

By Senator Bean

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1 A bill to be entitled
2 An act relating to the Florida Association of Centers
3 for Independent Living; amending s. 413.208, F.S.;
4 providing that certain volunteers for centers for
5 independent living do not have to undergo level 2
6 background screening; amending s. 413.402, F.S.;
7 requiring that a specified agreement be maintained;
8 renaming the James Patrick Memorial Work Incentive
9 Personal Attendant Services Program as the James
10 Patrick Memorial Work Incentive Personal Attendant
11 Services and Employment Assistance Program; expanding
12 the program's scope, support, and services; defining a
13 term; revising eligibility requirements; expanding the
14 kinds of training required; requiring the association,
15 in consultation with an advisory group, to adopt and
16 revise certain policies and procedures; replacing an
17 existing oversight group with an advisory group;
18 amending s. 413.4021, F.S.; revising the maximum
19 amount of specified funds for each state attorney
20 which may be used to administer the personal attendant
21 and employment assistance program and to contract with
22 the state attorneys participating in the tax
23 collection enforcement diversion program; amending s.
24 320.08068, F.S.; making a technical change; conforming
25 a provision to changes made by the act; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (b) of subsection (2) of section
31 413.208, Florida Statutes, is amended to read:

32 413.208 Service providers; quality assurance; fitness for
33 responsibilities; background screening.—

34 (2)

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

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

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

51 3. A person who volunteers at a center for independent
52 living designated in the state plan for independent living
53 developed pursuant to Title VII(A) of the Rehabilitation Act of
54 1973, as amended, and who assists on an intermittent basis for
55 less than 10 hours per month, if an employee of the service
56 provider maintains constant visual contact with the volunteer.

57 Section 2. Section 413.402, Florida Statutes, is amended to
58 read:

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59 413.402 James Patrick Memorial Work Incentive Personal care
60 Attendant Services and Employment Assistance Program.—The
61 Florida Endowment Foundation for Vocational Rehabilitation shall
62 maintain ~~enter into~~ an agreement, ~~no later than October 1, 2008,~~
63 with the Florida Association of Centers for Independent Living
64 to administer the James Patrick Memorial Work Incentive Personal
65 Attendant Services and Employment Assistance Program. The
66 program shall ~~to~~ provide personal care attendants and other
67 support and services necessary to enable ~~to~~ persons eligible
68 under subsection (2) who have severe and chronic disabilities of
69 any kind to obtain or maintain competitive employment, including
70 self-employment. Twelve all kinds and who are eligible under
71 subsection (1). Effective July 1, 2008, The Florida Association
72 of Centers for Independent Living shall receive 12 percent of
73 the funds paid to or on behalf of participants from funds to be
74 deposited with the Florida Endowment Foundation for Vocational
75 Rehabilitation pursuant to ss. 320.08068(4) (d) and 413.4021(1)
76 shall be paid to the Florida Association of Centers for
77 Independent Living to administer the program. For the purpose of
78 ensuring continuity of services, a memorandum of understanding
79 shall be executed between the parties to cover the period
80 between July 1, 2008, and the execution of the final agreement.

81 (1) As used in this section, the term "competitive
82 employment" means employment in the public or private sector in
83 which the employee earns comparable wages and benefits,
84 commensurate with his or her qualifications and experience, and
85 works in comparable conditions to those experienced by the
86 general workforce in that industry or profession.

87 (2) ~~(1)~~ In order to be eligible to participate in the

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88 program, a person must meet the following requirements:

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

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

96 (c) Require a personal care attendant and, as needed, other
97 support and services in order to accept an offer of employment,
98 commence working, or a job or maintain competitive substantial
99 gainful employment.; ~~and~~

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

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

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

115 (c) An advisory group is established to make
116 recommendations on the development and revision of policies and

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117 procedures related to the provision of services pursuant to this
118 section. The membership of the advisory group must

119 ~~(b) The oversight group shall~~ include, but need not be
120 limited to, a member of the Florida Association of Centers for
121 Independent Living, a person who is participating in the
122 program, and one representative each from the Department of
123 Revenue, the Department of Children and Families, the Division
124 of Vocational Rehabilitation in the Department of Education, the
125 Medicaid program in the Agency for Health Care Administration,
126 the Florida Endowment Foundation for Vocational Rehabilitation,
127 and the Brain and Spinal Cord Injury Program in the Department
128 of Health.

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

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

143 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50 percent
144 of the revenues collected from the tax collection enforcement
145 diversion program shall be deposited into the special reserve

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146 account of the Florida Endowment Foundation for Vocational
147 Rehabilitation, to be used to administer the James Patrick
148 Memorial Work Incentive Personal ~~care~~ Attendant Services and
149 Employment Assistance Program and to contract with the state
150 attorneys participating in the tax collection enforcement
151 diversion program in an amount of not more than \$75,000 ~~\$50,000~~
152 for each state attorney.

153 Section 4. Paragraph (d) of subsection (4) of section
154 320.08068, Florida Statutes, is amended to read:

155 320.08068 Motorcycle specialty license plates.—

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

163 (d) Twenty percent to the Florida Endowment Foundation for
164 Vocational Rehabilitation to support the James Patrick Memorial
165 Work Incentive Personal ~~Care~~ Attendant Services and Employment
166 Assistance Program pursuant to s. 413.402.

167 Section 5. This act shall take effect July 1, 2016.