

1 A bill to be entitled

2 An act relating to the personal care attendant program;
3 amending s. 413.402, F.S.; revising provisions governing a
4 program to provide personal care attendants for persons
5 who have disabilities; directing the Florida Association
6 of Centers for Independent Living to administer a program
7 to provide such attendants to persons who have severe and
8 chronic disabilities; removing a provision requiring
9 interagency memoranda of agreement; revising eligibility
10 requirements for persons to participate in the personal
11 care attendant program; removing provisions concerning the
12 training, selection, and recruitment of personal care
13 attendants; providing for training of program participants
14 concerning hiring and managing an attendant; providing for
15 the review and revision of program policies and procedures
16 by the association in cooperation with an oversight group;
17 providing for membership in the oversight group; amending
18 s. 413.4021, F.S.; increasing the percentage of revenues
19 collected from persons who fail to remit sales tax that is
20 deposited in the operating account of the Florida
21 Endowment Foundation for Vocational Rehabilitation to
22 administer the program; providing for automatic enrollment
23 in the program for certain persons; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Section 413.402, Florida Statutes, is amended
 29 to read:

30 413.402 Personal Care Attendant Program.--The Florida
 31 Association of Centers for Independent Living,~~in conjunction~~
 32 ~~with the Brain and Spinal Cord Injury Program in the Department~~
 33 ~~of Health,~~ shall administer ~~develop~~ a program to provide
 34 personal care attendants to persons who have severe and chronic
 35 disabilities of all kinds and who are eligible under ~~pursuant to~~
 36 subsection (1). ~~The association and the Department of Health~~
 37 ~~shall jointly develop memoranda of understanding with the~~
 38 ~~Department of Revenue, the Florida Medicaid program in the~~
 39 ~~Agency for Health Care Administration, the Florida Endowment~~
 40 ~~Foundation for Vocational Rehabilitation, and the Division of~~
 41 ~~Vocational Rehabilitation of the Department of Education.~~

42 (1) To be Persons eligible to participate in the program a
 43 person must:

44 (a) Be at least 18 years of age and be significantly and
 45 chronically disabled ~~due to a traumatic spinal cord injury;~~

46 (b) Require a personal care attendant for assistance with,
 47 or support for, at least two activities of daily living, such as
 48 bathing, dressing, bowel and bladder management, grooming and
 49 hygiene, organization, and transportation;

50 (c) Require a personal care attendant in order to accept a
 51 job or maintain substantial gainful employment; and

52 (d) Be able to acquire hire and direct ~~supervise~~ a
 53 personal care attendant. ~~;~~ and

54 ~~(e) Meet one of the following requirements:~~

55 ~~1. Live in a nursing home;~~

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56 ~~2. Have moved out of a nursing home within the preceding~~
57 ~~180 days due to participation in a Medicaid home and community-~~
58 ~~based waiver program targeted to persons with brain or spinal~~
59 ~~cord injuries; or~~

60 ~~3. Presently be employed but, because of a loss of a~~
61 ~~caregiver, will lose employment and potentially return to a~~
62 ~~nursing home.~~

63 (2) (a) The Florida Association of Centers for Independent
64 Living, ~~in cooperation with the Department of Health and the~~
65 ~~Florida Endowment Foundation for Vocational Rehabilitation,~~
66 ~~shall develop a program to recruit, screen, and select~~
67 ~~candidates to be trained as personal care attendants.~~

68 ~~(b) The services of a nurse registry licensed pursuant to~~
69 ~~s. 400.506 may be utilized to recruit and screen candidates and~~
70 ~~to operate as a fiscal intermediary through which payments are~~
71 ~~made to individuals performing services as personal care~~
72 ~~attendants under the program. The Department of Health and the~~
73 ~~Agency for Health Care Administration shall seek any federal~~
74 ~~waivers necessary to implement this provision.~~

75 ~~(3) The association and the Department of Health, in~~
76 ~~cooperation with the Florida Endowment Foundation for Vocational~~
77 ~~Rehabilitation,~~ shall provide develop a training to program
78 participants on hiring and managing a personal care attendant
79 and, in cooperation with the oversight group described in
80 paragraph (b), review and revise the policies and procedures
81 governing the program.

82 (b) The oversight group shall include, but need not be
83 limited to, a member of the Florida Association of Centers for

84 Independent Living, a person who is participating in the
 85 program, and one representative each from the Department of
 86 Revenue, the Department of Children and Family Services, the
 87 Division of Vocational Rehabilitation in the Department of
 88 Education, the Florida Medicaid Program in the Agency for Health
 89 Care Administration, the Florida Endowment Foundation for
 90 Vocational Rehabilitation, and the Brain and Spinal Cord Injury
 91 Program in the Department of Health ~~program for personal care~~
 92 ~~attendants.~~

93 ~~(4) The association, in cooperation with the Department of~~
 94 ~~Health and the Florida Endowment Foundation for Vocational~~
 95 ~~Rehabilitation, shall establish procedures for selecting persons~~
 96 ~~eligible under subsection (1) to participate in the program.~~

97 ~~(5) The association, in cooperation with the Department of~~
 98 ~~Revenue, the Brain and Spinal Cord Injury Program in the~~
 99 ~~Department of Health, the Florida Medicaid program in the Agency~~
 100 ~~for Health Care Administration, a representative from the state~~
 101 ~~attorney's office in each of the judicial circuits participating~~
 102 ~~in the program, the Florida Endowment Foundation for Vocational~~
 103 ~~Rehabilitation, and the Division of Vocational Rehabilitation of~~
 104 ~~the Department of Education, shall develop a plan for~~
 105 ~~implementation of the program.~~

106 ~~(6) The Department of Health shall establish an oversight~~
 107 ~~workgroup for the personal care attendant program to oversee the~~
 108 ~~implementation and administration of the program. The workgroup~~
 109 ~~shall be composed of one representative from the Brain and~~
 110 ~~Spinal Cord Injury Program in the Department of Health, one~~
 111 ~~representative from the Department of Revenue, one~~

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112 ~~representative from the Florida Medicaid Program in the Agency~~
113 ~~for Health Care Administration, one representative from the~~
114 ~~Florida Endowment Foundation for Vocational Rehabilitation, one~~
115 ~~representative from the Florida Association of Centers for~~
116 ~~Independent Living, one representative from the Division of~~
117 ~~Vocational Rehabilitation of the Department of Education, and~~
118 ~~two members who are persons with traumatic spinal cord injuries~~
119 ~~or are family members of persons with traumatic spinal cord~~
120 ~~injuries.~~

121 Section 2. Subsection (1) of section 413.4021, Florida
122 Statutes, is amended to read:

123 413.4021 Program participant selection; tax collection
124 enforcement diversion program.--The Department of Revenue, in
125 coordination with the Florida Association of Centers for
126 Independent Living and the Florida Prosecuting Attorneys
127 Association, shall select judicial circuits in which to operate
128 the program. The association and the state attorneys' offices
129 shall develop and implement a tax collection enforcement
130 diversion program, which shall collect revenue due from persons
131 who have not remitted their collected sales tax. The criteria
132 for referral to the tax collection enforcement diversion program
133 shall be determined cooperatively between the state attorneys'
134 offices and the Department of Revenue.

135 (1) Notwithstanding the provisions of s. 212.20, 90 ~~50~~
136 percent of the revenues collected from the tax collection
137 enforcement diversion program shall be deposited into the
138 operating account of the Florida Endowment Foundation for
139 Vocational Rehabilitation, to be used to administer the personal

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140 care attendant program and to contract with the state attorneys
141 participating in the tax collection enforcement diversion
142 program in an amount of not more than \$50,000 for each state
143 attorney.

144 Section 3. Notwithstanding any other law, each person
145 enrolled in the personal care attendant program under s.
146 413.402, Florida Statutes, on June 30, 2007, is automatically
147 eligible for and enrolled in the personal care attendant
148 program, as amended by this act on July 1, 2007.

149 Section 4. This act shall take effect July 1, 2007.