

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 118  
 SPONSOR: Senator Wise  
 SUBJECT: Disabilities/Spinal Cord Injury  
 DATE: March 10, 2003      REVISED: 03/12/03 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/ 3 amendments</u>
2.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill makes permanent the Personal Care Attendant Pilot Program. The bill revises the county participation in the program by requiring the Department of Revenue to select judicial circuits to operate the program. The bill increases the Personal Care Attendant Program's share of the revenue collected from the sales tax diversion program to 50 percent. The bill provides for an annual appropriation of \$50,000 from the General Revenue Fund to each participating judicial circuit.

This bill amends ss. 413.02, F.S., and 413.4021, F.S. The bill also amends s. 3 of ch. 2002-286, Laws of Florida.

**II. Present Situation:**

The 2002 Legislature created the Personal Care Attendant Pilot Program (chapter 2002-286, L.O.F.). The pilot program is intended to assist eligible persons with spinal cord injuries to leave nursing homes and return to their communities to live and work through the use of personal care attendants.

The Department of Revenue (DOR), in cooperation with the Florida Association of Centers for Independent Living (FACIL) and the Florida Prosecuting Attorneys Association, selected four (4) pilot counties: Miami-Dade, Broward, Palm Beach, and Hillsborough. The Legislature selected Duval County as the fifth pilot county.

The pilot program requires a collaborative effort involving FACIL, DOR, the Brain and Spinal Cord Injury Program in the Department of Health, the Florida Medicaid program in the Agency

for Health Care Administration, the Florida Endowment Foundation for Vocational Rehabilitation, and the Division of Vocational Rehabilitation of the Department of Education.

FACIL must establish procedures for selecting eligible participants and make placement recommendations into appropriate work-related training programs.

Eligibility under the program is limited to individuals who are:

- At least 18 years old and significantly disabled due to a traumatic spinal cord injury;
- Eligible for training services from the Division of Vocational Rehabilitation; and
- Living in a nursing home or have moved out of a nursing home within the preceding 180 days due to participation in a Medicaid home and community-based waiver program targeted to persons with brain or spinal cord injuries.

FACIL must develop a training program to prepare selected participants and to train personal care attendants. FACIL is required to establish procedures for recruiting, screening, and selecting candidates to be trained as personal care attendants. In recruiting and screening candidates, FACIL may use a nurse registry licensed pursuant to s. 400.506, F.S. The nurse registry may operate as fiscal intermediary for payments made to individuals performing services as personal attendants under the program. The Agency for Health Care Administration is required to seek any federal waivers necessary to implement the program.

FACIL reported a proposed implementation plan to the Legislature on March 1, 2003, including an implementation timeline, estimated participants, and cost projections. The pilot program is to be implemented on July 1, 2003, unless otherwise directed by the Legislature.

The state attorney's offices in the pilot counties are required to implement a tax collection enforcement diversion program, which collects revenue due from persons who have not remitted their collected sales tax. Notwithstanding s. 212.20, F.S., 25 percent of the revenues collected through the diversion program are required to be deposited in the operating account of the Florida Endowment Foundation for Vocational Rehabilitation to implement the pilot program. The pilot program may only use funds deposited into the operating account.

Only Duval County, which already had a sales tax diversion program, is collecting revenues at this time. From July 1, 2002 through February 13, 2003, Duval County has collected \$117,413.37 in sales tax collections from its diversion program. Under the current revenue sharing structure, Duval County's Personal Care Attendant Program would retain \$29,303.36. The Fourth Judicial Circuit's State Attorney's Office has dedicated 1.5 Full Time Equivalents for diversion programs. However, the diversion programs include worthless checks, restitution, housing fraud, and sales tax among others. Moreover, the sales tax diversion program relies on a network of volunteers that have been developed over the 15 years that the diversion program has been operating to assist in collection efforts by resolving work-outs and payment schedules. Duval County has been successful in prior years in collecting sales tax revenues through the diversion program. In the last nine years, Duval County has collected on average \$224,932.51 per year. The remaining pilot counties are months away from implementing a diversion program.

\$250,000 was appropriated from the Brain and Spinal Cord Injury Program Trust Fund to the Florida Endowment Foundation for Vocational Rehabilitation to implement the pilot program. The pilot program counties are each required to repay the \$50,000 loan to the Trust Fund.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 413.402, F.S., making permanent the Personal Care Attendant Program. The program shall be implemented beginning July 1, 2003. Participating governmental units will be judicial circuits instead of counties to reflect the participation of the state attorney's office in each judicial circuit. However, it is expected that most diversion programs would remain concentrated in the larger cities as these cities would more likely generate the required sales tax revenues to cost-effectively implement the program. For example, in Duval County, most diversion program efforts are concentrated in Jacksonville rather than in Clay or Nassau County, which are included in the Fourth Judicial Circuit.

**Section 2.** Amends s. 413.4021, F.S., increasing the percentage of collections that fund the Personal Care Attendant Program to 50 percent. This increase is expected to allow the judicial circuits to implement the program more quickly.

**Section 3.** Amends section 3 of chapter 2002-286, Laws of Florida, changing the participating governmental units from counties to judicial circuits and the Fourth Judicial Circuit for the purpose of repaying the sum of \$250,000 to the Brain and Spinal Cord Injury Program Trust Fund.

**Section 4.** The bill appropriates \$50,000 from the General Revenue Fund annually from recurring funds to the office of the court administrator in each judicial circuit participating in the tax collection enforcement diversion program to pay for expenses of participating in the diversion program.

**Section 5.** Providing an effective date of July 1, 2003.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

The bill does not propose any additional taxes or fees; rather, the program would redirect 50 percent of the sales tax collections obtained through the diversion program to the Personal Attendant Care Program. Currently, only Duval County has a sales tax diversion program. With average annual collections over the past nine years of \$225,000, this bill would redirect 50 percent or \$112,500 to the Personal Attendant Care Program within the Fourth Judicial Circuit.

The bill will decrease the amount of sales tax collections available to the General Revenue Fund by diverting 50 percent of the proceeds from the diversion programs in each judicial circuit. The fiscal impact state-wide would be indeterminate.

**B. Private Sector Impact:**

The bill may encourage savings by retraining individuals with spinal cord injuries to return to substantial gainful employment. However, any savings is indeterminate at this time.

**C. Government Sector Impact:**

The bill provides for an appropriation of \$50,000 to each judicial circuit from the General Revenue Fund from annually recurring funds to the office of the circuit court administrator in each judicial circuit participating in the tax collection enforcement diversion program to pay for the expenses of participation. If all 20 judicial circuits participate in the program, the recurring obligation from the General Revenue Fund would total \$1 million per year.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Education:

Amends bill to eliminate reference to pilot program.

#2 by Education:

Amends bill to substitute state attorney's office for circuit court administrator as receiving entity for appropriation to pay expenses of participating in the sales tax diversion program.

#3 by Education:

Repeals s. 400.506(10)(c), F.S., which provides that a registered nurse shall make monthly visits to a patient's home to assess the patient's condition and quality of care provided by the certified nursing assistant, requires the registered nurse to report any condition that requires further medical attention to the attending physician and the nurse registry, and makes the report part of the patient's file with the nurse registry with review by the Agency for Health Care Administration.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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