

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.; deleting a provision requiring that the
24 Florida Endowment Foundation for Vocational Rehabilitation
25 select an entity to administer the program; providing for
26 automatic enrollment in the program for certain persons;
27 providing an effective date.
28

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

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

33 413.402 Personal care attendant program.--The personal
 34 care attendant program created under this section shall be cited
 35 as the "James Patrick Memorial Work Incentive Personal Attendant
 36 Services Program." The Florida Endowment Foundation for
 37 Vocational Rehabilitation shall enter into an agreement with the
 38 Florida Association of Centers for Independent Living to
 39 administer the James Patrick Memorial Work Incentive Personal
 40 Attendant Services, in conjunction with the Brain and Spinal
 41 Cord Injury Program in the Department of Health, shall develop a
 42 Program to provide personal care attendants to persons who have
 43 severe and chronic disabilities of all kinds and who are
 44 eligible under pursuant to subsection (1). Effective July 1,
 45 2008, the Florida Association of Centers for Independent Living
 46 shall receive 15 percent of the funds to be deposited with the
 47 Florida Endowment Foundation for Vocational Rehabilitation
 48 pursuant to ss. 320.08068(4)(d) and 413.4021(1) to administer
 49 the program. The association and the Department of Health shall
 50 jointly develop memoranda of understanding with the Department
 51 of Revenue, the Florida Medicaid program in the Agency for
 52 Health Care Administration, the Florida Endowment Foundation for
 53 Vocational Rehabilitation, and the Division of Vocational
 54 Rehabilitation of the Department of Education.

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

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

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

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

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

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

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

72 ~~2. Have moved out of a nursing home within the preceding~~
 73 ~~180 days due to participation in a Medicaid home and community-~~
 74 ~~based waiver program targeted to persons with brain or spinal~~
 75 ~~cord injuries; or~~

76 ~~3. Presently be employed but, because of a loss of a~~
 77 ~~caregiver, will lose employment and potentially return to a~~
 78 ~~nursing home.~~

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

83 ~~(b) The services of a nurse registry licensed pursuant to~~
 84 ~~s. 400.506 may be utilized to recruit and screen candidates and~~

85 ~~to operate as a fiscal intermediary through which payments are~~
86 ~~made to individuals performing services as personal care~~
87 ~~attendants under the program. The Department of Health and the~~
88 ~~Agency for Health Care Administration shall seek any federal~~
89 ~~waivers necessary to implement this provision.~~

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

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

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

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

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

137 Section 2. Subsection (2) of section 413.4021, Florida
 138 Statutes, is amended to read:

139 413.4021 Program participant selection; tax collection
 140 enforcement diversion program.--The Department of Revenue, in

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

151 (2) The program shall operate only from funds deposited
152 into the operating account of the Florida Endowment Foundation
153 for Vocational Rehabilitation. ~~The Florida Endowment Foundation~~
154 ~~for Vocational Rehabilitation shall select the entity to~~
155 ~~administer the personal care attendant program.~~

156 Section 3. Notwithstanding any other law, each person
157 enrolled in the personal care attendant program under s.
158 413.402, Florida Statutes, on June 30, 2008, and each person
159 enrolled in the pilot personal care attendant program in Lake,
160 Orange, Osceola, and Seminole Counties as authorized in Specific
161 Appropriation 340, chapter 2006-25, Laws of Florida, on June 30,
162 2008, is automatically eligible for and enrolled in the personal
163 care attendant program, as amended by this act, on July 1, 2008.

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