

CHAPTER 2016-30

Committee Substitute for Committee Substitute for Senate Bill No. 202

An act relating to the Florida Association of Centers for Independent Living; amending s. 413.402, F.S.; requiring that a specified agreement be maintained between the Florida Endowment Foundation for Vocational Rehabilitation and the Florida Association of Centers for Independent Living; renaming the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; defining a term; requiring the program to provide additional support and services; revising eligibility requirements; expanding the kinds of training required; requiring the association, in cooperation with the oversight council for the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program, to adopt and revise certain policies and procedures and to provide technical assistance and support under certain circumstances; requiring that the oversight council recommend the maximum monthly reimbursement provided to program participants; requiring the program to reimburse the Florida Association of Centers for Independent Living for certain costs approved by the center's board of directors, taking into consideration certain recommendations; prohibiting the program's operation, administration, and oversight from exceeding a certain percentage of the annual operating budget; creating the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program Oversight Council adjunct to the Department of Education; providing the council's purpose; providing for council membership; amending s. 413.4021, F.S.; revising the maximum amount of specified funds for each state attorney which may be used to administer the personal attendant and employment assistance program and to contract with the state attorneys participating in the tax collection enforcement diversion program; amending s. 320.08068, F.S.; making a technical change; conforming a provision to changes made by the act; 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 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).

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

~~(2) The program shall to provide personal care attendants and other support and services necessary to enable to persons eligible under subsection (3) who have significant severe and chronic disabilities to obtain or maintain competitive and integrated employment, including self-employment of all kinds and who are eligible under 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.~~

~~(3)(1)~~ In order to be 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.;

(b) As determined by a physician, psychologist, or psychiatrist, 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;~~

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

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

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

(b) In cooperation with the oversight council created in subsection (6), the Florida Association of Centers for Independent Living shall oversight group described in paragraph (b), adopt and, as necessary, revise the policies and procedures governing the operation of the personal care attendant program and the training required in paragraph (a). The oversight council

shall recommend the maximum monthly reimbursement provided to program participants. The association shall provide technical assistance to program participants and administrative support services to the program and implement appropriate internal financial controls to ensure program integrity program.

(5) The James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program shall reimburse the Florida Association of Centers for Independent Living monthly for payments made to program participants and for costs associated with program administration and oversight in accordance with the annual operating budget approved by the board of directors of the association, taking into consideration recommendations made by the oversight council created under subsection (6). The annual operating budget for costs associated with activities of the association for program operation, administration, and oversight may not exceed 12 percent of the funds deposited with the Florida Endowment Foundation for Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and 413.4021(1) for the previous fiscal year or the budget approved for the previous fiscal year, whichever amount is greater.

(6) The James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program Oversight Council is created adjunct to the Department of Education for the purpose of providing program recommendations, recommending the maximum monthly reimbursement available to program participants, advising the Florida Association of Centers for Independent Living on policies and procedures, and recommending the program's annual operating budget for activities of the association associated with operations, administration, and oversight. The oversight council shall also advise on and recommend the schedule of eligible services for which program participants may be reimbursed subject to the requirements and limitations of paragraph (3)(c) which, at a minimum, must include personal care attendant services. The oversight council shall advise and make its recommendations under this section to the board of directors of the association. The oversight council is not subject to the control of or direction by the department, and the department is not be responsible for providing staff support or paying any expenses incurred by the oversight council in the performance of its duties.

(a) The oversight council consists of the following members:

1. The director of the division or his or her designee;
2. A human resources professional or an individual who has significant experience managing and operating a business based in this state, recommended by the Florida Chamber of Commerce and appointed by the Governor;
3. A financial management professional, appointed by the Governor;

4. A program participant, appointed by the Secretary of Health or his or her designee;

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

6. The director of the Florida Endowment Foundation for Vocational Rehabilitation or his or her designee; and

7. The director of the Florida Association of Centers for Independent Living or his or her designee.

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

~~(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 Families, 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.~~

Section 2. Subsection (1) of section 413.4021, Florida Statutes, is 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 account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to administer the James Patrick Memorial Work Incentive Personal Care Attendant Services and Employment Assistance Program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$75,000 ~~\$50,000~~ for each state attorney.

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

320.08068 Motorcycle specialty license plates.—

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

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

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

Approved by the Governor March 9, 2016.

Filed in Office Secretary of State March 9, 2016.