

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 Endowment
6 Foundation for Vocational Rehabilitation to enter into an
7 agreement with the Florida Association of Centers for
8 Independent Living to administer a program to provide such
9 attendants to persons who have severe and chronic
10 disabilities; providing for the Florida Association of
11 Centers for Independent Living to receive certain funds to
12 administer the program; removing a provision requiring
13 interagency memoranda of understanding; revising
14 eligibility requirements for persons to participate in the
15 personal care attendant program; providing for training of
16 program participants concerning hiring and managing an
17 attendant; providing for the adoption and revision of
18 program policies and procedures by the association in
19 cooperation with an oversight group; providing for
20 membership in the oversight group; removing provisions
21 concerning the training, selection, and recruitment of
22 personal care attendants; amending s. 413.4021, F.S.;
23 increasing the percentage of revenues collected from
24 persons who fail to remit sales tax that is deposited in
25 the operating account of the Florida Endowment Foundation
26 for Vocational Rehabilitation to administer the program;
27 deleting a requirement that the Florida Endowment
28 Foundation for Vocational Rehabilitation select an entity

29 to administer the program; providing for automatic
 30 enrollment in the program for certain persons; providing
 31 an effective date.

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

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

37 413.402 Personal care attendant program.--The Florida
 38 Endowment Foundation for Vocational Rehabilitation shall enter
 39 into an agreement with the Florida Association of Centers for
 40 Independent Living to administer, ~~in conjunction with the Brain~~
 41 ~~and Spinal Cord Injury Program in the Department of Health,~~
 42 ~~shall develop~~ a program to provide personal care attendants to
 43 persons who have severe and chronic disabilities of all kinds
 44 and who are eligible under pursuant to subsection (1). Effective
 45 July 1, 2007, the Florida Association of Centers for Independent
 46 Living shall receive 15 percent of the funds to be deposited
 47 with the Florida Endowment Foundation for Vocational
 48 Rehabilitation pursuant to ss. 320.08068(4)(d) and 413.4021(1)
 49 to administer the program. ~~The association and the Department of~~
 50 ~~Health shall jointly develop memoranda of understanding with the~~
 51 ~~Department of Revenue, the Florida Medicaid program in the~~
 52 ~~Agency for Health Care Administration, the Florida Endowment~~
 53 ~~Foundation for Vocational Rehabilitation, and the Division of~~
 54 ~~Vocational Rehabilitation of the Department of Education.~~

55 (1) To be Persons eligible to participate in the program,
 56 a person must:

57 (a) Be at least 18 years of age, be a resident of the
 58 state for at least 12 months immediately prior to application to
 59 the program, and be significantly and chronically disabled due
 60 ~~to a traumatic spinal cord injury;~~

61 (b) Require a personal care attendant for assistance with,
 62 or support for, at least two activities of daily living as
 63 defined in s. 429.02, as determined by a physician or
 64 psychiatrist ~~bathing, dressing, bowel and bladder management,~~
 65 ~~and transportation;~~

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

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

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

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

72 ~~2. Have moved out of a nursing home within the preceding~~
 73 ~~180 days due to participation in a Medicaid home and community-~~
 74 ~~based waiver program targeted to persons with brain or spinal~~
 75 ~~cord injuries; or~~

76 ~~3. Presently be employed but, because of a loss of a~~
 77 ~~caregiver, will lose employment and potentially return to a~~
 78 ~~nursing home.~~

79 (2) (a) The Florida Association of Centers for Independent
 80 Living shall provide training to program participants on hiring
 81 and managing a personal care attendant and, in cooperation with
 82 the oversight group described in paragraph (b), adopt and revise
 83 the policies and procedures governing the personal care
 84 attendant program and the training program.

85 (b) The oversight group shall include, but need not be
86 limited to, a member of the Florida Association of Centers for
87 Independent Living, a person who is participating in the
88 program, and one representative each from the Department of
89 Revenue, the Department of Children and Family Services, the
90 Division of Vocational Rehabilitation in the Department of
91 Education, the Florida Medicaid Program in the Agency for Health
92 Care Administration, the Florida Endowment Foundation for
93 Vocational Rehabilitation, and the Brain and Spinal Cord Injury
94 Program in the Department of Health. The association, in
95 ~~cooperation with the Department of Health and the Florida~~
96 ~~Endowment Foundation for Vocational Rehabilitation, shall~~
97 ~~develop a program to recruit, screen, and select candidates to~~
98 ~~be trained as personal care attendants.~~

99 ~~(b) The services of a nurse registry licensed pursuant to~~
100 ~~s. 400.506 may be utilized to recruit and screen candidates and~~
101 ~~to operate as a fiscal intermediary through which payments are~~
102 ~~made to individuals performing services as personal care~~
103 ~~attendants under the program. The Department of Health and the~~
104 ~~Agency for Health Care Administration shall seek any federal~~
105 ~~waivers necessary to implement this provision.~~

106 ~~(3) The association and the Department of Health, in~~
107 ~~cooperation with the Florida Endowment Foundation for Vocational~~
108 ~~Rehabilitation, shall develop a training program for personal~~
109 ~~care attendants.~~

110 ~~(4) The association, in cooperation with the Department of~~
111 ~~Health and the Florida Endowment Foundation for Vocational~~
112 ~~Rehabilitation, shall establish procedures for selecting persons~~

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113 ~~eligible under subsection (1) to participate in the program.~~

114 ~~(5) The association, in cooperation with the Department of~~
115 ~~Revenue, the Brain and Spinal Cord Injury Program in the~~
116 ~~Department of Health, the Florida Medicaid program in the Agency~~
117 ~~for Health Care Administration, a representative from the state~~
118 ~~attorney's office in each of the judicial circuits participating~~
119 ~~in the program, the Florida Endowment Foundation for Vocational~~
120 ~~Rehabilitation, and the Division of Vocational Rehabilitation of~~
121 ~~the Department of Education, shall develop a plan for~~
122 ~~implementation of the program.~~

123 ~~(6) The Department of Health shall establish an oversight~~
124 ~~workgroup for the personal care attendant program to oversee the~~
125 ~~implementation and administration of the program. The workgroup~~
126 ~~shall be composed of one representative from the Brain and~~
127 ~~Spinal Cord Injury Program in the Department of Health, one~~
128 ~~representative from the Department of Revenue, one~~
129 ~~representative from the Florida Medicaid Program in the Agency~~
130 ~~for Health Care Administration, one representative from the~~
131 ~~Florida Endowment Foundation for Vocational Rehabilitation, one~~
132 ~~representative from the Florida Association of Centers for~~
133 ~~Independent Living, one representative from the Division of~~
134 ~~Vocational Rehabilitation of the Department of Education, and~~
135 ~~two members who are persons with traumatic spinal cord injuries~~
136 ~~or are family members of persons with traumatic spinal cord~~
137 ~~injuries.~~

138 Section 2. Subsections (1) and (2) of section 413.4021,
139 Florida Statutes, are amended to read:

140 413.4021 Program participant selection; tax collection
 141 enforcement diversion program.--The Department of Revenue, in
 142 coordination with the Florida Association of Centers for
 143 Independent Living and the Florida Prosecuting Attorneys
 144 Association, shall select judicial circuits in which to operate
 145 the program. The association and the state attorneys' offices
 146 shall develop and implement a tax collection enforcement
 147 diversion program, which shall collect revenue due from persons
 148 who have not remitted their collected sales tax. The criteria
 149 for referral to the tax collection enforcement diversion program
 150 shall be determined cooperatively between the state attorneys'
 151 offices and the Department of Revenue.

152 (1) Notwithstanding the provisions of s. 212.20, 90 ~~50~~
 153 percent of the revenues collected from the tax collection
 154 enforcement diversion program shall be deposited into the
 155 operating account of the Florida Endowment Foundation for
 156 Vocational Rehabilitation, to be used to administer the personal
 157 care attendant program and to contract with the state attorneys
 158 participating in the tax collection enforcement diversion
 159 program in an amount of not more than \$50,000 for each state
 160 attorney.

161 (2) The program shall operate only from funds deposited
 162 into the operating account of the Florida Endowment Foundation
 163 for Vocational Rehabilitation. ~~The Florida Endowment Foundation~~
 164 ~~for Vocational Rehabilitation shall select the entity to~~
 165 ~~administer the personal care attendant program.~~

166 Section 3. Notwithstanding any other law, each person
 167 enrolled in the personal care attendant program established

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168 under s. 413.402, Florida Statutes, on June 30, 2007, and each
169 person enrolled in the pilot personal care attendant program in
170 Lake, Orange, Osceola, and Seminole Counties as authorized in
171 Specific Appropriation 340, chapter 2006-25, Laws of Florida, on
172 June 30, 2007, is automatically eligible for and enrolled in the
173 personal care attendant program established under s. 413.402,
174 Florida Statutes, as amended by this act.

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