

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Education Appropriations
 2 Subcommittee
 3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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18 (1) As used in this section, the term "competitive and
19 integrated employment" means employment in the public or private
20 sector in which the employee earns comparable wages and
21 benefits, commensurate with his or her qualifications and
22 experience, and works in comparable conditions to those
23 experienced by the general workforce in that industry or
24 profession.

25 (2) The program shall ~~to~~ provide personal care attendants
26 and other support and services necessary to enable ~~to~~ persons
27 eligible under subsection (3) who have significant ~~severe~~ and
28 chronic disabilities to obtain or maintain competitive and
29 integrated employment, including self-employment ~~of all kinds~~
30 ~~and who are eligible under subsection (1). Effective July 1,~~
31 ~~2008, the Florida Association of Centers for Independent Living~~
32 ~~shall receive 12 percent of the funds paid to or on behalf of~~
33 ~~participants from funds to be deposited with the Florida~~
34 ~~Endowment Foundation for Vocational Rehabilitation pursuant to~~
35 ~~ss. 320.08068(4)(d) and 413.4021(1) to administer the program.~~
36 ~~For the purpose of ensuring continuity of services, a memorandum~~
37 ~~of understanding shall be executed between the parties to cover~~
38 ~~the period between July 1, 2008, and the execution of the final~~
39 ~~agreement.~~

40 (3)~~(1)~~ In order to be eligible to participate in the
41 program, a person must:

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

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44 (b) As determined by a physician, psychologist, or
45 psychiatrist, require a personal care attendant for assistance
46 with or support for at least two activities of daily living as
47 defined in s. 429.02., ~~as determined by a physician,~~
48 ~~psychologist, or psychiatrist;~~

49 (c) Require a personal care attendant and, as needed,
50 other support and services in order to accept an offer of
51 employment and commence working or to a job or maintain
52 competitive and integrated substantial gainful employment. ~~and~~

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

56 ~~(4)(2)~~(a) The Florida Association of Centers for
57 Independent Living shall provide program participants with
58 appropriate training to program participants on the hiring and
59 management of managing a personal care attendant and on other
60 self-advocacy skills needed to effectively access and manage the
61 support and services provided under this section. ~~and,~~

62 (b) In cooperation with the oversight committee
63 established in subsection (6), the Florida Association of
64 Centers for Independent Living shall oversight group described
65 in paragraph (b), adopt and, as necessary, revise the policies
66 and procedures governing the operation of the personal care
67 attendant program and the training program required in paragraph
68 (a); however, the maximum monthly reimbursement provided to
69 program participants is subject to approval by the oversight

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70 committee. The Florida Association of Centers for Independent
71 Living shall also provide technical assistance to program
72 participants and administrative support services to the program
73 and the oversight committee and shall implement appropriate
74 internal financial controls to ensure program integrity.

75 (5) The James Patrick Memorial Work Incentive Personal
76 Attendant Services and Employment Assistance Program shall
77 reimburse the Florida Association of Centers for Independent
78 Living monthly for payments made to program participants and for
79 costs associated with program administration and oversight in
80 accordance with the annual operating budget approved by the
81 oversight committee established pursuant to subsection (6). The
82 annual operating budget for costs associated with program
83 administration and oversight may not exceed 12 percent of the
84 funds deposited with the Florida Endowment Foundation for
85 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and
86 413.4021(1) for the previous fiscal year or the budget approved
87 for the previous fiscal year, whichever amount is greater.

88 (6) The Oversight Committee for the James Patrick Memorial
89 Work Incentive Personal Attendant Services and Employment
90 Assistance Program is established for the purpose of providing
91 program oversight, approving the maximum monthly reimbursement
92 available to program participants, advising the Florida
93 Association of Centers for Independent Living on policies and
94 procedures, and approving the program's annual operating budget
95 for administration and oversight. The oversight committee shall

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116 also approve and maintain the schedule of eligible services for
117 which program participants may be reimbursed subject to the
118 requirements and limitations of paragraph (3) (c) which, at a
119 minimum, must include personal care attendant services.

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

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

124 2. A human resources professional or an individual who has
125 significant experience managing and operating a business based
126 in this state, appointed by the Speaker of the House of
127 Representatives;

128 3. A program participant, appointed by the President of
129 the Senate;

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

132 5. A financial management professional, appointed by the
133 Governor.

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

137 ~~(b) The oversight group shall include, but need not be~~
138 ~~limited to, a member of the Florida Association of Centers for~~
139 ~~Independent Living, a person who is participating in the~~
140 ~~program, and one representative each from the Department of~~
141 ~~Revenue, the Department of Children and Families, the Division~~

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122 ~~of Vocational Rehabilitation in the Department of Education, the~~
123 ~~Medicaid program in the Agency for Health Care Administration,~~
124 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~
125 ~~and the Brain and Spinal Cord Injury Program in the Department~~
126 ~~of Health.~~

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

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

141 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50
142 percent of the revenues collected from the tax collection
143 enforcement diversion program shall be deposited into the
144 special reserve account of the Florida Endowment Foundation for
145 Vocational Rehabilitation, to be used to administer the James
146 Patrick Memorial Work Incentive Personal ~~care~~ Attendant Services
147 and Employment Assistance Program and to contract with the state

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

151 Section 3. Paragraph (d) of subsection (4) of section
152 320.08068, Florida Statutes, is amended to read:

153 320.08068 Motorcycle specialty license plates.-

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

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

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

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169 **T I T L E A M E N D M E N T**

170 Remove everything before the enacting clause and insert:

171 A bill to be entitled

172 An act relating to the Florida Association of Centers
173 for Independent Living; amending s. 413.402, F.S.;

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174 requiring that a specified agreement be maintained;
175 renaming the James Patrick Memorial Work Incentive
176 Personal Attendant Services Program as the James
177 Patrick Memorial Work Incentive Personal Attendant
178 Services and Employment Assistance Program; defining a
179 term; requiring the program to provide additional
180 support and services; revising eligibility
181 requirements; expanding the kinds of training
182 required; requiring the association, in cooperation
183 with the Oversight Committee for the James Patrick
184 Memorial Work Incentive Personal Attendant Services
185 and Employment Assistance Program, to adopt and revise
186 certain policies and procedures and to provide
187 technical assistance and support under certain
188 circumstances; providing that the maximum monthly
189 reimbursement provided to program participants is
190 subject to approval by the oversight committee;
191 requiring the program to reimburse the Florida
192 Association of Centers for Independent Living for
193 certain costs approved by the oversight committee;
194 prohibiting such reimbursement from exceeding a
195 certain amount; establishing the oversight committee;
196 providing the oversight committee's purpose; providing
197 for committee membership; amending s. 413.4021, F.S.;

198 revising the maximum amount of specified funds for
199 each state attorney which may be used to administer

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 495 (2016)

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200 the personal attendant and employment assistance
201 program and to contract with the state attorneys
202 participating in the tax collection enforcement
203 diversion program; amending s. 320.08068, F.S.; making
204 a technical change; conforming a provision to changes
205 made by the act; providing an effective date.