

2016202er

1
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 between the Florida Endowment Foundation for
6 Vocational Rehabilitation and the Florida Association
7 of Centers for Independent Living; renaming the James
8 Patrick Memorial Work Incentive Personal Attendant
9 Services Program as the James Patrick Memorial Work
10 Incentive Personal Attendant Services and Employment
11 Assistance Program; defining a term; requiring the
12 program to provide additional support and services;
13 revising eligibility requirements; expanding the kinds
14 of training required; requiring the association, in
15 cooperation with the oversight council for the James
16 Patrick Memorial Work Incentive Personal Attendant
17 Services and Employment Assistance Program, to adopt
18 and revise certain policies and procedures and to
19 provide technical assistance and support under certain
20 circumstances; requiring that the oversight council
21 recommend the maximum monthly reimbursement provided
22 to program participants; requiring the program to
23 reimburse the Florida Association of Centers for
24 Independent Living for certain costs approved by the
25 center's board of directors, taking into consideration
26 certain recommendations; prohibiting the program's
27 operation, administration, and oversight from
28 exceeding a certain percentage of the annual operating
29 budget; creating the James Patrick Memorial Work

2016202er

30 Incentive Personal Attendant Services and Employment
31 Assistance Program Oversight Council adjunct to the
32 Department of Education; providing the council's
33 purpose; providing for council membership; amending s.
34 413.4021, F.S.; revising the maximum amount of
35 specified funds for each state attorney which may be
36 used to administer the personal attendant and
37 employment assistance program and to contract with the
38 state attorneys participating in the tax collection
39 enforcement diversion program; amending s. 320.08068,
40 F.S.; making a technical change; conforming a
41 provision to changes made by the act; providing an
42 effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Section 413.402, Florida Statutes, is amended to
47 read:

48 413.402 James Patrick Memorial Work Incentive Personal care
49 Attendant Services and Employment Assistance Program.—The
50 Florida Endowment Foundation for Vocational Rehabilitation shall
51 maintain ~~enter into~~ an agreement, ~~no later than October 1, 2008,~~
52 with the Florida Association of Centers for Independent Living
53 to administer the James Patrick Memorial Work Incentive Personal
54 Attendant Services and Employment Assistance Program and shall
55 remit sufficient funds monthly to meet the requirements of
56 subsection (5).

57 (1) As used in this section, the term "competitive and
58 integrated employment" means employment in the public or private

2016202er

59 sector in which the employee earns comparable wages and
60 benefits, commensurate with his or her qualifications and
61 experience, and works in comparable conditions to those
62 experienced by the general workforce in that industry or
63 profession.

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

79 (3)(1) ~~In order to be eligible to participate in the~~
80 ~~program, a person must:~~

81 (a) Be at least 18 years of age, be a legal resident of
82 this state, and be significantly and chronically disabled.~~;~~

83 (b) As determined by a physician, psychologist, or
84 psychiatrist, require a personal care attendant for assistance
85 with or support for at least two activities of daily living as
86 defined in s. 429.02.~~, as determined by a physician,~~
87 ~~psychologist, or psychiatrist;~~

2016202er

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

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

95 ~~(4)(2)~~(a) The Florida Association of Centers for
96 Independent Living shall provide program participants with
97 appropriate training to program participants on the hiring and
98 management of managing a personal care attendant and on other
99 self-advocacy skills needed to effectively access and manage the
100 support and services provided under this section. ~~and,~~

101 (b) In cooperation with the oversight council created in
102 subsection (6), the Florida Association of Centers for
103 Independent Living shall oversight group described in paragraph
104 ~~(b),~~ adopt and, as necessary, revise the policies and procedures
105 governing the operation of the personal care attendant program
106 and the training required in paragraph (a). The oversight
107 council shall recommend the maximum monthly reimbursement
108 provided to program participants. The association shall provide
109 technical assistance to program participants and administrative
110 support services to the program and implement appropriate
111 internal financial controls to ensure program integrity program.

112 (5) The James Patrick Memorial Work Incentive Personal
113 Attendant Services and Employment Assistance Program shall
114 reimburse the Florida Association of Centers for Independent
115 Living monthly for payments made to program participants and for
116 costs associated with program administration and oversight in

2016202er

117 accordance with the annual operating budget approved by the
118 board of directors of the association, taking into consideration
119 recommendations made by the oversight council created under
120 subsection (6). The annual operating budget for costs associated
121 with activities of the association for program operation,
122 administration, and oversight may not exceed 12 percent of the
123 funds deposited with the Florida Endowment Foundation for
124 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and
125 413.4021(1) for the previous fiscal year or the budget approved
126 for the previous fiscal year, whichever amount is greater.

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

2016202er

146 in the performance of its duties.

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

149 1. The director of the division or his or her designee;

150 2. A human resources professional or an individual who has
151 significant experience managing and operating a business based
152 in this state, recommended by the Florida Chamber of Commerce
153 and appointed by the Governor;

154 3. A financial management professional, appointed by the
155 Governor;

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

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

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

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

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

167 ~~(b) The oversight group shall include, but need not be~~
168 ~~limited to, a member of the Florida Association of Centers for~~
169 ~~Independent Living, a person who is participating in the~~
170 ~~program, and one representative each from the Department of~~
171 ~~Revenue, the Department of Children and Families, the Division~~
172 ~~of Vocational Rehabilitation in the Department of Education, the~~
173 ~~Medicaid program in the Agency for Health Care Administration,~~
174 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~

2016202er

175 ~~and the Brain and Spinal Cord Injury Program in the Department~~
176 ~~of Health.~~

177 Section 2. Subsection (1) of section 413.4021, Florida
178 Statutes, is amended to read:

179 413.4021 Program participant selection; tax collection
180 enforcement diversion program.—The Department of Revenue, in
181 coordination with the Florida Association of Centers for
182 Independent Living and the Florida Prosecuting Attorneys
183 Association, shall select judicial circuits in which to operate
184 the program. The association and the state attorneys' offices
185 shall develop and implement a tax collection enforcement
186 diversion program, which shall collect revenue due from persons
187 who have not remitted their collected sales tax. The criteria
188 for referral to the tax collection enforcement diversion program
189 shall be determined cooperatively between the state attorneys'
190 offices and the Department of Revenue.

191 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50 percent
192 of the revenues collected from the tax collection enforcement
193 diversion program shall be deposited into the special reserve
194 account of the Florida Endowment Foundation for Vocational
195 Rehabilitation, to be used to administer the James Patrick
196 Memorial Work Incentive Personal ~~care~~ Attendant Services and
197 Employment Assistance Program and to contract with the state
198 attorneys participating in the tax collection enforcement
199 diversion program in an amount of not more than \$75,000 ~~\$50,000~~
200 for each state attorney.

201 Section 3. Paragraph (d) of subsection (4) of section
202 320.08068, Florida Statutes, is amended to read:

203 320.08068 Motorcycle specialty license plates.—

2016202er

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

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

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