

By the Committees on Children, Families, and Elder Affairs;
Health Policy; and Senator Wise

586-2648-07

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; naming the program the
13 "James Patrick Memorial Work Incentive Personal
14 Attendant Services Program"; providing for
15 payment for the administration of the program;
16 removing a provision requiring interagency
17 memoranda of agreement; revising eligibility
18 requirements for participation in the personal
19 care attendant program; removing provisions
20 concerning the training, selection, and
21 recruitment of personal care attendants;
22 providing for training of program participants
23 concerning hiring and managing an attendant;
24 providing for the adoption and revision of
25 program policies and procedures by the
26 association in cooperation with an oversight
27 group; providing for membership in the
28 oversight group; amending s. 413.4021, F.S.;
29 increasing the percentage of revenues collected
30 from persons who fail to remit sales tax which
31 is deposited in the operating account of the

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

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

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

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

1 ~~for Vocational Rehabilitation, and the Division of Vocational~~
2 ~~Rehabilitation of the Department of Education.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Section 2. Subsections (1) and (2) of section
29 413.4021, Florida Statutes, are amended to read:

30 413.4021 Program participant selection; tax collection
31 enforcement diversion program.--The Department of Revenue, in

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

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

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

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

1 on June 30, 2007, is automatically eligible for and enrolled
2 in the personal care attendant program, as amended by this act
3 on July 1, 2007.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS for Senate Bill 922

9 The Committee Substitute names the program the James Patrick
10 Memorial Work Incentive Personal Attendant Services program.

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