

By the Committees on Health and Human Services Appropriations;
Children, Families, and Elder Affairs; and Senators Wise and
Lynn

603-06983-08

2008370c2

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; requiring the Florida Endowment
6 Foundation for Vocational Rehabilitation to enter into an
7 agreement by a certain date with the Florida Association
8 of Centers for Independent Living to administer a program
9 to provide such attendants to persons who have severe and
10 chronic disabilities; requiring that the parties execute a
11 memorandum of understanding; naming the program the "James
12 Patrick Memorial Work Incentive Personal Attendant
13 Services Program"; providing for payment for the
14 administration of the program; removing a provision
15 requiring interagency memoranda of agreement; revising
16 eligibility requirements for participation in the personal
17 care attendant program; removing provisions concerning the
18 training, selection, and recruitment of personal care
19 attendants; providing for training of program participants
20 concerning hiring and managing an attendant; providing for
21 the adoption and revision of program policies and
22 procedures by the association in cooperation with an
23 oversight group; providing for membership in the oversight
24 group; amending s. 413.4021, F.S.; increasing the
25 percentage of revenues collected from persons who fail to
26 remit sales tax which is deposited in the special reserve
27 account of the Florida Endowment Foundation for Vocational
28 Rehabilitation to administer the program; deleting a
29 provision requiring that the Florida Endowment Foundation

603-06983-08

2008370c2

30 for Vocational Rehabilitation select an entity to
31 administer the program; providing for automatic enrollment
32 in the program for certain persons; providing an effective
33 date.

34
35 Be It Enacted by the Legislature of the State of Florida:

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

39 413.402 Personal care attendant program.--The Florida
40 Endowment Foundation for Vocational Rehabilitation shall enter
41 into an agreement, no later than October 1, 2008, with the
42 Florida Association of Centers for Independent Living to
43 administer the James Patrick Memorial Work Incentive Personal
44 Attendant Services, in conjunction with the Brain and Spinal Cord
45 Injury Program in the Department of Health, shall develop a
46 Program to provide personal care attendants to persons who have
47 severe and chronic disabilities of all kinds and who are eligible
48 under pursuant to subsection (1). Effective July 1, 2008, the
49 Florida Association of Centers for Independent Living shall
50 receive 12 percent of the funds paid to or on behalf of
51 participants from funds to be deposited with the Florida
52 Endowment Foundation for Vocational Rehabilitation pursuant to
53 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
54 For the purpose of ensuring continuity of services, a memorandum
55 of understanding shall be executed between the parties to cover
56 the period between July 1, 2008, and the execution of the final
57 agreement. association and the Department of Health shall jointly
58 develop memoranda of understanding with the Department of

603-06983-08

2008370c2

59 Revenue, ~~the Florida Medicaid program in the Agency for Health~~
60 ~~Care Administration, the Florida Endowment Foundation for~~
61 ~~Vocational Rehabilitation, and the Division of Vocational~~
62 ~~Rehabilitation of the Department of Education.~~

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

65 (a) Be at least 18 years of age, be a legal resident of
66 this state, and be significantly and chronically disabled ~~due to~~
67 ~~a traumatic spinal cord injury;~~

68 (b) Require a personal care attendant for assistance with
69 or support for at least two activities of daily living as defined
70 in s. 429.02, as determined by a physician, psychologist, or
71 psychiatrist ~~bathing, dressing, bowel and bladder management, and~~
72 ~~transportation;~~

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

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

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

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

79 ~~2. Have moved out of a nursing home within the preceding~~
80 ~~180 days due to participation in a Medicaid home and community-~~
81 ~~based waiver program targeted to persons with brain or spinal~~
82 ~~cord injuries; or~~

83 ~~3. Presently be employed but, because of a loss of a~~
84 ~~caregiver, will lose employment and potentially return to a~~
85 ~~nursing home.~~

86 (2) (a) ~~The association, in cooperation with the Department~~
87 ~~of Health and the Florida Endowment Foundation for Vocational~~

603-06983-08

2008370c2

88 ~~Rehabilitation, shall develop a program to recruit, screen, and~~
89 ~~select candidates to be trained as personal care attendants.~~

90 ~~(b) The services of a nurse registry licensed pursuant to~~
91 ~~s. 400.506 may be utilized to recruit and screen candidates and~~
92 ~~to operate as a fiscal intermediary through which payments are~~
93 ~~made to individuals performing services as personal care~~
94 ~~attendants under the program. The Department of Health and the~~
95 ~~Agency for Health Care Administration shall seek any federal~~
96 ~~waivers necessary to implement this provision.~~

97 ~~(3) The Florida Association of Centers for Independent~~
98 ~~Living association and the Department of Health, in cooperation~~
99 ~~with the Florida Endowment Foundation for Vocational~~
100 ~~Rehabilitation, shall provide develop a training to program~~
101 ~~participants on hiring and managing a personal care attendant~~
102 ~~and, in cooperation with the oversight group described in~~
103 ~~paragraph (b), adopt and revise the policies and procedures~~
104 ~~governing the personal care attendant program and the training~~
105 ~~program.~~

106 ~~(b) The oversight group shall include, but need not be~~
107 ~~limited to, a member of the Florida Association of Centers for~~
108 ~~Independent Living, a person who is participating in the program,~~
109 ~~and one representative each from the Department of Revenue, the~~
110 ~~Department of Children and Family Services, the Division of~~
111 ~~Vocational Rehabilitation in the Department of Education, the~~
112 ~~Medicaid program in the Agency for Health Care Administration,~~
113 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~
114 ~~and the Brain and Spinal Cord Injury Program in the Department of~~
115 ~~Health program for personal care attendants.~~

116 ~~(4) The association, in cooperation with the Department of~~

603-06983-08

2008370c2

117 ~~Health and the Florida Endowment Foundation for Vocational~~
118 ~~Rehabilitation, shall establish procedures for selecting persons~~
119 ~~eligible under subsection (1) to participate in the program.~~

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

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

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

145 413.4021 Program participant selection; tax collection

603-06983-08

2008370c2

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

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

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

170 Section 3. Notwithstanding any other law, each person
171 enrolled in the personal care attendant program under s. 413.402,
172 Florida Statutes, on June 30, 2008, and each person enrolled in
173 the pilot personal care attendant program in Lake, Orange,
174 Osceola, and Seminole Counties as authorized in Specific

603-06983-08

2008370c2

175 Appropriation 340, chapter 2006-25, Laws of Florida, on June 30,
176 2008, is automatically eligible for and enrolled in the personal
177 care attendant program, as amended by this act on July 1, 2008.

178 Section 4. This act shall take effect July 1, 2008.