

Committee Substitute for
Council Substitute for House Bill No. 295

An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for use of a licensed nurse registry to recruit and screen participants and act as a fiscal intermediary; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

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

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

413.402 Personal care attendant pilot program.—The Florida Association of Centers for Independent Living shall develop a pilot program to provide personal care attendants to persons who are eligible pursuant to subsection (1). The association shall develop memorandums of understanding with the Department of Revenue, the Brain and Spinal Cord Injury Program in the Department of Health, the Florida Medicaid program in the Agency for Health Care Administration, the Florida Endowment Foundation for Vocational Rehabilitation, and the Division of Vocational Rehabilitation of the Department of Education.

(1) Persons eligible to participate in the pilot program must:

(a) Be at least 18 years of age and be significantly disabled due to a traumatic spinal cord injury;

(b) Have been determined eligible for training services from the Division of Vocational Rehabilitation of the Department of Education; and

(c) Either:

1. Live in a nursing home; or

2. Have moved out of a nursing home within the preceding 180 days due to participation in a Medicaid home and community-based waiver program targeted to persons with brain or spinal cord injuries.

(2) The association shall develop a training program for training persons selected to participate in the pilot program that will prepare each person to manage his or her own personal care attendant.

(3)(a) The association, in cooperation with the Florida Endowment Foundation for Vocational Rehabilitation, shall develop a program to recruit, screen, and select candidates to be trained as personal care attendants.

(b) The services of a nurse registry licensed pursuant to s. 400.506 may be utilized to recruit and screen candidates and to operate as a fiscal intermediary through which payments are made to individuals performing services as personal care attendants under the pilot program. The Agency for Health Care Administration shall seek any federal waivers necessary to implement this provision.

(4) The association, in cooperation with the Florida Endowment Foundation for Vocational Rehabilitation, shall develop a training program for personal care attendants.

(5) The association, in cooperation with the Florida Endowment Foundation for Vocational Rehabilitation, shall establish procedures for selecting persons eligible under subsection (1) to participate in the pilot program.

(6) The association, in cooperation with the Division of Vocational Rehabilitation of the Department of Education, shall assess the selected participants and make recommendations for their placement into appropriate work-related training programs.

(7) The association, in cooperation with the Department of Revenue, the Brain and Spinal Cord Injury Program in the Department of Health, the Florida Medicaid program in the Agency for Health Care Administration, a representative from the state attorney's office in each of the counties participating in the pilot program, the Florida Endowment Foundation for Vocational Rehabilitation, and the Division of Vocational Rehabilitation of the Department of Education, shall develop a plan for implementation of the pilot program.

(8) No later than March 1, 2003, the association shall present to the President of the Senate and to the Speaker of the House of Representatives the implementation plan for the pilot program, a timeline for implementation, estimates of the number of participants to be served, and cost projections for each component of the pilot program. The pilot program shall be implemented beginning July 1, 2003, unless there is specific legislative action to the contrary.

Section 2. The Department of Revenue, in coordination with the the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select four counties in which to operate the pilot program. The association and the state attorneys' offices in Duval County and the four pilot program counties shall develop and implement a tax collection enforcement diversion program, which shall collect revenue due from persons who have not remitted their collected sales tax. The criteria for referral to the tax collection enforcement diversion program shall

be determined cooperatively between the state attorneys' offices in those counties and the Department of Revenue.

(1) Notwithstanding the provisions of s. 212.20, Florida Statutes, 25 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to implement the personal care attendant pilot program.

(2) The pilot program shall operate only from funds deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation.

(3) The Revenue Estimating Conference shall annually project the amount of funds expected to be generated from the tax collection enforcement diversion program.

Section 3. There is appropriated from the Brain and Spinal Cord Injury Program Trust Fund to the Florida Endowment Foundation for Vocational Rehabilitation the sum of \$250,000 in nonrecurring funds for fiscal year 2002-2003 for development of the personal care attendant pilot program under s. 413.402, Florida Statutes. The initial \$50,000 from each of the pilot program counties and Duval County deposited with the Florida Endowment Foundation for Vocational Rehabilitation shall be used to repay the \$250,000 to the Brain and Spinal Cord Injury Program Trust Fund.

Section 4. This act shall take effect July 1, 2002.

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.