

Bill No. SB 922

Barcode 925234

CHAMBER ACTION

Senate

House

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Comm: RCS
03/21/2007 09:45 PM

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The Committee on Health Policy (Dockery) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

413.402 Personal care attendant program.--The Florida Endowment Foundation for Vocational Rehabilitation shall enter into an agreement with the Florida Association of Centers for Independent Living to administer, in conjunction with the Brain and Spinal Cord Injury Program in the Department of Health, shall develop a program to provide personal care attendants to persons who have severe and chronic disabilities of all kinds and who are eligible under ~~pursuant to~~ subsection (1). Effective July 1, 2007, the Florida Association of Centers for Independent Living shall receive 15 percent of the funds to be deposited with the Florida Endowment Foundation for Vocational Rehabilitation pursuant to ss. 320.08068(4)(d)

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1 ~~and 413.4021(1), to administer the program. association and~~
 2 ~~the Department of Health shall jointly develop memoranda of~~
 3 ~~understanding with the Department of Revenue, the Florida~~
 4 ~~Medicaid program in the Agency for Health Care Administration,~~
 5 ~~the Florida Endowment Foundation for Vocational~~
 6 ~~Rehabilitation, and the Division of Vocational Rehabilitation~~
 7 ~~of the Department of Education.~~

8 (1) In order to be ~~Persons~~ eligible to participate in
 9 the program, a person must:

10 (a) Be at least 18 years of age, be a Florida resident
 11 for at least 12 months immediately prior to application to the
 12 program, and be significantly and chronically disabled ~~due to~~
 13 ~~a traumatic spinal cord injury;~~

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

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

21 (d) Be able to acquire ~~hire~~ and direct ~~supervise~~ a
 22 personal care attendant. ~~and~~

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

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

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

29 ~~3. Presently be employed but, because of a loss of a~~
 30 ~~caregiver, will lose employment and potentially return to a~~
 31 ~~nursing home.~~

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1 (2)(a) ~~The association, in cooperation with the~~
 2 ~~Department of Health and the Florida Endowment Foundation for~~
 3 ~~Vocational Rehabilitation, shall develop a program to recruit,~~
 4 ~~screen, and select candidates to be trained as personal care~~
 5 ~~attendants.~~

6 (b) ~~The services of a nurse registry licensed pursuant~~
 7 ~~to s. 400.506 may be utilized to recruit and screen candidates~~
 8 ~~and to operate as a fiscal intermediary through which payments~~
 9 ~~are made to individuals performing services as personal care~~
 10 ~~attendants under the program. The Department of Health and the~~
 11 ~~Agency for Health Care Administration shall seek any federal~~
 12 ~~waivers necessary to implement this provision.~~

13 (3) The Florida Association of Centers for Independent
 14 Living association and the Department of Health, in
 15 cooperation with the Florida Endowment Foundation for
 16 Vocational Rehabilitation, shall provide develop a training to
 17 program participants on hiring and managing a personal care
 18 attendant and, in cooperation with the oversight group
 19 described in paragraph (b), adopt and revise the policies and
 20 procedures governing the personal care attendant program and
 21 the training program.

22 (b) The oversight group shall include, but need not be
 23 limited to, a member of the Florida Association of Centers for
 24 Independent Living, a person who is participating in the
 25 program, and one representative each from the Department of
 26 Revenue, the Department of Children and Family Services, the
 27 Division of Vocational Rehabilitation in the Department of
 28 Education, the Medicaid program in the Agency for Health Care
 29 Administration, the Florida Endowment Foundation for
 30 Vocational Rehabilitation, and the Brain and Spinal Cord
 31 Injury Program in the Department of Health program for

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1 ~~personal care attendants.~~

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

7 ~~(5) The association, in cooperation with the~~
8 ~~Department of Revenue, the Brain and Spinal Cord Injury~~
9 ~~Program in the Department of Health, the Florida Medicaid~~
10 ~~program in the Agency for Health Care Administration, a~~
11 ~~representative from the state attorney's office in each of the~~
12 ~~judicial circuits participating in the program, the Florida~~
13 ~~Endowment Foundation for Vocational Rehabilitation, and the~~
14 ~~Division of Vocational Rehabilitation of the Department of~~
15 ~~Education, shall develop a plan for implementation of the~~
16 ~~program.~~

17 ~~(6) The Department of Health shall establish an~~
18 ~~oversight workgroup for the personal care attendant program to~~
19 ~~oversee the implementation and administration of the program.~~
20 ~~The workgroup shall be composed of one representative from the~~
21 ~~Brain and Spinal Cord Injury Program in the Department of~~
22 ~~Health, one representative from the Department of Revenue, one~~
23 ~~representative from the Florida Medicaid Program in the Agency~~
24 ~~for Health Care Administration, one representative from the~~
25 ~~Florida Endowment Foundation for Vocational Rehabilitation,~~
26 ~~one representative from the Florida Association of Centers for~~
27 ~~Independent Living, one representative from the Division of~~
28 ~~Vocational Rehabilitation of the Department of Education, and~~
29 ~~two members who are persons with traumatic spinal cord~~
30 ~~injuries or are family members of persons with traumatic~~
31 ~~spinal cord injuries.~~

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

3 413.4021 Program participant selection; tax collection
4 enforcement diversion program.--The Department of Revenue, in
5 coordination with the Florida Association of Centers for
6 Independent Living and the Florida Prosecuting Attorneys
7 Association, shall select judicial circuits in which to
8 operate the program. The association and the state attorneys'
9 offices shall develop and implement a tax collection
10 enforcement diversion program, which shall collect revenue due
11 from persons who have not remitted their collected sales tax.
12 The criteria for referral to the tax collection enforcement
13 diversion program shall be determined cooperatively between
14 the state attorneys' offices and the Department of Revenue.

15 (1) Notwithstanding the provisions of s. 212.20, 90 50
16 percent of the revenues collected from the tax collection
17 enforcement diversion program shall be deposited into the
18 operating account of the Florida Endowment Foundation for
19 Vocational Rehabilitation, to be used to administer the
20 personal care attendant program and to contract with the state
21 attorneys participating in the tax collection enforcement
22 diversion program in an amount of not more than \$50,000 for
23 each state attorney.

24 (2) The program shall operate only from funds
25 deposited into the operating account of the Florida Endowment
26 Foundation for Vocational Rehabilitation. ~~The Florida
27 Endowment Foundation for Vocational Rehabilitation shall
28 select the entity to administer the personal care attendant
29 program.~~

30 Section 3. Notwithstanding any other law, each person
31 enrolled in the personal care attendant program under s.

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1 413.402, Florida Statutes, on June 30, 2007, and each person
 2 enrolled in the pilot personal care attendant program in Lake,
 3 Orange, Osceola, and Seminole Counties as authorized in
 4 Specific Appropriation 340, chapter 2006-25, Laws of Florida,
 5 on June 30, 2007, is automatically eligible for and enrolled
 6 in the personal care attendant program, as amended by this act
 7 on July 1, 2007.

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

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete everything before the enacting clause

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15 and insert:

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 A bill to be entitled

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 An act relating to the personal care attendant

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 program; amending s. 413.402, F.S.; revising

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 provisions governing a program to provide

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 personal care attendants for persons who have

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 disabilities; requiring the Florida Endowment

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 Foundation for Vocational Rehabilitation to

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 enter into an agreement with the Florida

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 Association of Centers for Independent Living

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 to administer a program to provide such

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 attendants to persons who have severe and

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 chronic disabilities; providing for payment for

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 the administration of the program; removing a

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 provision requiring interagency memoranda of

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 agreement; revising eligibility requirements

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 for participation in the personal care

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1 attendant program; removing provisions
2 concerning the training, selection, and
3 recruitment of personal care attendants;
4 providing for training of program participants
5 concerning hiring and managing an attendant;
6 providing for the adoption and revision of
7 program policies and procedures by the
8 association in cooperation with an oversight
9 group; providing for membership in the
10 oversight group; amending s. 413.4021, F.S.;
11 increasing the percentage of revenues collected
12 from persons who fail to remit sales tax which
13 is deposited in the operating account of the
14 Florida Endowment Foundation for Vocational
15 Rehabilitation to administer the program;
16 deleting a provision requiring that the Florida
17 Endowment Foundation for Vocational
18 Rehabilitation select an entity to administer
19 the program; providing for automatic enrollment
20 in the program for certain persons; providing
21 an effective date.

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