

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

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

32

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 personal  
 38 care attendant program created under this section shall be cited  
 39 as the "James Patrick Memorial Work Incentive Personal Attendant  
 40 Services Program." The Florida Endowment Foundation for  
 41 Vocational Rehabilitation shall enter into an agreement 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  
 45 Cord 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  
 48 eligible under pursuant to subsection (1). Effective July 1,  
 49 2008, the Florida Association of Centers for Independent Living  
 50 shall receive 15 percent of the funds to be deposited with the  
 51 Florida Endowment Foundation for Vocational Rehabilitation  
 52 pursuant to ss. 320.08068(4)(d) and 413.4021(1) to administer  
 53 the program. The association and the Department of Health shall  
 54 jointly develop memoranda of understanding with the Department  
 55 of Revenue, the Florida Medicaid program in the Agency for  
 56 Health Care Administration, the Florida Endowment Foundation for

57 ~~Vocational Rehabilitation, and the Division of Vocational~~  
 58 ~~Rehabilitation of the Department of Education.~~

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

61 (a) Be at least 18 years of age, be a resident of this  
 62 state for at least 12 months immediately prior to application to  
 63 the program, and be significantly and chronically disabled ~~due~~  
 64 ~~to a traumatic spinal cord injury;~~

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

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

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

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

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

76 2. ~~Have moved out of a nursing home within the preceding~~  
 77 ~~180 days due to participation in a Medicaid home and community-~~  
 78 ~~based waiver program targeted to persons with brain or spinal~~  
 79 ~~cord injuries; or~~

80 3. ~~Presently be employed but, because of a loss of a~~  
 81 ~~caregiver, will lose employment and potentially return to a~~  
 82 ~~nursing home.~~

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

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

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

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

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

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

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

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

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

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

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

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

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169           Section 3. Notwithstanding any other law, each person  
170 enrolled in the personal care attendant program under s.  
171 413.402, Florida Statutes, on June 30, 2008, and each person  
172 enrolled in the pilot personal care attendant program in Lake,  
173 Orange, Osceola, and Seminole Counties as authorized in Specific  
174 Appropriation 340, chapter 2006-25, Laws of Florida, on June 30,  
175 2008, is automatically eligible for and enrolled in the personal  
176 care attendant program, as amended by this act, on July 1, 2008.

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