

By Senator Bean

4-00479B-15

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1 A bill to be entitled
2 An act relating to Florida Centers for Independent
3 Living; amending s. 413.402, F.S.; requiring that a
4 specified agreement be maintained; renaming the James
5 Patrick Memorial Work Incentive Personal Attendant
6 Services Program as the James Patrick Memorial Work
7 Incentive Personal Attendant Services and Employment
8 Assistance Program; expanding the scope of, and
9 support and services provided by, the program;
10 defining a term; revising eligibility requirements;
11 requiring the association, in consultation with the
12 advisory committee, to adopt and revise certain
13 policies and procedures; replacing an existing
14 oversight group with an advisory committee; requiring
15 that a member of the advisory committee be appointed
16 by the association chair; requiring the association to
17 provide administrative support to facilitate the
18 activities of the advisory committee; amending s.
19 413.208, F.S.; providing that certain volunteers for
20 centers for independent living do not have to undergo
21 background screening; providing an exception to the
22 volunteer screening exemption for volunteers who have
23 a disqualifying offense recorded in the clearinghouse
24 established pursuant to s. 435.12, F.S.; amending s.
25 320.08068, F.S.; conforming a provision to changes
26 made by the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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4-00479B-15

20151260__

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

32 413.402 Personal care attendant and employment assistance
33 program.—The Florida Endowment Foundation for Vocational
34 Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~
35 ~~than October 1, 2008,~~ with the Florida Association of Centers
36 for Independent Living to administer the James Patrick Memorial
37 Work Incentive Personal Attendant Services and Employment
38 Assistance Program. The program shall ~~to~~ provide personal care
39 attendants and other support and services necessary to enable ~~to~~
40 persons eligible under subsection (2) who have severe and
41 chronic disabilities of any kind to obtain or maintain
42 competitive employment or self-employment. Such services may
43 include, but are not limited to, assistive technology and
44 transportation. ~~all kinds and who are eligible under subsection~~
45 ~~(1). Effective July 1, 2008,~~ The Florida Association of Centers
46 for Independent Living shall receive 12 percent of the funds
47 ~~paid to or on behalf of participants from funds to be deposited~~
48 with the Florida Endowment Foundation for Vocational
49 Rehabilitation pursuant to ss. 320.08068(4)(d) and 413.4021(1)
50 to administer the program. ~~For the purpose of ensuring~~
51 ~~continuity of services, a memorandum of understanding shall be~~
52 ~~executed between the parties to cover the period between July 1,~~
53 ~~2008, and the execution of the final agreement.~~

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

4-00479B-15

20151260__

59 industry or profession.

60 (2)~~(1)~~ In order to be eligible to participate in the
61 program, a person must meet the following requirements:

62 (a) Be at least 18 years of age, be a legal resident of
63 this state, and be significantly and chronically disabled.~~;~~

64 (b) As determined by a physician, psychologist, or
65 psychiatrist, require a personal care attendant for assistance
66 with or support for at least two activities of daily living as
67 defined in s. 429.02.~~;~~ ~~as determined by a physician,~~
68 ~~psychologist, or psychiatrist;~~

69 (c) Require a personal care attendant and may require other
70 support and services, or a combination thereof, in order to
71 obtain and accept a job or maintain substantial gainful
72 employment.~~;~~ ~~and~~

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

76 (3)~~(2)~~ (a) The Florida Association of Centers for
77 Independent Living shall provide training, as appropriate, to
78 program participants on hiring and managing a personal care
79 attendant and other self-advocacy skills needed to effectively
80 access and manage the support and services provided under this
81 section. ~~and,~~

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

4-00479B-15

20151260__

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

92 ~~(b) The oversight group shall~~ include, but need not be
93 limited to, a member of, and a program participant appointed by
94 the chair of, the Florida Association of Centers for Independent
95 Living, ~~a person who is participating in the program,~~ and one
96 representative each from the Department of Revenue, the
97 Department of Children and Families, the Division of Vocational
98 Rehabilitation in the Department of Education, the Medicaid
99 program in the Agency for Health Care Administration, the
100 Florida Endowment Foundation for Vocational Rehabilitation, and
101 the Brain and Spinal Cord Injury Program in the Department of
102 Health. The Florida Association of Centers for Independent
103 Living shall provide administrative support to the advisory
104 committee.

105 Section 2. Paragraph (b) of subsection (2) of section
106 413.208, Florida Statutes, is amended to read:

107 413.208 Service providers; quality assurance; fitness for
108 responsibilities; background screening.—

109 (2)

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

112 1. A licensed physician, nurse, or other professional who
113 is licensed by the Department of Health and who has undergone
114 fingerprinting and background screening as part of such
115 licensure if providing a service that is within the scope of her
116 or his licensed practice.

4-00479B-15

20151260__

117 2. A relative of the vulnerable person receiving services.
118 For purposes of this section, the term "relative" means an
119 individual who is the father, mother, stepfather, stepmother,
120 son, daughter, brother, sister, grandmother, grandfather, great-
121 grandmother, great-grandfather, grandson, granddaughter, uncle,
122 aunt, first cousin, nephew, niece, husband, wife, father-in-law,
123 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
124 sister-in-law, stepson, stepdaughter, stepbrother, stepsister,
125 half-brother, or half-sister of the vulnerable person.

126 3. A volunteer for a center for independent living
127 designated in the state plan for independent living developed
128 pursuant to Title VII(A) of the Rehabilitation Act of 1973, as
129 amended, who assists on an intermittent basis for less than 40
130 hours per month and does not have a disqualifying offense
131 recorded in the clearinghouse created by s. 435.12, provided
132 that a person who has been screened pursuant to the requirements
133 of this section is always present and has the volunteer within
134 his or her line of sight while the volunteer provides services
135 involving a vulnerable person as defined in s. 435.02, including
136 direct contact or access to the vulnerable person's living
137 quarters or personal property. The provider must determine if
138 information regarding a prospective volunteer is recorded in the
139 clearinghouse established pursuant to s. 435.12. If the provider
140 determines that information concerning a prospective volunteer
141 has been recorded in the clearinghouse, the provider must
142 request an agency review through the clearinghouse, and the
143 division must check the clearinghouse to determine whether the
144 volunteer has a disqualifying offense as defined in this
145 section. If a disqualifying offense is indicated in the

4-00479B-15

20151260__

146 clearinghouse, the division shall notify the provider that the
147 volunteer is not eligible for the exemption created by this
148 subsection.

149 Section 3. Paragraph (d) of subsection (4) of section
150 320.08068, Florida Statutes, is amended to read:

151 320.08068 Motorcycle specialty license plates.—

152 (4) A license plate annual use fee of \$20 shall be
153 collected for each motorcycle specialty license plate. Annual
154 use fees shall be distributed to The Able Trust as custodial
155 agent. The Able Trust may retain a maximum of 10 percent of the
156 proceeds from the sale of the license plate for administrative
157 costs. The Able Trust shall distribute the remaining funds as
158 follows:

159 (d) Twenty percent to the Foundation for Vocational
160 Rehabilitation to support the James Patrick Memorial Work
161 Incentive Personal Care Attendant Services and Employment
162 Assistance Program pursuant to s. 413.402.

163 Section 4. This act shall take effect July 1, 2015.