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CHAMBER ACTION

The Committee on Future of Florida's Families recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to persons with disabilities; amending ss. 413.402 and 413.4021, F.S., and s. 3 of ch. 2002-286, Laws of Florida; making the pilot program for personal care attendants for spinal cord injury victims permanent; providing criteria for participation in the program; increasing the percentage of revenues collected from the tax collection enforcement diversion program for deposit into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation; providing an effective date.

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

Section 1. Section 413.402, Florida Statutes, is amended to read:

413.402 Personal care attendant ~~pilot~~ program.--The Florida Association of Centers for Independent Living shall



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29 | develop a ~~pilot~~ program to provide personal care attendants to  
30 | persons who are eligible pursuant to subsection (1). The  
31 | association shall develop memoranda of understanding with the  
32 | Department of Revenue, the Brain and Spinal Cord Injury Program  
33 | in the Department of Health, the Florida Medicaid program in the  
34 | Agency for Health Care Administration, the Florida Endowment  
35 | Foundation for Vocational Rehabilitation, and the Division of  
36 | Vocational Rehabilitation of the Department of Education.

37 | (1) Persons eligible to participate in the ~~pilot~~ program  
38 | must:

39 | (a) Be at least 18 years of age and be significantly  
40 | disabled due to a traumatic spinal cord injury;

41 | (b) Have been determined eligible for training services  
42 | from the Division of Vocational Rehabilitation of the Department  
43 | of Education; and

44 | (c) Either:

45 | 1. Live in a nursing home; or

46 | 2. Have moved out of a nursing home within the preceding  
47 | 180 days due to participation in a Medicaid home and community-  
48 | based waiver program targeted to persons with brain or spinal  
49 | cord injuries.

50 | (2) The association shall develop a training program for  
51 | training persons selected to participate in the ~~pilot~~ program  
52 | that will prepare each person to manage his or her own personal  
53 | care attendant.

54 | (3)(a) The association, in cooperation with the Florida  
55 | Endowment Foundation for Vocational Rehabilitation, shall



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56 | develop a program to recruit, screen, and select candidates to  
57 | be trained as personal care attendants.

58 |       (b) The services of a nurse registry licensed pursuant to  
59 | s. 400.506 may be utilized to recruit and screen candidates and  
60 | to operate as a fiscal intermediary through which payments are  
61 | made to individuals performing services as personal care  
62 | attendants under the ~~pilot~~ program. The Agency for Health Care  
63 | Administration shall seek any federal waivers necessary to  
64 | implement this provision.

65 |       (4) The association, in cooperation with the Florida  
66 | Endowment Foundation for Vocational Rehabilitation, shall  
67 | develop a training program for personal care attendants.

68 |       (5) The association, in cooperation with the Florida  
69 | Endowment Foundation for Vocational Rehabilitation, shall  
70 | establish procedures for selecting persons eligible under  
71 | subsection (1) to participate in the ~~pilot~~ program.

72 |       (6) The association, in cooperation with the Division of  
73 | Vocational Rehabilitation of the Department of Education, shall  
74 | assess the selected participants and make recommendations for  
75 | their placement into appropriate work-related training programs.

76 |       (7) The association, in cooperation with the Department of  
77 | Revenue, the Brain and Spinal Cord Injury Program in the  
78 | Department of Health, the Florida Medicaid program in the Agency  
79 | for Health Care Administration, a representative from the state  
80 | attorney's office in each of the judicial circuits ~~counties~~  
81 | participating in the ~~pilot~~ program, the Florida Endowment  
82 | Foundation for Vocational Rehabilitation, and the Division of



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83 Vocational Rehabilitation of the Department of Education, shall  
84 develop a plan for implementation of the ~~pilot~~ program.

85 (8) ~~No later than March 1, 2003, the association shall~~  
86 ~~present to the President of the Senate and to the Speaker of the~~  
87 ~~House of Representatives the implementation plan for the pilot~~  
88 ~~program, a timeline for implementation, estimates of the number~~  
89 ~~of participants to be served, and cost projections for each~~  
90 ~~component of the pilot program.~~ The ~~pilot~~ program shall be  
91 implemented beginning July 1, 2003, ~~unless there is specific~~  
92 ~~legislative action to the contrary.~~

93 Section 2. Section 413.4021, Florida Statutes, is amended  
94 to read:

95 413.4021 ~~Pilot~~ Program participant county selection; tax  
96 collection enforcement diversion program.--The Department of  
97 Revenue, in coordination with the Florida Association of Centers  
98 for Independent Living and the Florida Prosecuting Attorneys  
99 Association, shall select judicial circuits ~~four counties~~ in  
100 which to operate the ~~pilot~~ program. The association and the  
101 state attorneys' offices ~~in Duval County and the four pilot~~  
102 ~~program counties~~ shall develop and implement a tax collection  
103 enforcement diversion program, which shall collect revenue due  
104 from persons who have not remitted their collected sales tax.  
105 The criteria for referral to the tax collection enforcement  
106 diversion program shall be determined cooperatively between the  
107 state attorneys' offices ~~in those counties~~ and the Department of  
108 Revenue.

109 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~  
110 percent of the revenues collected from the tax collection



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111 enforcement diversion program shall be deposited into the  
112 operating account of the Florida Endowment Foundation for  
113 Vocational Rehabilitation, to be used to implement the personal  
114 care attendant ~~pilot~~ program.

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

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

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

123 Section 3. There is appropriated from the Brain and Spinal  
124 Cord Injury Program Trust Fund to the Florida Endowment  
125 Foundation for Vocational Rehabilitation the sum of \$250,000 in  
126 nonrecurring funds for fiscal year 2002-2003 for development of  
127 the personal care attendant pilot program under s. 413.402,  
128 Florida Statutes. The initial \$50,000 from each of the pilot  
129 program judicial circuits ~~counties~~ and the Fourth Judicial  
130 Circuit ~~Duval County~~ deposited with the Florida Endowment  
131 Foundation for Vocational Rehabilitation shall be used to repay  
132 the \$250,000 to the Brain and Spinal Cord Injury Program Trust  
133 Fund.

134 Section 4. This act shall take effect July 1, 2003.