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576-01364-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

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; 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 Committee 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; providing that the maximum monthly reimbursement provided to program participants is subject to approval by the oversight committee; requiring the program to reimburse the Florida Association of Centers for Independent Living for certain costs approved by the oversight committee; prohibiting such reimbursement from exceeding a certain amount; establishing the oversight committee; providing the oversight committee's purpose; providing for committee membership; amending s. 413.4021, F.S.;



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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.



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(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



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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 committee established 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 program required in paragraph (a); however, the maximum monthly reimbursement provided to program participants is subject to approval by the oversight committee. The Florida Association of Centers for Independent Living shall also provide technical assistance to program participants and administrative support services to the program and the oversight committee and shall implement appropriate internal financial controls to ensure program integrity.

(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 oversight committee established pursuant to subsection (6). The annual operating budget for costs associated with program



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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 Oversight Committee for the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program is established for the purpose of providing program oversight, approving the maximum monthly reimbursement available to program participants, advising the Florida Association of Centers for Independent Living on policies and procedures, and approving the program's annual operating budget for administration and oversight. The oversight committee shall also approve and maintain 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.

(a) The oversight committee shall consist of the following members:

1. The director of the Division of Vocational Rehabilitation 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, appointed by the Speaker of the House of Representatives;

3. A program participant, appointed by the President of the Senate;

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



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144 5. A financial management professional, appointed by the
145 Governor.

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

149 ~~(b) The oversight group shall include, but need not be~~
150 ~~limited to, a member of the Florida Association of Centers for~~
151 ~~Independent Living, a person who is participating in the~~
152 ~~program, and one representative each from the Department of~~
153 ~~Revenue, the Department of Children and Families, the Division~~
154 ~~of Vocational Rehabilitation in the Department of Education, the~~
155 ~~Medicaid program in the Agency for Health Care Administration,~~
156 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~
157 ~~and the Brain and Spinal Cord Injury Program in the Department~~
158 ~~of Health.~~

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

161 413.4021 Program participant selection; tax collection
162 enforcement diversion program.—The Department of Revenue, in
163 coordination with the Florida Association of Centers for
164 Independent Living and the Florida Prosecuting Attorneys
165 Association, shall select judicial circuits in which to operate
166 the program. The association and the state attorneys' offices
167 shall develop and implement a tax collection enforcement
168 diversion program, which shall collect revenue due from persons
169 who have not remitted their collected sales tax. The criteria
170 for referral to the tax collection enforcement diversion program
171 shall be determined cooperatively between the state attorneys'
172 offices and the Department of Revenue.



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173 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50 percent
174 of the revenues collected from the tax collection enforcement
175 diversion program shall be deposited into the special reserve
176 account of the Florida Endowment Foundation for Vocational
177 Rehabilitation, to be used to administer the James Patrick
178 Memorial Work Incentive Personal ~~Care~~ Attendant Services and
179 Employment Assistance Program and to contract with the state
180 attorneys participating in the tax collection enforcement
181 diversion program in an amount of not more than \$75,000 ~~\$50,000~~
182 for each state attorney.

183 Section 3. Paragraph (d) of subsection (4) of section
184 320.08068, Florida Statutes, is amended to read:

185 320.08068 Motorcycle specialty license plates.—

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

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

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