

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 223 w/CS                      Persons with Disabilities  
**SPONSOR(S):** Littlefield  
**TIED BILLS:**                                      **IDEN./SIM. BILLS:** SB 118

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) ELDER & LONG TERM CARE(SUB)	9 Y, 0 N	Meyer	Liem
2) FUTURE OF FLORIDA'S FAMILIES	15 Y, 0 N w/CS	Meyer	Liem
3) FINANCE & TAX	18 Y, 0 N	Overton	Diez-Arguelles
4) JUDICIAL APPROPRIATIONS (SUB)			
5) APPROPRIATIONS			

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### SUMMARY ANALYSIS

HB 223 converts the existing Personal Care Attendant Program from a pilot program to a statewide program. The program would train individuals to become personal care attendants (PCA) for persons with traumatic spinal cord injuries, and train those injured individuals to work with a PCA.

The Personal Care Attendant Program is funded in part by the Sales Tax Enforcement Diversion Program. The bill increases the funds to be deposited in the ABLE trust to support the program from 25% to 50% of the money collected through the Sales Tax Enforcement Diversion Program. The diversion program collects sales tax from persons who owe the tax, but have not properly remitted the tax.

The bill modifies the \$250,000 appropriation made by Section 3 of chapter 2002-286, Laws of Florida.

The bill has an effective date of July 1, 2003.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0223e.ft.doc  
**DATE:** April 2, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

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 (ABLE Trust) to initially fund the project (\$50,000 for each site). The pilot program counties are each required to repay the \$50,000 loan to the Trust Fund.

The bill converts the Personal Care Attendant pilot program to an ongoing program. Additionally, the bill changes the participating entities from counties to judicial circuits.

The bill also modifies the \$250,000 appropriation made by Section 3 of chapter 2002-286, Laws of Florida. Under the original appropriation, the initial \$50,000 from each of the pilot program counties and Duval County deposited with the Florida Endowment Foundation for Vocational Rehabilitation shall be used to repay the \$250,000 to the Brain and Spinal Cord Injury Program Trust Fund. The language is amended to require that the "program judicial circuits" and "the Fourth Judicial Circuit" repay the \$250,000.

#### C. SECTION DIRECTORY:

Section 1: Amends s. 413.402, F.S to convert the Personal Care Attendant Program from a limited "pilot" program to a state wide program. Deletes the requirement to submit of a plan for implementing the pilot project that was due March 1, 2003.

Section 2: Amends s. 413.4021, F.S., to provide that judicial circuits instead of counties may participate in the program. Duval County is removed as a designated participant. Provides that fifty percent instead of twenty-five percent of the revenue collected by the Tax Collection Diversion Program will be deposited with the ABLE Trust to fund the personal care attendant program.

Section 3: Modifies the \$250,000 appropriation made by Section 3 of chapter 2002-286, Laws of Florida.

Section 4: Provides an effective date of July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

No rule making authority is provided in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES