

By the Committee on Children, Families, and Elder Affairs; and
Senator Bean

586-03406-15

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1 A bill to be entitled
2 An act relating to Florida Centers for Independent
3 Living; amending s. 413.208, F.S.; providing that
4 certain volunteers for centers for independent living
5 do not have to undergo background screening; amending
6 s. 413.402, F.S.; requiring that a specified agreement
7 be maintained; renaming the James Patrick Memorial
8 Work Incentive Personal Attendant Services Program as
9 the James Patrick Memorial Work Incentive Personal
10 Attendant Services and Employment Assistance Program;
11 expanding the scope of, and support and services
12 provided by, the program; defining a term; revising
13 eligibility requirements; requiring the association,
14 in consultation with the advisory group, to adopt and
15 revise certain policies and procedures; replacing an
16 existing oversight group with an advisory group;
17 amending s. 413.4021, F.S.; revising the maximum
18 amount of specified funds for each attorney which may
19 be used to administer the personal attendant program
20 and to contract with the state attorneys participating
21 in the tax collection enforcement diversion program;
22 amending s. 320.08068, F.S.; conforming a provision to
23 changes made by the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (b) of subsection (2) of section
28 413.208, Florida Statutes, is amended to read:
29 413.208 Service providers; quality assurance; fitness for

586-03406-15

20151260c1

30 responsibilities; background screening.—

31 (2)

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

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

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

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

55 Section 2. Section 413.402, Florida Statutes, is amended to
56 read:

57 413.402 Personal care attendant and employment assistance
58 program.—The Florida Endowment Foundation for Vocational

586-03406-15

20151260c1

59 Rehabilitation shall maintain ~~enter into~~ an agreement, ~~no later~~
 60 ~~than October 1, 2008,~~ with the Florida Association of Centers
 61 for Independent Living to administer the James Patrick Memorial
 62 Work Incentive Personal Attendant Services and Employment
 63 Assistance Program. The program shall ~~to~~ provide personal care
 64 attendants and other support and services necessary to enable ~~to~~
 65 persons eligible under subsection (2) who have severe and
 66 chronic disabilities of any kind to obtain or maintain
 67 competitive employment, including self-employment ~~all kinds and~~
 68 ~~who are eligible under subsection (1).~~ ~~Effective July 1, 2008,~~
 69 The Florida Association of Centers for Independent Living shall
 70 receive 12 percent of the funds ~~paid to or on behalf of~~
 71 ~~participants from funds to be deposited with the Florida~~
 72 Endowment Foundation for Vocational Rehabilitation pursuant to
 73 ss. 320.08068(4)(d) and 413.4021(1) to administer the program.
 74 ~~For the purpose of ensuring continuity of services, a memorandum~~
 75 ~~of understanding shall be executed between the parties to cover~~
 76 ~~the period between July 1, 2008, and the execution of the final~~
 77 ~~agreement.~~

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

84 (2) ~~(1)~~ In order to be eligible to participate in the
 85 program, a person must meet the following requirements:

86 (a) Be at least 18 years of age, be a legal resident of
 87 this state, and be significantly and chronically disabled. †

586-03406-15

20151260c1

88 (b) As determined by a physician, psychologist, or
 89 psychiatrist, require a personal care attendant for assistance
 90 with or support for at least two activities of daily living as
 91 defined in s. 429.02., ~~as determined by a physician,~~
 92 ~~psychologist, or psychiatrist;~~

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

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

100 ~~(3)(2)~~(a) The Florida Association of Centers for
 101 Independent Living shall provide training, as appropriate, to
 102 program participants on hiring and managing a personal care
 103 attendant and other self-advocacy skills needed to effectively
 104 access and manage the support and services provided under this
 105 section. and,

106 (b) In consultation ~~cooperation~~ with the advisory group
 107 established in oversight group described in paragraph (c), the
 108 Florida Association of Centers for Independent Living shall (b),
 109 adopt and revise the policies and procedures governing the
 110 operation of the personal care attendant program and the
 111 training program required by paragraph (a).

112 (c) An advisory group is established to make
 113 recommendations on the development and revision of policies and
 114 procedures related to the provision of services pursuant to this
 115 section. The membership of the advisory committee must

116 ~~(b) The oversight group shall include, but need not be~~

586-03406-15

20151260c1

117 limited to, a member of the Florida Association of Centers for
118 Independent Living, a person who is participating in the
119 program, and one representative each from the Department of
120 Revenue, the Department of Children and Families, the Division
121 of Vocational Rehabilitation in the Department of Education, the
122 Medicaid program in the Agency for Health Care Administration,
123 the Florida Endowment Foundation for Vocational Rehabilitation,
124 and the Brain and Spinal Cord Injury Program in the Department
125 of Health.

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

128 413.4021 Program participant selection; tax collection
129 enforcement diversion program.—The Department of Revenue, in
130 coordination with the Florida Association of Centers for
131 Independent Living and the Florida Prosecuting Attorneys
132 Association, shall select judicial circuits in which to operate
133 the program. The association and the state attorneys' offices
134 shall develop and implement a tax collection enforcement
135 diversion program, which shall collect revenue due from persons
136 who have not remitted their collected sales tax. The criteria
137 for referral to the tax collection enforcement diversion program
138 shall be determined cooperatively between the state attorneys'
139 offices and the Department of Revenue.

140 (1) Notwithstanding the provisions of s. 212.20, 50 percent
141 of the revenues collected from the tax collection enforcement
142 diversion program shall be deposited into the special reserve
143 account of the Florida Endowment Foundation for Vocational
144 Rehabilitation, to be used to administer the personal care
145 attendant program and to contract with the state attorneys

586-03406-15

20151260c1

146 participating in the tax collection enforcement diversion
147 program in an amount of not more than \$75,000 ~~\$50,000~~ for each
148 state attorney.

149 Section 4. 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 5. This act shall take effect July 1, 2015.