

By the Committee on Health Policy; and Senator Wise

587-2148-07

1                                   A bill to be entitled  
2                   An act relating to the personal care attendant  
3                   program; amending s. 413.402, F.S.; revising  
4                   provisions governing a program to provide  
5                   personal care attendants for persons who have  
6                   disabilities; requiring the Florida Endowment  
7                   Foundation for Vocational Rehabilitation to  
8                   enter into an agreement with the Florida  
9                   Association of Centers for Independent Living  
10                  to administer a program to provide such  
11                  attendants to persons who have severe and  
12                  chronic disabilities; providing for payment for  
13                  the administration of the program; removing a  
14                  provision requiring interagency memoranda of  
15                  agreement; revising eligibility requirements  
16                  for participation in the personal care  
17                  attendant program; removing provisions  
18                  concerning the training, selection, and  
19                  recruitment of personal care attendants;  
20                  providing for training of program participants  
21                  concerning hiring and managing an attendant;  
22                  providing for the adoption and revision of  
23                  program policies and procedures by the  
24                  association in cooperation with an oversight  
25                  group; providing for membership in the  
26                  oversight group; amending s. 413.4021, F.S.;  
27                  increasing the percentage of revenues collected  
28                  from persons who fail to remit sales tax which  
29                  is deposited in the operating account of the  
30                  Florida Endowment Foundation for Vocational  
31                  Rehabilitation to administer the program;

1 deleting a provision requiring that the Florida  
2 Endowment Foundation for Vocational  
3 Rehabilitation select an entity to administer  
4 the program; providing for automatic enrollment  
5 in the program for certain persons; providing  
6 an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

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

12 413.402 Personal care attendant program.--The Florida  
13 Endowment Foundation for Vocational Rehabilitation shall enter  
14 into an agreement with the Florida Association of Centers for  
15 Independent Living to administer, ~~in conjunction with the~~  
16 ~~Brain and Spinal Cord Injury Program in the Department of~~  
17 ~~Health, shall develop~~ a program to provide personal care  
18 attendants to persons who have severe and chronic disabilities  
19 of all kinds and who are eligible under ~~pursuant to~~ subsection  
20 (1). Effective July 1, 2007, the Florida Association of  
21 Centers for Independent Living shall receive 15 percent of the  
22 funds to be deposited with the Florida Endowment Foundation  
23 for Vocational Rehabilitation pursuant to ss. 320.08068(4)(d)  
24 and 413.4021(1), to administer the program. ~~association and~~  
25 ~~the Department of Health shall jointly develop memoranda of~~  
26 ~~understanding with the Department of Revenue, the Florida~~  
27 ~~Medicaid program in the Agency for Health Care Administration,~~  
28 ~~the Florida Endowment Foundation for Vocational~~  
29 ~~Rehabilitation, and the Division of Vocational Rehabilitation~~  
30 ~~of the Department of Education.~~  
31

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

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

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

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

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

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

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

18           ~~2. Have moved out of a nursing home within the~~  
19 ~~preceding 180 days due to participation in a Medicaid home and~~  
20 ~~community based waiver program targeted to persons with brain~~  
21 ~~or spinal cord injuries; or~~

22           ~~3. Presently be employed but, because of a loss of a~~  
23 ~~caregiver, will lose employment and potentially return to a~~  
24 ~~nursing home.~~

25           (2)(a) ~~The association, in cooperation with the~~  
26 ~~Department of Health and 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 program. The Department of Health and the~~  
4 ~~Agency for Health Care Administration shall seek any federal~~  
5 ~~waivers necessary to implement this provision.~~

6 ~~(3) The Florida Association of Centers for Independent~~  
7 ~~Living association and the Department of Health, in~~  
8 ~~cooperation with the Florida Endowment Foundation for~~  
9 ~~Vocational Rehabilitation, shall provide develop a training to~~  
10 ~~program participants on hiring and managing a personal care~~  
11 ~~attendant and, in cooperation with the oversight group~~  
12 ~~described in paragraph (b), adopt and revise the policies and~~  
13 ~~procedures governing the personal care attendant program and~~  
14 ~~the training program.~~

15 ~~(b) The oversight group shall include, but need not be~~  
16 ~~limited to, a member of the Florida Association of Centers for~~  
17 ~~Independent Living, a person who is participating in the~~  
18 ~~program, and one representative each from the Department of~~  
19 ~~Revenue, the Department of Children and Family Services, the~~  
20 ~~Division of Vocational Rehabilitation in the Department of~~  
21 ~~Education, the Medicaid program in the Agency for Health Care~~  
22 ~~Administration, the Florida Endowment Foundation for~~  
23 ~~Vocational Rehabilitation, and the Brain and Spinal Cord~~  
24 ~~Injury Program in the Department of Health program for~~  
25 ~~personal care attendants.~~

26 ~~(4) The association, in cooperation with the~~  
27 ~~Department of Health and the Florida Endowment Foundation for~~  
28 ~~Vocational Rehabilitation, shall establish procedures for~~  
29 ~~selecting persons eligible under subsection (1) to participate~~  
30 ~~in the program.~~

31

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

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

26           Section 2. Subsections (1) and (2) of section  
27 413.4021, Florida Statutes, are amended to read:

28           413.4021 Program participant selection; tax collection  
29 enforcement diversion program.--The Department of Revenue, in  
30 coordination with the Florida Association of Centers for  
31 Independent Living and the Florida Prosecuting Attorneys

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

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

18 (2) The program shall operate only from funds  
19 deposited into the operating account of the Florida Endowment  
20 Foundation for Vocational Rehabilitation. ~~The Florida~~  
21 ~~Endowment Foundation for Vocational Rehabilitation shall~~  
22 ~~select the entity to administer the personal care attendant~~  
23 ~~program.~~

24 Section 3. Notwithstanding any other law, each person  
25 enrolled in the personal care attendant program under s.  
26 413.402, Florida Statutes, on June 30, 2007, and each person  
27 enrolled in the pilot personal care attendant program in Lake,  
28 Orange, Osceola, and Seminole Counties as authorized in  
29 Specific Appropriation 340, chapter 2006-25, Laws of Florida,  
30 on June 30, 2007, is automatically eligible for and enrolled  
31

1 in the personal care attendant program, as amended by this act  
2 on July 1, 2007.

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

4  
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 922

8 This committee substitute requires the Florida Endowment  
9 Foundation for Vocational Rehabilitation to contract with the  
10 Florida Association of Centers for Independent Living (FACIL  
11 or association) to provide training to program participants on  
12 hiring and managing a personal care attendant. It also  
13 provides that, effective July 1, 2007, the FACIL shall receive  
14 15 percent of the funds to be deposited with the Florida  
15 Endowment Foundation for Vocational Rehabilitation pursuant to  
16 ss. 320.08068(4)(d) and 413.4021(1), F.S., to administer the  
17 program.

18 The committee substitute increases the percent of the revenue  
19 collected from the tax collection enforcement diversion  
20 program that is provided to the program from 50 percent to 90  
21 percent; and, repeals a provision that the Florida Endowment  
22 Foundation for Vocational Rehabilitation shall select the  
23 entity to administer the personal care attendant program.

24 The committee substitute provides that all persons who are  
25 enrolled in the existing personal care attendant program and  
26 the Cross Disability pilot program on June 30, 2007, are  
27 automatically eligible for and enrolled in the revised  
28 program.  
29  
30  
31