

By the Committee on Children and Families; and Senator  
Mitchell

300-1765B-01

1                                   A bill to be entitled  
2           An act relating to persons with disabilities;  
3           creating s. 413.402, F.S.; directing the  
4           Florida Association of Centers for Independent  
5           Living to develop a personal-care-attendant  
6           pilot program to serve persons having spinal  
7           cord injuries; providing for memorandums of  
8           understanding with specified entities;  
9           providing eligibility for pilot-program  
10          participation; providing for selection and  
11          training of participants and personal-care  
12          attendants; providing for assessment of  
13          participants for work-related training  
14          programs; providing for development of a plan  
15          for program implementation; requiring a report  
16          to the Legislature; providing for  
17          implementation by a specified date; directing  
18          the Department of Revenue to develop and  
19          implement a tax collection enforcement  
20          diversion program in specified counties;  
21          providing for coordination with the Florida  
22          Association of Centers for Independent Living  
23          and the state attorneys' offices; providing for  
24          deposit and use of funds collected; directing  
25          the Revenue Estimating Conference to make  
26          certain annual projections; providing an  
27          appropriation; providing an effective date.

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

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1           Section 1. Section 413.402, Florida Statutes, is  
2 created to read:

3           413.402 Personal-care-attendant pilot program.--The  
4 Florida Association of Centers for Independent Living shall  
5 develop a pilot program to provide personal-care attendants to  
6 persons who are eligible pursuant to subsection (1). The  
7 association shall develop memorandums of understanding with  
8 the Department of Revenue, the Brain and Spinal Cord Injury  
9 Program in the Department of Health, the Florida Medicaid  
10 program in the Agency for Health Care Administration, the  
11 Florida Endowment Foundation for Vocational Rehabilitation,  
12 and the Division of Vocational Rehabilitation of the  
13 Department of Education.

14           (1) Persons eligible to participate in the pilot  
15 program must:

16           (a) Be at least 18 years of age and significantly  
17 disabled due to a traumatic spinal cord injury;

18           (b) Have been determined eligible for training  
19 services from the Division of Vocational Rehabilitation of the  
20 Department of Education; and

21           (c) Either:

22           1. Live in a nursing home; or

23           2. Have moved out of a nursing home within the  
24 preceding 180 days due to participation in a Medicaid home and  
25 community-based waiver program targeted to persons having  
26 brain or spinal cord injuries.

27           (2) The association shall develop a training program  
28 for training persons selected to participate in the pilot  
29 program which will prepare each person to manage his or her  
30 own personal-care attendant.

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1           (3) The association, in cooperation with the Florida  
2 Endowment Foundation for Vocational Rehabilitation, shall  
3 develop a program to recruit, screen, and select candidates to  
4 be trained as personal-care attendants.

5           (4) The association, in cooperation with the Florida  
6 Endowment Foundation for Vocational Rehabilitation, shall  
7 develop a training program for personal-care attendants.

8           (5) The association, in cooperation with the Florida  
9 Endowment Foundation for Vocational Rehabilitation, shall  
10 establish procedures for selecting persons eligible under  
11 subsection (1) to participate in the pilot program.

12           (6) The association, in cooperation with the Division  
13 of Vocational Rehabilitation of the Department of Education,  
14 shall assess the selected participants and make  
15 recommendations for their placement into appropriate  
16 work-related training programs.

17           (7) The association, in cooperation with the  
18 Department of Revenue, the Brain and Spinal Cord Injury  
19 Program in the Department of Health, the Florida Medicaid  
20 program in the Agency for Health Care Administration, a  
21 representative from the state attorney's office in each of the  
22 counties participating in the pilot program, the Florida  
23 Endowment Foundation for Vocational Rehabilitation, and the  
24 Division of Vocational Rehabilitation of the Department of  
25 Education, shall develop a plan for implementation of the  
26 pilot program.

27           (8) By January 7, 2002, the association shall present  
28 to the President of the Senate and to the Speaker of the House  
29 of Representatives the implementation plan for the pilot  
30 program. At a minimum, the implementation plan must include  
31 the following information:

1           (a) A timeline for implementation, including the  
2 expiration date of the pilot program;

3           (b) Estimates of the number of participants to be  
4 served;

5           (c) The sites selected to implement the pilot program,  
6 and the rationale for their selection;

7           (d) The anticipated amount of collections by county  
8 for fiscal year 2002-2003 under the tax collection diversion  
9 program;

10           (e) Cost projections for each component of the pilot  
11 program; and

12           (f) Method for and costs associated with an  
13 independent evaluation of the pilot program.

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15 The pilot program shall be implemented by July 1, 2002, unless  
16 there is specific legislative action to the contrary.

17           Section 2. The Department of Revenue, in coordination  
18 with the the Florida Association of Centers for Independent  
19 Living and the state attorneys' offices in Duval, Miami-Dade,  
20 Broward, Orange, and Hillsborough Counties, shall develop and  
21 implement a tax collection enforcement diversion program that  
22 shall collect revenue due from persons who have not remitted  
23 their collected sales tax. The criteria for referral to the  
24 tax collection enforcement diversion program shall be  
25 determined cooperatively between the state attorney's office  
26 in each county and the Department of Revenue.

27           (1) Twenty-five percent of the revenues collected from  
28 the tax collection enforcement diversion program shall be  
29 deposited into the operating account of the Florida Endowment  
30 Foundation for Vocational Rehabilitation, to be used to  
31 implement the personal-care-attendant pilot program.

1           (2) The pilot program shall operate only from funds  
2 deposited into the operating account of the Florida Endowment  
3 Foundation for Vocational Rehabilitation.

4           (3) The Revenue Estimating Conference shall annually  
5 project the amount of funds expected to be generated from the  
6 tax collection enforcement diversion program.

7           Section 3. The sum of \$250,000 in nonrecurring funds  
8 is appropriated from the Brain and Spinal Cord Injury Program  
9 Trust Fund to the Florida Endowment Foundation for Vocational  
10 Rehabilitation for fiscal year 2001-2002 for development of  
11 the personal-care-attendant pilot program under section  
12 413.402, Florida Statutes.

13           Section 4. This act shall take effect July 1, 2001.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 1608

4 Changes responsibility for developing the Personal Care  
5 Attendant Pilot Program from the Department of Children and  
6 Family Services to the Florida Association of Centers for  
Independent Living.

7 Broadens the criteria for persons eligible for the Personal  
8 Care Attendant Pilot Program to include those persons who are  
9 18 years of age or older and have moved out of a nursing home  
10 within the preceding 180 days to participate in a Medicaid  
11 home and community-based waiver program targeted to persons  
with brain or spinal cord injuries.

12 Requires an implementation plan to the Legislature by March 1,  
13 2002 and provides direction for its content.

14 Identifies Duval, Miami-Dade, Broward, Orange, and  
15 Hillsborough counties for developing and implementing a tax  
16 collection enforcement diversion program.

17 Specifies that criteria for referral to the tax collection  
18 enforcement diversion program will be determined cooperatively  
19 between the state attorneys' offices in the specified counties  
20 and the Department of Revenue.

21 States that 25 percent, rather than 10 percent, of the  
22 revenues collected from the diversion program will be  
23 deposited into the operating account of the Florida Endowment  
24 Foundation for Vocational Rehabilitation for implementing the  
25 Personal Care Attendant Program.

26 Specifies that the pilot program will operate only from funds  
27 deposited into the operating account of the Florida Endowment  
28 Foundation for Vocational Rehabilitation.

29 Includes an appropriation of \$250,000 in nonrecurring funds  
30 appropriated from the Brain and Spinal Cord Injury Program  
31 Trust Fund to the Florida Endowment Foundation for Vocational  
Rehabilitation for FY 2002-2002 for the development of the  
Personal Care Attendant Pilot Program.

Makes a technical correction regarding the organizational  
placement of the Division of Vocational Rehabilitation in the  
Department of Education rather than in the Department of Labor  
and Employment Security.