

By the Committees on Finance and Taxation; Health, Aging and Long-Term Care; and Senator Wise

314-2053-02

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.

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. The services of a
5 nurse registry licensed under s. 400.506 may be used to
6 recruit and screen candidates and to operate as a fiscal
7 intermediary through which payments are made to individuals
8 performing services as a personal care attendant under this
9 pilot program. The Agency for Health Care Administration shall
10 seek any federal waivers necessary to implement this
11 subsection.

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

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

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

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

1 Education, shall develop a plan for implementation of the
2 pilot program.

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

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

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

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

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

4 Section 3. There is appropriated from the Brain and
5 Spinal Cord Injury Program Trust Fund to the Florida Endowment
6 Foundation for Vocational Rehabilitation the sum of \$250,000
7 in nonrecurring funds for fiscal year 2002-2003 for
8 development of the personal care attendant pilot program under
9 section 413.402, Florida Statutes. The initial \$50,000 from
10 each of the pilot program counties and Duval County deposited
11 with the Florida Endowment Foundation for Vocational
12 Rehabilitation shall be used to repay the \$250,000 to the
13 Brain and Spinal Cord Injury Program Trust Fund.

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

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS/SB 576

19 The Committee Substitute authorizes the services of a nurse
20 registry licensed under s. 400.506 to be used to recruit and
21 screen candidates and to operate as a fiscal intermediary
22 through which payments are made to individuals performing
23 services as a personal care attendants under this pilot
24 program. The Agency for Health Care Administration must seek
25 federal waivers necessary to implement these provisions.
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