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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/02/2015	.	
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	.	

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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.—

(2)

(b) Level 2 background screening pursuant to chapter 435 is



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11 not required for the following persons:

12 1. A licensed physician, nurse, or other professional who
13 is licensed by the Department of Health and who has undergone
14 fingerprinting and background screening as part of such
15 licensure if providing a service that is within the scope of her
16 or his licensed practice.

17 2. A relative of the vulnerable person receiving services.
18 For purposes of this section, the term "relative" means an
19 individual who is the father, mother, stepfather, stepmother,
20 son, daughter, brother, sister, grandmother, grandfather, great-
21 grandmother, great-grandfather, grandson, granddaughter, uncle,
22 aunt, first cousin, nephew, niece, husband, wife, father-in-law,
23 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
24 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
25 half-brother, or half-sister of the vulnerable person.

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

33 Section 2. Section 413.402, Florida Statutes, is amended to
34 read:

35 413.402 Personal care attendant and employment assistance
36 program.—The Florida Endowment Foundation for Vocational
37 Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~
38 ~~than October 1, 2008,~~ with the Florida Association of Centers
39 for Independent Living to administer the James Patrick Memorial



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40 Work Incentive Personal Attendant Services and Employment
41 Assistance Program. The program shall ~~to~~ provide personal care
42 attendants and other support and services necessary to enable ~~to~~
43 persons eligible under subsection (2) who have severe and
44 chronic disabilities of any kind to obtain or maintain
45 competitive employment, including self-employment ~~all kinds and~~
46 ~~who are eligible under subsection (1).~~ ~~Effective July 1, 2008,~~
47 The Florida Association of Centers for Independent Living shall
48 receive 12 percent of the funds ~~paid to or on behalf of~~
49 ~~participants from funds to be deposited with the Florida~~
50 Endowment Foundation for Vocational Rehabilitation pursuant to
51 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
52 ~~For the purpose of ensuring continuity of services, a memorandum~~
53 ~~of understanding shall be executed between the parties to cover~~
54 ~~the period between July 1, 2008, and the execution of the final~~
55 ~~agreement.~~

56 (1) As used in this section, the term "competitive
57 employment" means employment in the public or private sector
58 earning comparable wages and benefits, consistent with the
59 person's qualifications and experience, in comparable working
60 conditions to those experienced by the general workforce in that
61 industry or profession.

62 (2) ~~(1)~~ In order to be eligible to participate in the
63 program, a person must meet the following requirements:

64 (a) Be at least 18 years of age, be a legal resident of
65 this state, and be significantly and chronically disabled. ~~7~~

66 (b) As determined by a physician, psychologist, or
67 psychiatrist, require a personal care attendant for assistance
68 with or support for at least two activities of daily living as



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69 defined in s. 429.02., ~~as determined by a physician,~~
70 ~~psychologist, or psychiatrist;~~

71 (c) Require a personal care attendant and may require other
72 support and services, in order to accept an offer of imminent
73 employment, commence working, or a job or maintain competitive
74 substantial gainful employment. ~~;~~ and

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

78 ~~(3)(2)~~(a) The Florida Association of Centers for
79 Independent Living shall provide training, as appropriate, to
80 program participants on hiring and managing a personal care
81 attendant and other self-advocacy skills needed to effectively
82 access and manage the support and services provided under this
83 section. ~~and,~~

84 (b) In consultation ~~cooperation~~ with the advisory group
85 established in oversight group described in paragraph (c), the
86 Florida Association of Centers for Independent Living shall ~~(b),~~
87 adopt and revise the policies and procedures governing the
88 operation of the personal care attendant program and the
89 training program required by paragraph (a).

90 (c) An advisory group is established to make
91 recommendations on the development and revision of policies and
92 procedures related to the provision of services pursuant to this
93 section. The membership of the advisory committee must

94 ~~(b)~~ ~~The oversight group shall~~ include, but need not be
95 limited to, a member of the Florida Association of Centers for
96 Independent Living, a person who is participating in the
97 program, and one representative each from the Department of



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98 Revenue, the Department of Children and Families, the Division
99 of Vocational Rehabilitation in the Department of Education, the
100 Medicaid program in the Agency for Health Care Administration,
101 the Florida Endowment Foundation for Vocational Rehabilitation,
102 and the Brain and Spinal Cord Injury Program in the Department
103 of Health.

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

106 413.4021 Program participant selection; tax collection
107 enforcement diversion program.—The Department of Revenue, in
108 coordination with the Florida Association of Centers for
109 Independent Living and the Florida Prosecuting Attorneys
110 Association, shall select judicial circuits in which to operate
111 the program. The association and the state attorneys' offices
112 shall develop and implement a tax collection enforcement
113 diversion program, which shall collect revenue due from persons
114 who have not remitted their collected sales tax. The criteria
115 for referral to the tax collection enforcement diversion program
116 shall be determined cooperatively between the state attorneys'
117 offices and the Department of Revenue.

118 (1) Notwithstanding the provisions of s. 212.20, 50 percent
119 of the revenues collected from the tax collection enforcement
120 diversion program shall be deposited into the special reserve
121 account of the Florida Endowment Foundation for Vocational
122 Rehabilitation, to be used to administer the personal care
123 attendant program and to contract with the state attorneys
124 participating in the tax collection enforcement diversion
125 program in an amount of not more than \$75,000 ~~\$50,000~~ for each
126 state attorney.



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127 Section 4. Paragraph (d) of subsection (4) of section
128 320.08068, Florida Statutes, is amended to read:

129 320.08068 Motorcycle specialty license plates.—

130 (4) A license plate annual use fee of \$20 shall be
131 collected for each motorcycle specialty license plate. Annual
132 use fees shall be distributed to The Able Trust as custodial
133 agent. The Able Trust may retain a maximum of 10 percent of the
134 proceeds from the sale of the license plate for administrative
135 costs. The Able Trust shall distribute the remaining funds as
136 follows:

137 (d) Twenty percent to the Foundation for Vocational
138 Rehabilitation to support the James Patrick Memorial Work
139 Incentive Personal Care Attendant Services and Employment
140 Assistance Program pursuant to s. 413.402.

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

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete everything before the enacting clause
146 and insert:

147 A bill to be entitled
148 An act relating to Florida Centers for Independent
149 Living; amending s. 413.208, F.S.; providing that
150 certain volunteers for centers for independent living
151 do not have to undergo background screening; amending
152 s. 413.402, F.S.; requiring that a specified agreement
153 be maintained; renaming the James Patrick Memorial
154 Work Incentive Personal Attendant Services Program as
155 the James Patrick Memorial Work Incentive Personal



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156 Attendant Services and Employment Assistance Program;
157 expanding the scope of, and support and services
158 provided by, the program; defining a term; revising
159 eligibility requirements; requiring the association,
160 in consultation with the advisory group, to adopt and
161 revise certain policies and procedures; replacing an
162 existing oversight group with an advisory group;
163 amending s. 413.4021, F.S.; revising the maximum
164 amount of specified funds for each attorney which may
165 be used to administer the personal attendant program
166 and to contract with the state attorneys participating
167 in the tax collection enforcement diversion program;
168 amending s. 320.08068, F.S.; conforming a provision to
169 changes made by the act; providing an effective date.