

1 A bill to be entitled
2 An act relating to persons with disabilities;
3 amending ss. 413.402, 413.4021, F.S., and s. 3
4 of chapter 2002-286, Laws of Florida; making
5 the program for personal care attendants for
6 spinal cord injury victims permanent; providing
7 criteria for participation in the program;
8 providing an effective date.

9

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

11

12 Section 1. Section 413.402, Florida Statutes, is
13 amended to read:14 413.402 Personal care attendant ~~pilot~~ program.--The
15 Florida Association of Centers for Independent Living shall
16 develop a ~~pilot~~ program to provide personal care attendants to
17 persons who are eligible pursuant to subsection (1). The
18 association shall develop memoranda of understanding with the
19 Department of Revenue, the Brain and Spinal Cord Injury
20 Program in the Department of Health, the Florida Medicaid
21 program in the Agency for Health Care Administration, the
22 Florida Endowment Foundation for Vocational Rehabilitation,
23 and the Division of Vocational Rehabilitation of the
24 Department of Education.25 (1) Persons eligible to participate in the ~~pilot~~
26 program must:27 (a) Be at least 18 years of age and be significantly
28 disabled due to a traumatic spinal cord injury;29 (b) Have been determined eligible for training
30 services from the Division of Vocational Rehabilitation of the
31 Department of Education; and

1 (c) Either:
2 1. Live in a nursing home; or
3 2. Have moved out of a nursing home within the
4 preceding 180 days due to participation in a Medicaid home and
5 community-based waiver program targeted to persons with brain
6 or spinal cord injuries.

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

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

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

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

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

29 (6) The association, in cooperation with the Division
30 of Vocational Rehabilitation of the Department of Education,
31 shall assess the selected participants and make

1 recommendations for their placement into appropriate
2 work-related training programs.

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

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

21 Section 2. Section 413.4021, Florida Statutes, is
22 amended to read:

23 413.4021 ~~Pilot~~ Program participant county selection;
24 tax collection enforcement diversion program.--The Department
25 of Revenue, in coordination with the Florida Association of
26 Centers for Independent Living and the Florida Prosecuting
27 Attorneys Association, shall select judicial circuits ~~four~~
28 ~~counties~~ in which to operate the ~~pilot~~ program. The
29 association and the state attorneys' offices ~~in Duval County~~
30 ~~and the four pilot program counties~~ shall develop and
31 implement a tax collection enforcement diversion program,

1 which shall collect revenue due from persons who have not
2 remitted their collected sales tax. The criteria for referral
3 to the tax collection enforcement diversion program shall be
4 determined cooperatively between the state attorneys' offices
5 ~~in those counties~~ and the Department of Revenue.

6 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~
7 percent of the revenues collected from the tax collection
8 enforcement diversion program shall be deposited into the
9 operating account of the Florida Endowment Foundation for
10 Vocational Rehabilitation, to be used to implement the
11 personal care attendant ~~pilot~~ program.

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

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

18 Section 3. Section 3 of chapter 2002-286, Laws of
19 Florida, is amended to read:

20 Section 3. There is appropriated from the Brain and
21 Spinal Cord Injury Program Trust Fund to the Florida Endowment
22 Foundation for Vocational Rehabilitation the sum of \$250,000
23 in nonrecurring funds for fiscal year 2002-2003 for
24 development of the personal care attendant pilot program under
25 s. 413.402, Florida Statutes. The initial \$50,000 from each of
26 the pilot program judicial circuits ~~counties~~ and the Fourth
27 Judicial Circuit ~~Duval County~~ deposited with the Florida
28 Endowment Foundation for Vocational Rehabilitation shall be
29 used to repay the \$250,000 to the Brain and Spinal Cord Injury
30 Program Trust Fund.

31 Section 4. This act shall take effect July 1, 2003.