

By Senator Wise

5-28A-04

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 program for personal care attendants for
6 spinal cord injury victims permanent; providing
7 powers and duties of the Department of Health
8 with respect to the program; providing criteria
9 for participation in the program; providing for
10 an oversight workgroup; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 413.402 Personal care attendant ~~pilot~~ program.--The
18 Florida Association of Centers for Independent Living, in
19 conjunction with the Brain and Spinal Cord Injury Program in
20 the Department of Health, shall develop a ~~pilot~~ program to
21 provide personal care attendants to persons who are eligible
22 pursuant to subsection (1). The association and the Department
23 of Health shall jointly develop memoranda of understanding
24 with the Department of Revenue, ~~the Brain and Spinal Cord~~
25 ~~Injury Program in the Department of Health~~, the Florida
26 Medicaid program in the Agency for Health Care Administration,
27 the Florida Endowment Foundation for Vocational
28 Rehabilitation, and the Division of Vocational Rehabilitation
29 of the Department of Education.

30 (1) Persons eligible to participate in the pilot
31 program must:

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

3 (b) Require a personal care attendant for bathing,
4 dressing, bowel and bladder management, and transportation;
5 ~~Have been determined eligible for training services from the~~
6 ~~Division of Vocational Rehabilitation of the Department of~~
7 ~~Education; and~~

8 (c) Require a personal care attendant to obtain or
9 maintain substantial gainful employment;

10 (d) Be able to hire and supervise a personal care
11 attendant; and

12 (e)~~(e)~~ Either:

13 1. Live in a nursing home; ~~or~~

14 2. Have moved out of a nursing home within the
15 preceding 180 days due to participation in a Medicaid home and
16 community-based waiver program targeted to persons with brain
17 or spinal cord injuries; ~~or-~~

18 3. Presently be employed but because of a loss of a
19 caregiver will lose employment and potentially return to a
20 nursing home.

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

25 (3)(a) The association and the Department of Health,
26 in cooperation with the Florida Endowment Foundation for
27 Vocational Rehabilitation, shall develop a program to recruit,
28 screen, and select candidates to be trained as personal care
29 attendants.

30 (b) The services of a nurse registry licensed pursuant
31 to s. 400.506 may be utilized to recruit and screen candidates

1 and to operate as a fiscal intermediary through which payments
2 are made to individuals performing services as personal care
3 attendants under the ~~pilot~~ program. The Department of Health
4 and the Agency for Health Care Administration shall seek any
5 federal waivers necessary to implement this provision.

6 (4) The association and the Department of Health, in
7 cooperation with the Florida Endowment Foundation for
8 Vocational Rehabilitation, shall develop a training program
9 for personal care attendants.

10 (5) The association and the Department of Health, in
11 cooperation with the Florida Endowment Foundation for
12 Vocational Rehabilitation, shall establish procedures for
13 selecting persons eligible under subsection (1) to participate
14 in the ~~pilot~~ program.

15 (6) The association and the Department of Health, in
16 cooperation with the Division of Vocational Rehabilitation of
17 the Department of Education, shall assess the selected
18 participants and make recommendations for their placement into
19 appropriate work-related training programs.

20 (7) The association, in cooperation with the
21 Department of Revenue, the Brain and Spinal Cord Injury
22 Program in the Department of Health, the Florida Medicaid
23 program in the Agency for Health Care Administration, a
24 representative from the state attorney's office in each of the
25 judicial circuits ~~counties~~ participating in the pilot program,
26 the Florida Endowment Foundation for Vocational
27 Rehabilitation, and the Division of Vocational Rehabilitation
28 of the Department of Education, shall develop a plan for
29 implementation of the pilot program.

30 (8) The Department of Health shall establish a
31 personal care attendant program oversight workgroup to oversee

1 the implementation and administration of the program. The
2 workgroup shall be composed of one representative from the
3 Brain and Spinal Cord Injury Program in the Department of
4 Health, one representative from the Department of Revenue, one
5 representative from the Florida Medicaid Program in the Agency
6 for Health Care Administration, one representative from the
7 Florida Endowment Foundation for Vocational Rehabilitation,
8 one representative from the Florida Association of Centers for
9 Independent Living, one representative from the Division of
10 Vocational Rehabilitation of the Department of Education, and
11 two members who are persons with traumatic spinal cord
12 injuries or are family members of persons with traumatic
13 spinal cord injuries.~~No later than March 1, 2003, the~~
14 ~~association shall present to the President of the Senate and~~
15 ~~to the Speaker of the House of Representatives the~~
16 ~~implementation plan for the pilot program, a timeline for~~
17 ~~implementation, estimates of the number of participants to be~~
18 ~~served, and cost projections for each component of the pilot~~
19 ~~program. The pilot program shall be implemented beginning July~~
20 ~~1, 2003, unless there is specific legislative action to the~~
21 ~~contrary.~~

22 Section 2. Section 413.4021, Florida Statutes, is
23 amended to read:

24 413.4021 ~~Pilot~~ Program participant ~~county~~ selection;
25 tax collection enforcement diversion program.--The Department
26 of Revenue, in coordination with the Florida Association of
27 Centers for Independent Living and the Florida Prosecuting
28 Attorneys Association, shall select judicial circuits ~~four~~
29 ~~counties~~ in which to operate the ~~pilot~~ program. The
30 association and the state attorneys' offices ~~in Duval County~~
31 ~~and the four pilot program counties~~ shall develop and

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

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

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

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

19 (4) For the 2003-2004 fiscal year only and
20 notwithstanding the provisions of subsection (1), 50 percent
21 of the revenues collected from the tax collection enforcement
22 diversion program shall be deposited into the operating
23 account of the Florida Endowment Foundation for Vocational
24 Rehabilitation, to be used to implement the personal care
25 attendant ~~pilot~~ program and to contract with the state
26 attorneys participating in the tax collection enforcement
27 diversion program in an amount of not more than \$50,000 for
28 each state attorney. This subsection expires July 1, 2004.

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

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

12 Section 4. This act shall take effect July 1, 2004.

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15 SENATE SUMMARY

16 Makes permanent the pilot program for the provision of
17 personal care assistants to certain persons disabled due
18 to traumatic spinal cord injuries. Revises standards for
19 participation in the program. Assigns the Department of
20 Health, through its Brain and Spinal Cord Injury Program,
21 joint program authority with the Florida Association of
22 Centers for Independent Living. Requires the
23 establishment of a program oversight workgroup within the
24 department and specifies its membership. Provides for the
25 program to be conducted across participating judicial
26 circuits.

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