

By the Council for Healthy Communities and Committee on  
Health & Human Services Appropriations and Representatives  
Littlefield, Mahon and Murman

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 use of a licensed  
13          nurse registry to recruit and screen  
14          participants and act as a fiscal intermediary;  
15          providing for assessment of participants for  
16          work-related training programs; providing for  
17          development of a plan for program  
18          implementation; requiring a report to the  
19          Legislature; providing for implementation on a  
20          specified date; directing the Department of  
21          Revenue to develop and implement a tax  
22          collection enforcement diversion program;  
23          providing for coordination with the Florida  
24          Association of Centers for Independent Living,  
25          the Florida Prosecuting Attorneys Association,  
26          and the state attorneys' offices; providing for  
27          deposit and use of funds collected; directing  
28          the Revenue Estimating Conference to make  
29          certain annual projections; providing an  
30          appropriation; providing an effective date.  
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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)(a) The association, in cooperation with the  
4 Florida Endowment Foundation for Vocational Rehabilitation,  
5 shall develop a program to recruit, screen, and select  
6 candidates to be trained as personal care attendants.

7 (b) The services of a nurse registry licensed pursuant  
8 to s. 400.506 may be utilized to recruit and screen candidates  
9 and to operate as a fiscal intermediary through which payments  
10 are made to individuals performing services as personal care  
11 attendants under the pilot program. The Agency for Health Care  
12 Administration shall seek any federal waivers necessary to  
13 implement this provision.

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

17 (5) The association, in cooperation with the Florida  
18 Endowment Foundation for Vocational Rehabilitation, shall  
19 establish procedures for selecting persons eligible under  
20 subsection (1) to participate in the pilot program.

21 (6) The association, in cooperation with the Division  
22 of Vocational Rehabilitation of the Department of Education,  
23 shall assess the selected participants and make  
24 recommendations for their placement into appropriate  
25 work-related training programs.

26 (7) The association, in cooperation with the  
27 Department of Revenue, the Brain and Spinal Cord Injury  
28 Program in the Department of Health, the Florida Medicaid  
29 program in the Agency for Health Care Administration, a  
30 representative from the state attorney's office in each of the  
31 counties participating in the pilot program, the Florida

1 Endowment Foundation for Vocational Rehabilitation, and the  
2 Division of Vocational Rehabilitation of the Department of  
3 Education, shall develop a plan for implementation of the  
4 pilot program.

5 (8) No later than March 1, 2003, the association shall  
6 present to the President of the Senate and to the Speaker of  
7 the House of Representatives the implementation plan for the  
8 pilot program, a timeline for implementation, estimates of the  
9 number of participants to be served, and cost projections for  
10 each component of the pilot program. The pilot program shall  
11 be implemented beginning July 1, 2003, unless there is  
12 specific legislative action to the contrary.

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

25 (1) Notwithstanding the provisions of s. 212.20,  
26 Florida Statutes, 25 percent of the revenues collected from  
27 the tax collection enforcement diversion program shall be  
28 deposited into the operating account of the Florida Endowment  
29 Foundation for Vocational Rehabilitation, to be used to  
30 implement the personal care attendant pilot program.

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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. There is appropriated from the Brain and  
8 Spinal Cord Injury Program Trust Fund to the Florida Endowment  
9 Foundation for Vocational Rehabilitation the sum of \$250,000  
10 in nonrecurring funds for fiscal year 2002-2003 for  
11 development of the personal care attendant pilot program under  
12 s. 413.402, Florida Statutes. The initial \$50,000 from each of  
13 the pilot program counties and Duval County deposited with the  
14 Florida Endowment Foundation for Vocational Rehabilitation  
15 shall be used to repay the \$250,000 to the Brain and Spinal  
16 Cord Injury Program Trust Fund.

17           Section 4. This act shall take effect July 1, 2002.  
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