

Committee Substitute for  
Committee Substitute for Senate Bill No. 370

An act relating to the personal care attendant program; amending s. 413.402, F.S.; revising provisions governing a program to provide personal care attendants for persons who have disabilities; requiring the Florida Endowment Foundation for Vocational Rehabilitation to enter into an agreement by a certain date with the Florida Association of Centers for Independent Living to administer a program to provide such attendants to persons who have severe and chronic disabilities; requiring that the parties execute a memorandum of understanding; naming the program the "James Patrick Memorial Work Incentive Personal Attendant Services Program"; providing for payment for the administration of the program; removing a provision requiring interagency memoranda of agreement; revising eligibility requirements for participation in the personal care attendant program; removing provisions concerning the training, selection, and recruitment of personal care attendants; providing for training of program participants concerning hiring and managing an attendant; providing for the adoption and revision of program policies and procedures by the association in cooperation with an oversight group; providing for membership in the oversight group; amending s. 413.4021, F.S.; increasing the percentage of revenues collected from persons who fail to remit sales tax which is deposited in the special reserve account of the Florida Endowment Foundation for Vocational Rehabilitation to administer the program; deleting a provision requiring that the Florida Endowment Foundation for Vocational Rehabilitation select an entity to administer the program; providing for automatic enrollment in the program for certain persons; providing an effective date.

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

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

413.402 Personal care attendant program.—The Florida Endowment Foundation for Vocational Rehabilitation shall 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, in conjunction with the Brain and Spinal Cord Injury Program in the Department of Health, shall develop a Program to provide personal care attendants to persons who have severe and chronic disabilities of all kinds and who are eligible under pursuant to subsection (1). Effective July 1, 2008, the Florida Association of Centers for Independent Living shall receive 12 percent of the funds paid to or on behalf of participants from funds to be deposited with the Florida Endowment Foundation for Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and 413.4021(1) to administer the program. For the purpose of ensuring continuity of services, a memorandum of understanding shall be executed between

~~the parties to cover the period between July 1, 2008, and the execution of the final agreement. association and the Department of Health shall jointly develop memoranda of understanding with the Department of Revenue, 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) In order to be ~~Persons~~ eligible to participate in the program, a person must:

(a) Be at least 18 years of age, be a legal resident of this state, and be significantly and chronically disabled due to a traumatic spinal cord injury;

(b) Require a personal care attendant for assistance with or support for at least two activities of daily living as defined in s. 429.02, as determined by a physician, psychologist, or psychiatrist bathing, dressing, bowel and bladder management, and transportation;

(c) Require a personal care attendant in order to accept a job or maintain substantial gainful employment; and

(d) Be able to acquire hire and direct supervise a personal care attendant; and

(e) ~~Meet one of the following requirements:~~

1. ~~Live in a nursing home;~~

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; or~~

3. ~~Presently be employed but, because of a loss of a caregiver, will lose employment and potentially return to a nursing home.~~

(2)(a) ~~The association, in cooperation with the Department of Health and 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 program. The Department of Health and the Agency for Health Care Administration shall seek any federal waivers necessary to implement this provision.~~

(3) The Florida Association of Centers for Independent Living association and the Department of Health, in cooperation with the Florida Endowment Foundation for Vocational Rehabilitation, shall provide develop a training to program participants on hiring and managing a personal care attendant and, in cooperation with the oversight group described in paragraph (b), adopt and revise the policies and procedures governing the personal care attendant program and the training program.

(b) The oversight group shall include, but need not be limited to, a member of the Florida Association of Centers for Independent Living, a person who is participating in the program, and one representative each from the Department of Revenue, the Department of Children and Family Services, the Division of Vocational Rehabilitation in the Department of Education, the Medicaid program in the Agency for Health Care Administration, the Florida Endowment Foundation for Vocational Rehabilitation, and the Brain and Spinal Cord Injury Program in the Department of Health program for personal care attendants.

~~(4) The association, in cooperation with the Department of Health and the Florida Endowment Foundation for Vocational Rehabilitation, shall establish procedures for selecting persons eligible under subsection (1) to participate in the program.~~

~~(5) 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 judicial circuits participating in the 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 program.~~

~~(6) The Department of Health shall establish an oversight workgroup for the personal care attendant program to oversee the implementation and administration of the program. The workgroup shall be composed of one representative from the Brain and Spinal Cord Injury Program in the Department of Health, one representative from the Department of Revenue, one representative from the Florida Medicaid Program in the Agency for Health Care Administration, one representative from the Florida Endowment Foundation for Vocational Rehabilitation, one representative from the Florida Association of Centers for Independent Living, one representative from the Division of Vocational Rehabilitation of the Department of Education, and two members who are persons with traumatic spinal cord injuries or are family members of persons with traumatic spinal cord injuries.~~

Section 2. Subsections (1) and (2) of section 413.4021, Florida Statutes, are amended to read:

413.4021 Program participant selection; tax collection enforcement diversion program.—The Department of Revenue, in coordination with the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select judicial circuits in which to operate the program. The association and the state attorneys' offices 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 and the Department of Revenue.

(1) Notwithstanding the provisions of s. 212.20, 50 percent of the revenues collected from the tax collection enforcement diversion program shall

be deposited into the special reserve ~~operating~~ account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to administer the personal care attendant program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$50,000 for each state attorney.

(2) The program shall operate only from funds deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation. ~~The Florida Endowment Foundation for Vocational Rehabilitation shall select the entity to administer the personal care attendant program.~~

Section 3. Notwithstanding any other law, each person enrolled in the personal care attendant program under s. 413.402, Florida Statutes, on June 30, 2008, and each person enrolled in the pilot personal care attendant program in Lake, Orange, Osceola, and Seminole Counties as authorized in Specific Appropriation 340, chapter 2006-25, Laws of Florida, on June 30, 2008, is automatically eligible for and enrolled in the personal care attendant program, as amended by this act on July 1, 2008.

Section 4. This act shall take effect July 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.