
85 with or support for at least two activities of daily living as  
86 defined in s. 429.02., ~~as determined by a physician,~~  
87 ~~psychologist, or psychiatrist;~~

88 (c) Require a personal care attendant and, as needed, other  
89 support and services ~~in order~~ to accept an offer of employment

594-02689-16

2016202c2

90 and commence working or to a job or maintain competitive and  
91 integrated substantial gainful employment. ~~and~~

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

95 ~~(4)(2)~~(a) The Florida Association of Centers for  
96 Independent Living shall provide program participants with  
97 appropriate training to program participants on the hiring and  
98 management of managing a personal care attendant and on other  
99 self-advocacy skills needed to effectively access and manage the  
100 support and services provided under this section.  ~~and,~~

101 (b) In cooperation with the oversight council created in  
102 subsection (6), the Florida Association of Centers for  
103 Independent Living shall oversight group described in paragraph  
104 ~~(b),~~ adopt and, as necessary, revise the policies and procedures  
105 governing the operation of the personal care attendant program  
106 and the training required in paragraph (a). The oversight  
107 council shall recommend the maximum monthly reimbursement  
108 provided to program participants. The association shall provide  
109 technical assistance to program participants and administrative  
110 support services to the program and implement appropriate  
111 internal financial controls to ensure program integrity  ~~program.~~

112 (5) The James Patrick Memorial Work Incentive Personal  
113 Attendant Services and Employment Assistance Program shall  
114 reimburse the Florida Association of Centers for Independent  
115 Living monthly for payments made to program participants and for  
116 costs associated with program administration and oversight in  
117 accordance with the annual operating budget approved by the  
118 board of directors of the association, taking into consideration

594-02689-16

2016202c2

119 recommendations made by the oversight council created under  
120 subsection (6). The annual operating budget for costs associated  
121 with activities of the association for program operation,  
122 administration, and oversight may not exceed 12 percent of the  
123 funds deposited with the Florida Endowment Foundation for  
124 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and  
125 413.4021(1) for the previous fiscal year or the budget approved  
126 for the previous fiscal year, whichever amount is greater.

127 (6) The James Patrick Memorial Work Incentive Personal  
128 Attendant Services and Employment Assistance Program Oversight  
129 Council is created adjunct to the Department of Education for  
130 the purpose of providing program recommendations, recommending  
131 the maximum monthly reimbursement available to program  
132 participants, advising the Florida Association of Centers for  
133 Independent Living on policies and procedures, and recommending  
134 the program's annual operating budget for activities of the  
135 association associated with operations, administration, and  
136 oversight. The oversight council shall also advise on and  
137 recommend the schedule of eligible services for which program  
138 participants may be reimbursed subject to the requirements and  
139 limitations of paragraph (3)(c) which, at a minimum, must  
140 include personal care attendant services. The oversight council  
141 shall advise and make its recommendations under this section to  
142 the board of directors of the association. The oversight council  
143 is not subject to the control of or direction by the department,  
144 and the department is not be responsible for providing staff  
145 support or paying any expenses incurred by the oversight council  
146 in the performance of its duties.

147 (a) The oversight council consists of the following

594-02689-16

2016202c2

148 members:149 1. The director of the division or his or her designee;150 2. A human resources professional or an individual who has  
151 significant experience managing and operating a business based  
152 in this state, recommended by the Florida Chamber of Commerce  
153 and appointed by the Governor;154 3. A financial management professional, appointed by the  
155 Governor;156 4. A program participant, appointed by the Secretary of  
157 Health or his or her designee;158 5. The director of the advisory council on brain and spinal  
159 cord injuries or his or her designee;160 6. The director of the Florida Endowment Foundation for  
161 Vocational Rehabilitation or his or her designee; and162 7. The director of the Florida Association of Centers for  
163 Independent Living or his or her designee.164 (b) The appointed members shall serve for a term concurrent  
165 with the term of the official who made the appointment and shall  
166 serve at the pleasure of such official.167 ~~(b) The oversight group shall include, but need not be~~  
168 ~~limited to, a member of the Florida Association of Centers for~~  
169 ~~Independent Living, a person who is participating in the~~  
170 ~~program, and one representative each from the Department of~~  
171 ~~Revenue, the Department of Children and Families, the Division~~  
172 ~~of Vocational Rehabilitation in the Department of Education, the~~  
173 ~~Medicaid program in the Agency for Health Care Administration,~~  
174 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~  
175 ~~and the Brain and Spinal Cord Injury Program in the Department~~  
176 ~~of Health.~~

594-02689-16

2016202c2

177 Section 2. Subsection (1) of section 413.4021, Florida  
178 Statutes, is amended to read:

179 413.4021 Program participant selection; tax collection  
180 enforcement diversion program.—The Department of Revenue, in  
181 coordination with the Florida Association of Centers for  
182 Independent Living and the Florida Prosecuting Attorneys  
183 Association, shall select judicial circuits in which to operate  
184 the program. The association and the state attorneys' offices  
185 shall develop and implement a tax collection enforcement  
186 diversion program, which shall collect revenue due from persons  
187 who have not remitted their collected sales tax. The criteria  
188 for referral to the tax collection enforcement diversion program  
189 shall be determined cooperatively between the state attorneys'  
190 offices and the Department of Revenue.

191 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50 percent  
192 of the revenues collected from the tax collection enforcement  
193 diversion program shall be deposited into the special reserve  
194 account of the Florida Endowment Foundation for Vocational  
195 Rehabilitation, to be used to administer the James Patrick  
196 Memorial Work Incentive Personal care Attendant Services and  
197 Employment Assistance Program and to contract with the state  
198 attorneys participating in the tax collection enforcement  
199 diversion program in an amount of not more than \$75,000 ~~\$50,000~~  
200 for each state attorney.

201 Section 3. Paragraph (d) of subsection (4) of section  
202 320.08068, Florida Statutes, is amended to read:

203 320.08068 Motorcycle specialty license plates.—

204 (4) A license plate annual use fee of \$20 shall be  
205 collected for each motorcycle specialty license plate. Annual

594-02689-16

2016202c2

206 use fees shall be distributed to The Able Trust as custodial  
207 agent. The Able Trust may retain a maximum of 10 percent of the  
208 proceeds from the sale of the license plate for administrative  
209 costs. The Able Trust shall distribute the remaining funds as  
210 follows:

211 (d) Twenty percent to the Florida Endowment Foundation for  
212 Vocational Rehabilitation to support the James Patrick Memorial  
213 Work Incentive Personal ~~Care~~ Attendant Services and Employment  
214 Assistance Program pursuant to s. 413.402.

215 Section 4. This act shall take effect July 1, 2016.