

By Senator Wise

6-511A-02

See HB

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          providing an appropriation; providing an  
28          effective date.

30 Be It Enacted by the Legislature of the State of Florida:  
31

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 be 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 with brain  
26 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 that will prepare each person to manage his or her own  
30 personal care attendant.

31

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) No later than March 1, 2003, the association shall  
28 present to the President of the Senate and to the Speaker of  
29 the House of Representatives the implementation plan for the  
30 pilot program, a timeline for implementation, estimates of the  
31 number of participants to be served, and cost projections for

1 each component of the pilot program. The pilot program shall  
2 be implemented beginning July 1, 2003, unless there is  
3 specific legislative action to the contrary.

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

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

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

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

27 Section 3. There is appropriated from the Brain and  
28 Spinal Cord Injury Program Trust Fund to the Florida Endowment  
29 Foundation for Vocational Rehabilitation the sum of \$250,000  
30 in nonrecurring funds for fiscal year 2002-2003 for  
31 development of the personal care attendant pilot program under

1 section 413.402, Florida Statutes. The initial \$50,000 from  
2 each of the pilot program counties deposited with the Florida  
3 Endowment Foundation for Vocational Rehabilitation shall be  
4 used to repay the \$250,000 to the Brain and Spinal Cord Injury  
5 Program Trust Fund.

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

7  
8 \*\*\*\*\*

9 LEGISLATIVE SUMMARY

10 Directs the Florida Association of Centers for  
11 Independent Living, in cooperation with the Florida  
12 Endowment Foundation for Vocational Rehabilitation, the  
13 Division of Vocational Rehabilitation, the Brain and  
14 Spinal Cord Injury Program, the Florida Medicaid program,  
15 and the Department of Revenue, to develop and implement,  
16 beginning July 1, 2003, a four-county pilot program to  
17 provide personal care attendants to persons with spinal  
18 cord injuries. Provides for eligibility, selection of  
19 participants, and training of disabled participants and  
20 personal care attendants. Requires a report to the  
21 Legislature prior to implementation. Directs the  
22 Department of Revenue, in coordination with the Florida  
23 Association of Centers for Independent Living, the  
24 Florida Prosecuting Attorneys Association, and the state  
25 attorneys, to select the pilot program counties and  
26 develop and implement a tax collection enforcement  
27 diversion program in those counties to fund the pilot  
28 program. Directs the Revenue Estimating Conference to  
29 annually project funds to be generated for the pilot  
30 program. Provides an appropriation.  
31