

By Representative Littlefield

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 with spinal cord
7 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 on a specified date; directing
18 the Department of Revenue to develop and
19 implement a tax collection enforcement
20 diversion program; providing for coordination
21 with the Florida Association of Centers for
22 Independent Living, the Florida Prosecuting
23 Attorneys Association, and the state attorneys'
24 offices; providing for deposit and use of funds
25 collected; directing the Revenue Estimating
26 Conference to make certain annual projections;
27 amending s. 18 of ch. 99-144, Laws of Florida;
28 extending repeal date of a developmental
29 disabilities pilot program; requiring an
30 additional report; providing an appropriation;
31 providing an effective date.

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

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

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

16 (1) Persons eligible to participate in the pilot
17 program must:

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

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

23 (c) Either:

24 1. Live in a nursing home; or

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

29 (2) The association shall develop a training program
30 for training persons selected to participate in the pilot

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1 program that will prepare each person to manage his or her own
2 personal care attendant.

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

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

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

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

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

29 (8) No later than March 1, 2003, the association shall
30 present to the President of the Senate and to the Speaker of
31 the House of Representatives the implementation plan for the

1 pilot program, a timeline for implementation, estimates of the
2 number of participants to be served, and cost projections for
3 each component of the pilot program. The pilot program shall
4 be implemented beginning July 1, 2003, unless there is
5 specific legislative action to the contrary.

6 Section 2. The Department of Revenue, in coordination
7 with the the Florida Association of Centers for Independent
8 Living and the Florida Prosecuting Attorneys Association,
9 shall select four counties in which to operate the pilot
10 program. The association and the state attorneys' offices in
11 Duval County and the other pilot program counties shall
12 develop and implement a tax collection enforcement diversion
13 program which shall collect revenue due from persons who have
14 not remitted their collected sales tax. The criteria for
15 referral to the tax collection enforcement diversion program
16 shall be determined cooperatively between the state attorneys'
17 offices in those counties and the Department of Revenue.

18 (1) Twenty-five percent of the revenues collected from
19 the tax collection enforcement diversion program shall be
20 deposited into the operating account of the Florida Endowment
21 Foundation for Vocational Rehabilitation, to be used to
22 implement the personal care attendant pilot program.

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

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

29 Section 3. Section 18 of chapter 99-144, Laws of
30 Florida, is amended to read:

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1 Section 18. From the lump sum appropriated for
2 developmental services in the 1999-2000 General Appropriations
3 Act, the Department of Children and Family Services shall
4 design a system of providing services for persons with
5 developmental disabilities which provides a consumer-directed,
6 choice-based system. The department shall institute at least
7 one, but not more than three, differently structured pilot
8 programs to test a payment model in which the consumer
9 controls the money that is available for his or her care. The
10 department shall report its progress under this section to the
11 appropriate legislative committees by December 1, 2000, ~~and~~
12 December 1, 2001, December 1, 2002, and December 1, 2003. This
13 section is repealed July 1, 2004 ~~2002~~, and shall be reviewed
14 by the Legislature prior to that date.

15 Section 4. There is appropriated from the Brain and
16 Spinal Cord Injury Program Trust Fund to the Florida Endowment
17 Foundation for Vocational Rehabilitation the sum of \$250,000
18 in nonrecurring funds for fiscal year 2002-2003 for
19 development of the personal care attendant pilot program under
20 s. 413.402, Florida Statutes. The initial \$50,000 from each of
21 the pilot program counties deposited with the Florida
22 Endowment Foundation for Vocational Rehabilitation shall be
23 used to repay the \$250,000 to the Brain and Spinal Cord Injury
24 Program Trust Fund.

25 Section 5. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Directs the Florida Association of Centers for Independent Living, in cooperation with the Florida Endowment Foundation for Vocational Rehabilitation, the Division of Vocational Rehabilitation, the Brain and Spinal Cord Injury Program, the Florida Medicaid program, and the Department of Revenue, to develop and implement, beginning July 1, 2003, a four-county pilot program to provide personal care attendants to persons with spinal cord injuries. Provides for eligibility, selection of participants, and training of disabled participants and personal care attendants. Requires a report to the Legislature prior to implementation. Directs the Department of Revenue, in coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys, to select the pilot program counties and develop and implement a tax collection enforcement diversion program in those counties to fund the pilot program. Directs the Revenue Estimating Conference to annually project funds to be generated for the pilot program. Provides an appropriation. Postpones repeal of a consumer-directed developmental disabilities pilot program until July 1, 2004, and requires additional reports to the Legislature.