

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 cooperation  
13          with the Oversight Committee for the James Patrick  
14          Memorial Work Incentive Personal Attendant Services  
15          and Employment Assistance Program, to adopt and revise  
16          certain policies and procedures and to provide  
17          technical assistance and support under certain  
18          circumstances; providing that the maximum monthly  
19          reimbursement provided to program participants is  
20          subject to approval by the oversight committee;  
21          requiring the program to reimburse the Florida  
22          Association of Centers for Independent Living for  
23          certain costs approved by the oversight committee;  
24          prohibiting such reimbursement from exceeding a  
25          certain amount; establishing the oversight committee;  
26          providing the oversight committee's purpose; providing

27 for committee membership; amending s. 413.4021, F.S.;

28 revising the maximum amount of specified funds for

29 each state attorney which may be used to administer

30 the personal attendant and employment assistance

31 program and to contract with the state attorneys

32 participating in the tax collection enforcement

33 diversion program; amending s. 320.08068, F.S.; making

34 a technical change; conforming a provision to changes

35 made by the act; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Section 413.402, Florida Statutes, is amended

40 to read:

41 413.402 James Patrick Memorial Work Incentive Personal

42 ~~care~~ Attendant Services and Employment Assistance Program.—The

43 Florida Endowment Foundation for Vocational Rehabilitation shall

44 maintain ~~enter into~~ an agreement, ~~no later than October 1, 2008,~~

45 with the Florida Association of Centers for Independent Living

46 to administer the James Patrick Memorial Work Incentive Personal

47 Attendant Services and Employment Assistance Program and shall

48 remit sufficient funds monthly to meet the requirements of

49 subsection (5).

50 (1) As used in this section, the term "competitive and

51 integrated employment" means employment in the public or private

52 sector in which the employee earns comparable wages and

53 benefits, commensurate with his or her qualifications and  
 54 experience, and works in comparable conditions to those  
 55 experienced by the general workforce in that industry or  
 56 profession.

57 (2) The program shall ~~to~~ provide personal care attendants  
 58 and other support and services necessary to enable ~~to~~ persons  
 59 eligible under subsection (3) who have significant ~~severe~~ and  
 60 chronic disabilities to obtain or maintain competitive and  
 61 integrated employment, including self-employment ~~of all kinds~~  
 62 ~~and who are eligible under subsection (1). Effective July 1,~~  
 63 ~~2008, the Florida Association of Centers for Independent Living~~  
 64 ~~shall receive 12 percent of the funds paid to or on behalf of~~  
 65 ~~participants from funds to be deposited with the Florida~~  
 66 ~~Endowment Foundation for Vocational Rehabilitation pursuant to~~  
 67 ~~ss. 320.08068(4)(d) and 413.4021(1) to administer the program.~~  
 68 ~~For the purpose of ensuring continuity of services, a memorandum~~  
 69 ~~of understanding shall be executed between the parties to cover~~  
 70 ~~the period between July 1, 2008, and the execution of the final~~  
 71 ~~agreement.~~

72 (3) ~~(1)~~ In order to be eligible to participate in the  
 73 program, a person must:

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

76 (b) As determined by a physician, psychologist, or  
 77 psychiatrist, require a personal care attendant for assistance  
 78 with or support for at least two activities of daily living as

79 defined in s. 429.02., ~~as determined by a physician,~~  
 80 ~~psychologist, or psychiatrist;~~

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

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

88 ~~(4)(2)~~ (a) The Florida Association of Centers for  
 89 Independent Living shall provide program participants with  
 90 appropriate training to program participants on the hiring and  
 91 management of managing a personal care attendant and on other  
 92 self-advocacy skills needed to effectively access and manage the  
 93 support and services provided under this section. ~~and,~~

94 (b) In cooperation with the oversight committee  
 95 established in subsection (6), the Florida Association of  
 96 Centers for Independent Living shall oversight group described  
 97 in paragraph (b), adopt and, as necessary, revise the policies  
 98 and procedures governing the operation of the personal care  
 99 attendant program and the training program required in paragraph  
 100 (a); however, the maximum monthly reimbursement provided to  
 101 program participants is subject to approval by the oversight  
 102 committee. The Florida Association of Centers for Independent  
 103 Living shall also provide technical assistance to program  
 104 participants and administrative support services to the program

105 and the oversight committee and shall implement appropriate  
106 internal financial controls to ensure program integrity.

107 (5) The James Patrick Memorial Work Incentive Personal  
108 Attendant Services and Employment Assistance Program shall  
109 reimburse the Florida Association of Centers for Independent  
110 Living monthly for payments made to program participants and for  
111 costs associated with program administration and oversight in  
112 accordance with the annual operating budget approved by the  
113 oversight committee established pursuant to subsection (6). The  
114 annual operating budget for costs associated with program  
115 administration and oversight may not exceed 12 percent of the  
116 funds deposited with the Florida Endowment Foundation for  
117 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and  
118 413.4021(1) for the previous fiscal year or the budget approved  
119 for the previous fiscal year, whichever amount is greater.

120 (6) The Oversight Committee for the James Patrick Memorial  
121 Work Incentive Personal Attendant Services and Employment  
122 Assistance Program is established for the purpose of providing  
123 program oversight, approving the maximum monthly reimbursement  
124 available to program participants, advising the Florida  
125 Association of Centers for Independent Living on policies and  
126 procedures, and approving the program's annual operating budget  
127 for administration and oversight. The oversight committee shall  
128 also approve and maintain the schedule of eligible services for  
129 which program participants may be reimbursed subject to the  
130 requirements and limitations of paragraph (3)(c) which, at a

131 minimum, must include personal care attendant services.

132 (a) The oversight committee shall consist of the following  
133 members:

134 1. The director of the Division of Vocational  
135 Rehabilitation or his or her designee;

136 2. A human resources professional or an individual who has  
137 significant experience managing and operating a business based  
138 in this state, appointed by the Speaker of the House of  
139 Representatives;

140 3. A program participant, appointed by the President of  
141 the Senate;

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

144 5. A financial management professional, appointed by the  
145 Governor.

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

149 ~~(b) The oversight group shall include, but need not be~~  
150 ~~limited to, a member of the Florida Association of Centers for~~  
151 ~~Independent Living, a person who is participating in the~~  
152 ~~program, and one representative each from the Department of~~  
153 ~~Revenue, the Department of Children and Families, the Division~~  
154 ~~of Vocational Rehabilitation in the Department of Education, the~~  
155 ~~Medicaid program in the Agency for Health Care Administration,~~  
156 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~

157 | ~~and the Brain and Spinal Cord Injury Program in the Department~~  
 158 | ~~of Health.~~

159 | Section 2. Subsection (1) of section 413.4021, Florida  
 160 | Statutes, is amended to read:

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

173 | (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50  
 174 | percent of the revenues collected from the tax collection  
 175 | enforcement diversion program shall be deposited into the  
 176 | special reserve account of the Florida Endowment Foundation for  
 177 | Vocational Rehabilitation, to be used to administer the James  
 178 | Patrick Memorial Work Incentive Personal Care Attendant Services  
 179 | and Employment Assistance Program and to contract with the state  
 180 | attorneys participating in the tax collection enforcement  
 181 | diversion program in an amount of not more than \$75,000 ~~\$50,000~~  
 182 | for each state attorney.

183 Section 3. Paragraph (d) of subsection (4) of section  
184 320.08068, Florida Statutes, is amended to read:

185 320.08068 Motorcycle specialty license plates.—

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

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

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