

By Senator Mitchell

4-1414-01

See HB

1 A bill to be entitled

2 An act relating to persons with disabilities;

3 amending s. 381.79, F.S.; authorizing

4 expenditures from the Brain and Spinal Cord

5 Injury Program Trust Fund for the personal care

6 attendant pilot program; creating s. 381.798,

7 F.S.; providing for implementation of a

8 personal care attendant pilot program;

9 providing purpose; providing for pilot program

10 sites; providing for selection of participants;

11 providing for training of persons with

12 disabilities and personal care attendants;

13 providing for employment placement; providing

14 responsibilities of the Department of Children

15 and Family Services, the brain and spinal cord

16 injury program, the centers for independent

17 living, and the Division of Vocational

18 Rehabilitation; providing for funding;

19 providing for development of a tax collection

20 enforcement diversion program under the

21 Department of Revenue; specifying use of funds

22 collected; directing the Revenue Estimating

23 Conference to make certain annual projections;

24 providing rulemaking authority; requiring an

25 annual report; providing an effective date.

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

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29 Section 1. Subsection (1) of section 381.79, Florida

30 Statutes, is amended to read:

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1 381.79 Brain and Spinal Cord Injury Program Trust
2 Fund.--

3 (1) There is created in the State Treasury the Brain
4 and Spinal Cord Injury Program Trust Fund. Moneys in the fund
5 shall be appropriated to the department for the purpose of
6 providing the cost of care for brain or spinal cord injuries
7 as a payor of last resort to residents of this state, for
8 multilevel programs of care established pursuant to s. 381.75.
9 In addition, moneys in the fund shall be appropriated to the
10 department for implementation of the personal care attendant
11 pilot program pursuant to s. 381.798.

12 (a) Authorization of expenditures for brain or spinal
13 cord injury care shall be made only by the department.

14 (b) Authorized expenditures include acute care,
15 rehabilitation, transitional living, equipment and supplies
16 necessary for activities of daily living, public information,
17 prevention, education, ~~and~~ research, and the personal care
18 attendant pilot program. In addition, the department may
19 provide matching funds for public or private assistance
20 provided under the brain and spinal cord injury program and
21 may provide funds for any approved expansion of services for
22 treating individuals who have sustained a brain or spinal cord
23 injury.

24 Section 2. Section 381.798, Florida Statutes, is
25 created to read:

26 381.798 Personal care attendant pilot program.--The
27 Department of Children and Family Services shall develop and
28 implement an ongoing pilot program to provide personal care
29 attendants to individuals ages 18-55 who are seriously
30 disabled, who are currently living in nursing homes, who have
31 a desire to live independently, and who could, with training,

1 function in a less restricted residential environment and be
2 employed. The department shall annually census and locate
3 seriously disabled individuals ages 18-55 who are living in
4 nursing homes.

5 (1) The pilot program shall be administered by the
6 brain and spinal cord injury program of the department, in
7 coordination with the centers for independent living and the
8 Division of Vocational Rehabilitation, at four or five sites
9 located among the state's 20 judicial circuits. Consideration
10 shall be given to selecting sites within judicial circuits
11 with small, medium, and large population bases.

12 (a) The centers for independent living within the
13 judicial circuits in which there are pilot program sites shall
14 be responsible for developing a process for the selection of
15 persons with disabilities to participate in the pilot program
16 and shall, in conjunction with the brain and spinal cord
17 injury program and the Division of Vocational Rehabilitation,
18 evaluate and select such participants. Such participants must
19 be willing to be trained in the management of a personal care
20 attendant and must desire to be trained in an occupation for
21 which jobs exist.

22 (b) The centers for independent living shall be
23 responsible for the training of such participants and the
24 personal care attendants, through contract with the Division
25 of Vocational Rehabilitation, in the management of persons
26 with spinal cord injuries. The centers shall match one or more
27 personal care attendants with as many persons with
28 disabilities as is practicable.

29 (c) The centers for independent living and the
30 Division of Vocational Rehabilitation shall coordinate the
31 placement of participants with disabilities into competitive

1 employment, if appropriate, or into specialized job training
2 programs according to the individual's skill level.

3 (2)(a) The department shall authorize funding for the
4 training provided under the pilot program from funds generated
5 pursuant to the tax collection enforcement diversion program
6 of the Department of Revenue deposited in the Brain and Spinal
7 Cord Injury Program Trust Fund. Expenditures for the pilot
8 program shall be administered by the brain and spinal cord
9 injury program.

10 (b) The Department of Revenue, in coordination with
11 the judicial circuits in which there are pilot program sites,
12 shall develop and implement a tax collection enforcement
13 diversion program for the collection of revenue from
14 individuals who have not remitted their collected sales tax.
15 Ten percent of the funds collected under the diversion program
16 shall be placed in the Brain and Spinal Cord Injury Program
17 Trust Fund to fund the personal care attendant pilot program.
18 In addition, sufficient moneys from the funds collected shall
19 be provided to each state attorney's office in the judicial
20 circuits in which there are pilot program sites, to provide an
21 additional professional position for a person who will manage
22 and collect the diversion program revenues in that judicial
23 circuit. Consideration shall be given to the selection of a
24 person with disabilities to fill this position. The remaining
25 funds collected under the diversion program shall be deposited
26 into the General Revenue Fund.

27 (c) The Revenue Estimating Conference shall annually
28 project the amount of funds expected to be generated from the
29 tax collection enforcement diversion program.

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1 (3) The Department of Children and Family Services and
2 the Department of Revenue are authorized to adopt rules to
3 implement the provisions of this section.

4 (4) On or before March 1 of each year, the brain and
5 spinal cord injury program shall submit to the Speaker of the
6 House of Representatives and the President of the Senate a
7 report evaluating the effectiveness of the personal care
8 attendant pilot program. The report shall include information
9 provided by the Division of Vocational Rehabilitation and by
10 the centers for independent living within the judicial
11 circuits in which there are pilot program sites on the
12 employment and wages of persons with disabilities and personal
13 care attendants participating in the pilot program. In
14 addition, the report shall include the department's
15 projections of the number of persons with disabilities
16 eligible for pilot program services and revenues to be saved
17 from the placement of such persons in a less restricted
18 residential environment.

19 Section 3. This act shall take effect July 1, 2001.
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HOUSE SUMMARY

Provides for development and implementation of an ongoing pilot program to provide personal care attendants to certain persons with disabilities residing in nursing homes who could, with training, function in a less restricted residential environment and be employed. Provides for pilot program sites, selection of participants, training of participating persons with disabilities and personal care attendants, and employment placement. Provides responsibilities of the Department of Children and Family Services, the brain and spinal cord injury program, the centers for independent living where the pilot program sites are located, and the Division of Vocational Rehabilitation. Provides for funding through the Brain and Spinal Cord Injury Program Trust Fund. Provides for creation of a tax collection enforcement diversion program under the Department of Revenue, collections from which are to be deposited in the trust fund for operation of the pilot program. Directs the Revenue Estimating Conference to make annual projections of funds generated by the diversion program. Requires an annual report to the Legislature.