

By Senator Wise

5-88A-03

1 A bill to be entitled
2 An act relating to persons with disabilities;
3 amending ss. 413.402, 413.4021, F.S., and s. 3
4 of chapter 2002-286, Laws of Florida; making
5 the pilot program for personal care attendants
6 for spinal cord injury victims permanent;
7 providing criteria for participation in the
8 program; providing an appropriation; providing
9 an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 413.402, Florida Statutes, is
14 amended to read:15 413.402 Personal care attendant ~~pilot~~ program.--The
16 Florida Association of Centers for Independent Living shall
17 develop a ~~pilot~~ program to provide personal care attendants to
18 persons who are eligible pursuant to subsection (1). The
19 association shall develop memoranda of understanding with the
20 Department of Revenue, the Brain and Spinal Cord Injury
21 Program in the Department of Health, the Florida Medicaid
22 program in the Agency for Health Care Administration, the
23 Florida Endowment Foundation for Vocational Rehabilitation,
24 and the Division of Vocational Rehabilitation of the
25 Department of Education.26 (1) Persons eligible to participate in the ~~pilot~~
27 program must:28 (a) Be at least 18 years of age and be significantly
29 disabled due to a traumatic spinal cord injury;

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1 (b) Have been determined eligible for training
2 services from the Division of Vocational Rehabilitation of the
3 Department of Education; and

4 (c) Either:

5 1. Live in a nursing home; or

6 2. Have moved out of a nursing home within the
7 preceding 180 days due to participation in a Medicaid home and
8 community-based waiver program targeted to persons with brain
9 or spinal cord injuries.

10 (2) The association shall develop a training program
11 for training persons selected to participate in the ~~pilot~~
12 program that will prepare each person to manage his or her own
13 personal care attendant.

14 (3)(a) The association, in cooperation with the
15 Florida Endowment Foundation for Vocational Rehabilitation,
16 shall develop a program to recruit, screen, and select
17 candidates to be trained as personal care attendants.

18 (b) The services of a nurse registry licensed pursuant
19 to s. 400.506 may be utilized to recruit and screen candidates
20 and to operate as a fiscal intermediary through which payments
21 are made to individuals performing services as personal care
22 attendants under the pilot program. The Agency for Health Care
23 Administration shall seek any federal waivers necessary to
24 implement this provision.

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

28 (5) The association, in cooperation with the Florida
29 Endowment Foundation for Vocational Rehabilitation, shall
30 establish procedures for selecting persons eligible under
31 subsection (1) to participate in the ~~pilot~~ program.

1 (6) The association, in cooperation with the Division
2 of Vocational Rehabilitation of the Department of Education,
3 shall assess the selected participants and make
4 recommendations for their placement into appropriate
5 work-related training programs.

6 (7) The association, in cooperation with the
7 Department of Revenue, the Brain and Spinal Cord Injury
8 Program in the Department of Health, the Florida Medicaid
9 program in the Agency for Health Care Administration, a
10 representative from the state attorney's office in each of the
11 judicial circuits ~~counties~~ participating in the ~~pilot~~ program,
12 the Florida Endowment Foundation for Vocational
13 Rehabilitation, and the Division of Vocational Rehabilitation
14 of the Department of Education, shall develop a plan for
15 implementation of the ~~pilot~~ program.

16 (8) ~~No later than March 1, 2003, the association shall~~
17 ~~present to the President of the Senate and to the Speaker of~~
18 ~~the House of Representatives the implementation plan for the~~
19 ~~pilot program, a timeline for implementation, estimates of the~~
20 ~~number of participants to be served, and cost projections for~~
21 ~~each component of the pilot program.~~The ~~pilot~~ program shall
22 be implemented beginning July 1, 2003, ~~unless there is~~
23 ~~specific legislative action to the contrary.~~

24 Section 2. Section 413.4021, Florida Statutes, is
25 amended to read:

26 413.4021 ~~Pilot~~ Program participant county selection;
27 tax collection enforcement diversion program.--The Department
28 of Revenue, in coordination with the Florida Association of
29 Centers for Independent Living and the Florida Prosecuting
30 Attorneys Association, shall select judicial circuits ~~four~~
31 ~~counties~~ in which to operate the ~~pilot~~ program. The

1 association and the state attorneys' offices ~~in Duval County~~
2 ~~and the four pilot program counties~~ shall develop and
3 implement a tax collection enforcement diversion program,
4 which shall collect revenue due from persons who have not
5 remitted their collected sales tax. The criteria for referral
6 to the tax collection enforcement diversion program shall be
7 determined cooperatively between the state attorneys' offices
8 ~~in those counties~~ and the Department of Revenue.

9 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~
10 percent of the revenues collected from the tax collection
11 enforcement diversion program shall be deposited into the
12 operating account of the Florida Endowment Foundation for
13 Vocational Rehabilitation, to be used to implement the
14 personal care attendant ~~pilot~~ program.

15 (2) The ~~pilot~~ program shall operate only from funds
16 deposited into the operating account of the Florida Endowment
17 Foundation for Vocational Rehabilitation.

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

21 Section 3. Section 3 of chapter 2002-286, Laws of
22 Florida, is amended to read:

23 Section 3. There is appropriated from the Brain and
24 Spinal Cord Injury Program Trust Fund to the Florida Endowment
25 Foundation for Vocational Rehabilitation the sum of \$250,000
26 in nonrecurring funds for fiscal year 2002-2003 for
27 development of the personal care attendant pilot program under
28 s. 413.402, Florida Statutes. The initial \$50,000 from each of
29 the pilot program judicial circuits ~~counties~~ and the Fourth
30 Judicial Circuit ~~Duval County~~ deposited with the Florida
31 Endowment Foundation for Vocational Rehabilitation shall be

1 used to repay the \$250,000 to the Brain and Spinal Cord Injury
2 Program Trust Fund.

3 Section 4. The sum of \$50,000 is appropriated from the
4 General Revenue Fund annually from recurring funds to the
5 office of the circuit court administrator in each judicial
6 circuit participating in the tax collection enforcement
7 diversion program to pay expenses of participating in the
8 program.

9 Section 5. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Makes permanent the pilot program for the provision of personal care assistants to certain persons disabled due to traumatic spinal cord injuries. Provides for the program to be conducted across participating judicial circuits. Provides an appropriation to participating circuits.