

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  
 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:

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

39 413.402 James Patrick Memorial Work Incentive Personal  
 40 ~~care~~ 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  
 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,

79 other support and services in order to accept an offer of  
 80 employment and commence working or to a job or maintain  
 81 competitive 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  
 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  
 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  
 127 Families or his or her designee;

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

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

131 the 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 designated by  
137 the chair of the Florida Endowment Foundation for Vocational  
138 Rehabilitation, and the other designated by the chair of the  
139 Florida Association of Centers for Independent Living.

140 (b) The appointed members shall serve for a term  
141 concurrent with the term of the official who made the  
142 appointment and shall 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~~  
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  
 168 percent of the revenues collected from the tax collection  
 169 enforcement diversion program shall be deposited into the  
 170 special reserve account of the Florida Endowment Foundation for  
 171 Vocational Rehabilitation, to be used to administer the James  
 172 Patrick Memorial Work Incentive Personal care Attendant Services  
 173 and Employment Assistance Program and to contract with the state  
 174 attorneys participating in the tax collection enforcement  
 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

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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.