

By the Committee on Health, Aging and Long-Term Care; and  
Senator Wise

317-1752-02

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.

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30 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 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.

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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) 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 four pilot program counties shall develop  
10 and implement a tax collection enforcement diversion program,  
11 which shall collect revenue due from persons who have not  
12 remitted their collected sales tax. The criteria for referral  
13 to the tax collection enforcement diversion program shall be  
14 determined cooperatively between the state attorneys' offices  
15 in those counties and the Department of Revenue.

16 (1) Notwithstanding the provisions of section 212.20,  
17 Florida Statutes, 25 percent of the revenues collected from  
18 the tax collection enforcement diversion program shall be  
19 deposited into the operating account of the Florida Endowment  
20 Foundation for Vocational Rehabilitation, to be used to  
21 implement the personal care attendant pilot program.

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

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

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

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

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

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 Senate Bill 576

12 The Committee Substitute clarifies that the pilot projects are  
13 to operate in four counties; that the distribution of sales  
14 tax funds recovered through a tax collection enforcement  
15 diversion program are notwithstanding the regular sales tax  
16 distribution provisions of s. 212.20, F.S.; and that the  
17 initial \$50,000 from each of the pilot program counties and  
18 Duval County is to be used to repay the Brain and Spinal Cord  
19 Injury Program Trust Fund.  
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