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594-03705-15

Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to Florida Centers for Independent Living; amending s. 413.208, F.S.; providing that certain volunteers for centers for independent living do not have to undergo background screening; amending s. 413.402, F.S.; requiring that a specified agreement be maintained; renaming the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; expanding the scope of, and support and services provided by, the program; defining a term; revising eligibility requirements; amending s. 413.4021, F.S.; revising the maximum amount of specified funds for each attorney which may be used to administer the personal attendant program and to contract with the state attorneys participating in the tax collection enforcement diversion program; amending s. 320.08068, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 413.208, Florida Statutes, is amended to read:

413.208 Service providers; quality assurance; fitness for responsibilities; background screening.—



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28 (2)

29 (b) Level 2 background screening pursuant to chapter 435 is
30 not required for the following persons:

31 1. A licensed physician, nurse, or other professional who
32 is licensed by the Department of Health and who has undergone
33 fingerprinting and background screening as part of such
34 licensure if providing a service that is within the scope of her
35 or his licensed practice.

36 2. A relative of the vulnerable person receiving services.
37 For purposes of this section, the term "relative" means an
38 individual who is the father, mother, stepfather, stepmother,
39 son, daughter, brother, sister, grandmother, grandfather, great-
40 grandmother, great-grandfather, grandson, granddaughter, uncle,
41 aunt, first cousin, nephew, niece, husband, wife, father-in-law,
42 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
43 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
44 half-brother, or half-sister of the vulnerable person.

45 3. A volunteer for a center for independent living
46 designated in the state plan for independent living developed
47 pursuant to Title VII(A) of the Rehabilitation Act of 1973, as
48 amended, who assists on an intermittent basis for less than 10
49 hours per month does not have to be screened if a provider's
50 employee is always present and has the volunteer within his or
51 her line of sight.

52 Section 2. Section 413.402, Florida Statutes, is amended to
53 read:

54 413.402 Personal care attendant and employment assistance
55 program.—The Florida Endowment Foundation for Vocational
56 Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~



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57 ~~than October 1, 2008,~~ with the Florida Association of Centers
58 for Independent Living to administer the James Patrick Memorial
59 Work Incentive Personal Attendant Services and Employment
60 Assistance Program. The program shall ~~to~~ provide personal care
61 attendants and other support and services necessary to enable ~~to~~
62 persons eligible under subsection (2) who have severe and
63 chronic disabilities of any kind to obtain or maintain
64 competitive employment, including self-employment ~~all kinds and~~
65 ~~who are eligible under subsection (1). Effective July 1, 2008,~~
66 The Florida Association of Centers for Independent Living shall
67 receive 12 percent of the funds ~~paid to or on behalf of~~
68 ~~participants from funds to be~~ deposited with the Florida
69 Endowment Foundation for Vocational Rehabilitation pursuant to
70 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
71 ~~For the purpose of ensuring continuity of services, a memorandum~~
72 ~~of understanding shall be executed between the parties to cover~~
73 ~~the period between July 1, 2008, and the execution of the final~~
74 ~~agreement.~~

75 (1) As used in this section, the term "competitive
76 employment" means employment in the public or private sector
77 earning comparable wages and benefits, consistent with the
78 person's qualifications and experience, in comparable working
79 conditions to those experienced by the general workforce in that
80 industry or profession.

81 ~~(2)-(1)~~ In order to be eligible to participate in the
82 program, a person must meet the following requirements:

83 (a) Be at least 18 years of age, be a legal resident of
84 this state, and be significantly and chronically disabled.~~+~~

85 (b) As determined by a physician, psychologist, or



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86 psychiatrist, require a personal care attendant for assistance
87 with or support for at least two activities of daily living as
88 defined in s. 429.02., ~~as determined by a physician,~~
89 ~~psychologist, or psychiatrist;~~

90 (c) Require a personal care attendant and may require other
91 support and services, in order to accept an offer of imminent
92 employment, commence working, or a job or maintain competitive
93 substantial gainful employment.; and

94 (d) Be able to acquire and direct the support and services
95 provided pursuant to this section, including the services of a
96 personal care attendant.

97 ~~(3)(2)~~ (a) The Florida Association of Centers for
98 Independent Living shall provide training, as appropriate, to
99 program participants on hiring and managing a personal care
100 attendant and other self-advocacy skills needed to effectively
101 access and manage the support and services provided under this
102 section and, in cooperation with the oversight group described
103 in paragraph (b), adopt and revise the policies and procedures
104 governing the personal care attendant and employment assistance
105 program and the training program required by this paragraph.

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
109 program, and one representative each from the Department of
110 Revenue, the Department of Children and Families, the Division
111 of 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



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115 of Health.

116 Section 3. Subsection (1) of section 413.4021, Florida
117 Statutes, is amended to read:

118 413.4021 Program participant selection; tax collection
119 enforcement diversion program.—The Department of Revenue, in
120 coordination with the Florida Association of Centers for
121 Independent Living and the Florida Prosecuting Attorneys
122 Association, shall select judicial circuits in which to operate
123 the program. The association and the state attorneys' offices
124 shall develop and implement a tax collection enforcement
125 diversion program, which shall collect revenue due from persons
126 who have not remitted their collected sales tax. The criteria
127 for referral to the tax collection enforcement diversion program
128 shall be determined cooperatively between the state attorneys'
129 offices and the Department of Revenue.

130 (1) Notwithstanding the provisions of s. 212.20, 50 percent
131 of the revenues collected from the tax collection enforcement
132 diversion program shall be deposited into the special reserve
133 account of the Florida Endowment Foundation for Vocational
134 Rehabilitation, to be used to administer the personal care
135 attendant program and to contract with the state attorneys
136 participating in the tax collection enforcement diversion
137 program in an amount of not more than \$75,000 ~~\$50,000~~ for each
138 state attorney.

139 Section 4. Paragraph (d) of subsection (4) of section
140 320.08068, Florida Statutes, is amended to read:

141 320.08068 Motorcycle specialty license plates.—

142 (4) A license plate annual use fee of \$20 shall be
143 collected for each motorcycle specialty license plate. Annual



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144 use fees shall be distributed to The Able Trust as custodial
145 agent. The Able Trust may retain a maximum of 10 percent of the
146 proceeds from the sale of the license plate for administrative
147 costs. The Able Trust shall distribute the remaining funds as
148 follows:

149 (d) Twenty percent to the Foundation for Vocational
150 Rehabilitation to support the James Patrick Memorial Work
151 Incentive Personal Care Attendant Services and Employment
152 Assistance Program pursuant to s. 413.402.

153 Section 5. This act shall take effect July 1, 2015.