

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

586-00776-16

2016202c1

1                                   A bill to be entitled  
2       An act relating to the Florida Association of Centers  
3       for Independent Living; amending s. 413.402, F.S.;  
4       requiring that a specified agreement be maintained;  
5       renaming the James Patrick Memorial Work Incentive  
6       Personal Attendant Services Program as the James  
7       Patrick Memorial Work Incentive Personal Attendant  
8       Services and Employment Assistance Program; defining a  
9       term; requiring the program to provide additional  
10      support and services; revising eligibility  
11      requirements; expanding the kinds of training  
12      required; requiring the association, in consultation  
13      with the Advisory and Oversight Committee, to adopt  
14      and revise certain policies and procedures and to  
15      provide technical assistance and support under certain  
16      circumstances; requiring the program to reimburse the  
17      Florida Association of Centers for Independent Living  
18      for certain costs approved by the Advisory and  
19      Oversight Committee; prohibiting such reimbursement  
20      from exceeding a certain amount; establishing the  
21      Advisory and Oversight Committee for the James Patrick  
22      Memorial Work Incentive Personal Attendant Services  
23      and Employment Assistance Program; providing the  
24      committee's purpose; providing for committee  
25      membership; amending s. 413.4021, F.S.; revising the  
26      maximum amount of specified funds for each state  
27      attorney which may be used to administer the personal  
28      attendant and employment assistance program and to  
29      contract with the state attorneys participating in the

586-00776-16

2016202c1

30 tax collection enforcement diversion program; amending  
31 s. 320.08068, F.S.; making a technical change;  
32 conforming a provision to changes made by the act;  
33 providing an effective date.  
34

35 Be It Enacted by the Legislature of the State of Florida:  
36

37 Section 1. Section 413.402, Florida Statutes, is amended to  
38 read:

39 413.402 James Patrick Memorial Work Incentive Personal care  
40 Attendant Services and Employment Assistance Program.—The  
41 Florida Endowment Foundation for Vocational Rehabilitation shall  
42 maintain ~~enter into~~ an agreement, ~~no later than October 1, 2008,~~  
43 with the Florida Association of Centers for Independent Living  
44 to administer the James Patrick Memorial Work Incentive Personal  
45 Attendant Services and Employment Assistance Program and shall  
46 remit sufficient funds monthly to meet the requirements of  
47 subsection (5).

48 (1) As used in this section, the term "competitive  
49 employment" means employment in the public or private sector in  
50 which the employee earns comparable wages and benefits,  
51 commensurate with his or her qualifications and experience, and  
52 works in comparable conditions to those experienced by the  
53 general workforce in that industry or profession.

54 (2) The program shall ~~to~~ provide personal care attendants  
55 and other support and services necessary to enable ~~to~~ persons  
56 eligible under subsection (3) who have significant ~~severe~~ and  
57 chronic disabilities to obtain or maintain competitive  
58 employment, including self-employment ~~of all kinds and who are~~

586-00776-16

2016202c1

59 ~~eligible under subsection (1). Effective July 1, 2008, The~~  
60 ~~Florida Association of Centers for Independent Living shall~~  
61 ~~receive 12 percent of the funds paid to or on behalf of~~  
62 ~~participants from funds to be deposited with the Florida~~  
63 ~~Endowment Foundation for Vocational Rehabilitation pursuant to~~  
64 ~~ss. 320.08068(4)(d) and 413.4021(1) to administer the program.~~  
65 ~~For the purpose of ensuring continuity of services, a memorandum~~  
66 ~~of understanding shall be executed between the parties to cover~~  
67 ~~the period between July 1, 2008, and the execution of the final~~  
68 ~~agreement.~~

69 ~~(3)(1)~~ In order to be eligible to participate in the  
70 program, a person must:

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

73 (b) As determined by a physician, psychologist, or  
74 psychiatrist, require a personal care attendant for assistance  
75 with or support for at least two activities of daily living as  
76 defined in s. 429.02.~~;~~ ~~as determined by a physician,~~  
77 ~~psychologist, or psychiatrist;~~

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

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

85 ~~(4)(2)~~(a) The Florida Association of Centers for  
86 Independent Living shall provide program participants with  
87 appropriate training to program participants on the hiring and

586-00776-16

2016202c1

88 management of managing a personal care attendant and on other  
89 self-advocacy skills needed to effectively access and manage the  
90 support and services provided under this section. and,

91 (b) In consultation ~~cooperation~~ with the Advisory and  
92 Oversight Committee established in subsection (6), the Florida  
93 Association of Centers for Independent Living shall ~~oversight~~  
94 group described in paragraph (b), adopt new and revised and  
95 revise the policies and procedures governing the operation of  
96 the personal care attendant program and the training program  
97 required in paragraph (a), provide technical assistance to  
98 program participants, provide administrative support services  
99 for the program, including the implementation of appropriate  
100 internal financial controls to ensure program integrity, and  
101 provide administrative support for the Advisory and Oversight  
102 Committee.

103 (5) The James Patrick Memorial Work Incentive Personal  
104 Attendant Services and Employment Assistance Program shall  
105 reimburse the Florida Association of Centers for Independent  
106 Living monthly for payments made to program participants and for  
107 costs associated with program administration and oversight in  
108 accordance with the annual operating budget approved by the  
109 Advisory and Oversight Committee established pursuant to  
110 subsection (6). Such costs may not exceed 12 percent of the  
111 funds deposited with the Florida Endowment Foundation for  
112 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and  
113 413.4021(1).

114 (6) The Advisory and Oversight Committee for the James  
115 Patrick Memorial Work Incentive Personal Attendant Services and  
116 Employment Assistance Program is established for the purpose of

586-00776-16

2016202c1

117 providing program oversight, advising the Florida Association of  
118 Centers for Independent Living on policies and procedures, and  
119 approving the program's annual operating budget for  
120 administration and oversight.

121 (a) The committee shall consist of the following members:

122 1. The director of the Division of Vocational  
123 Rehabilitation or his or her designee;

124 2. The executive director of the Department of Revenue or  
125 his or her designee;

126 3. The secretary of the Department of Children and Families  
127 or his or her designee;

128 4. The director of the advisory council on brain and spinal  
129 cord injuries or his or her designee;

130 5. A program participant, appointed by the President of the  
131 Senate;

132 6. A member of the Florida Independent Living Council,  
133 appointed by the Speaker of the House of Representatives;

134 7. A financial management professional, appointed by the  
135 Governor; and

136 8. Two ex officio, nonvoting members, one of whom  
137 designated by the chair of the Florida Endowment Foundation for  
138 Vocational Rehabilitation, and the other designated by the chair  
139 of the Florida Association of Centers for Independent Living.

140 (b) The appointed members shall serve for a term concurrent  
141 with the term of the official who made the appointment and shall  
142 serve at the pleasure of such official.

143 ~~(b) The oversight group shall include, but need not be~~  
144 ~~limited to, a member of the Florida Association of Centers for~~  
145 ~~Independent Living, a person who is participating in the~~

586-00776-16

2016202c1

146 ~~program, and one representative each from the Department of~~  
147 ~~Revenue, the Department of Children and Families, the Division~~  
148 ~~of Vocational Rehabilitation in the Department of Education, the~~  
149 ~~Medicaid program in the Agency for Health Care Administration,~~  
150 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~  
151 ~~and the Brain and Spinal Cord Injury Program in the Department~~  
152 ~~of Health.~~

153 Section 2. Subsection (1) of section 413.4021, Florida  
154 Statutes, is amended to read:

155 413.4021 Program participant selection; tax collection  
156 enforcement diversion program.—The Department of Revenue, in  
157 coordination with the Florida Association of Centers for  
158 Independent Living and the Florida Prosecuting Attorneys  
159 Association, shall select judicial circuits in which to operate  
160 the program. The association and the state attorneys' offices  
161 shall develop and implement a tax collection enforcement  
162 diversion program, which shall collect revenue due from persons  
163 who have not remitted their collected sales tax. The criteria  
164 for referral to the tax collection enforcement diversion program  
165 shall be determined cooperatively between the state attorneys'  
166 offices and the Department of Revenue.

167 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50 percent  
168 of the revenues collected from the tax collection enforcement  
169 diversion program shall be deposited into the special reserve  
170 account of the Florida Endowment Foundation for Vocational  
171 Rehabilitation, to be used to administer the James Patrick  
172 Memorial Work Incentive Personal Care Attendant Services and  
173 Employment Assistance Program and to contract with the state  
174 attorneys participating in the tax collection enforcement

586-00776-16

2016202c1

175 diversion program in an amount of not more than \$75,000 ~~\$50,000~~  
176 for each state attorney.

177 Section 3. Paragraph (d) of subsection (4) of section  
178 320.08068, Florida Statutes, is amended to read:

179 320.08068 Motorcycle specialty license plates.—

180 (4) A license plate annual use fee of \$20 shall be  
181 collected for each motorcycle specialty license plate. Annual  
182 use fees shall be distributed to The Able Trust as custodial  
183 agent. The Able Trust may retain a maximum of 10 percent of the  
184 proceeds from the sale of the license plate for administrative  
185 costs. The Able Trust shall distribute the remaining funds as  
186 follows:

187 (d) Twenty percent to the Florida Endowment Foundation for  
188 Vocational Rehabilitation to support the James Patrick Memorial  
189 Work Incentive Personal Care Attendant Services and Employment  
190 Assistance Program pursuant to s. 413.402.

191 Section 4. This act shall take effect July 1, 2016.