

Higher Education & Workforce Subcommittee

**Wednesday, December 2, 2015
11:30 a.m. – 12:30 p.m.
102 HOB**

Meeting Packet

**Steve Crisafulli
Speaker**

**Elizabeth Porter
Chair**



AGENDA

Higher Education & Workforce Subcommittee
Wednesday, December 2, 2015
11:30 a.m. –12:30 p.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following bill:
 - HB 495 Florida Association of Centers for Independent Living by Harrell
- IV. Presentation – Florida FFA Association
- V. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 495 Florida Association of Centers for Independent Living
SPONSOR(S): Harrell
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 202

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee		Cherry TC	Bishop HRB
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

In 2005, the Florida Legislature established the James Patrick Memorial Work Incentive Personal Attendant Services Program to provide personal care attendants for eligible persons with severe and chronic disabilities of all kinds. The bill renames the program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program and expands its services to assist disabled adults with securing and maintaining employment.

The bill also clarifies the responsibilities of the Florida Association of Centers for Independent Living, which is tasked with administering the program. In addition, the existing oversight group is reestablished as an advisory and oversight committee with revised membership.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law establishes and provides a funding source for the James Patrick Memorial Work Incentive Personal Attendant Services Program that provides personal care attendants for eligible persons with severe and chronic disabilities of all kinds.¹ The program was established as a pilot in 2002 and made permanent and statewide in 2005.² Currently, there are 16 Centers for Independent Living operating in Florida.³ The most recent data show that the centers provided independent living services to 21,938 people from October 1, 2013 to September 30, 2014.⁴

Persons eligible to participate in the program must:

- Be at least 18 years of age, a legal resident of this state and significantly and chronically disabled;
- Require a personal care attendant for assistance with or support for at least two activities of daily living such as bathing and dressing and as defined in s. 429.02, F.S.;
- Require a personal care attendant in order to maintain substantial gainful employment; and
- Be able to acquire and direct a personal care attendant.

The Florida Endowment Foundation for Vocational Rehabilitation (FEFVR) is required to enter into an agreement with the Florida Association of Centers for Independent Living (FACIL) to administer the program.⁵ FACIL provides training to program participants on hiring and managing a personal care attendant.⁶ FACIL must also, in cooperation with an oversight group, adopt and revise policies and procedures governing the personal care attendant program and training program.

Funding to administer the program are paid from two sources:

- Tax Collection Enforcement Diversion Program; and
- Fees from the Motorcycle Specialty License Plate.⁷

Tax Collection Enforcement Diversion Program

In conjunction with the establishment of the Personal Care Attendant program, the Department of Revenue was directed, in cooperation with FACIL and state attorneys, to select judicial circuits in which to operate a tax collection enforcement diversion program ("tax diversion program") to collect unpaid sales taxes from delinquent business owners.⁸ Fifty percent of the collections from the tax diversion program are deposited into the operating account of the Able Trust to be used to operate the Personal Care Attendant program and to contract with the state attorneys participating in the tax diversion program.⁹

¹ Section 413.402, F.S.

² Chapters Chapter 2002-286 and 2005-172, L.O.F.

³ See http://rehabworks.org/indep_living.shtml (last visited on November 23, 2015).

⁴ See E-mail from Government Relations Office, Florida Department of Education (November 24, 2015) (on file with the House Education Committee).

⁵ Section 413.402, F.S.

⁶ *Id.* 413.402(2)(a), F.S.

⁷ Sections 413.4021(1) and 320.08068(4)(d), F.S.

⁸ Section 413.4021, F.S.

⁹ Section 413.4021(1), F.S. The contract amount for each state attorney cannot exceed \$50,000.

Motorcycle Specialty (Bikers Care) License Plate Fees

The Department of Highway Safety and Motor Vehicles (DHSMV) offers a specialty license plate to any owner or lessee of a motorcycle who chooses to pay the additional cost.¹⁰ The DHSMV collects an annual use fee of \$20 from the sale of each motorcycle specialty license plate and distributes the fees to the Able Trust. The Able Trust is permitted to retain a maximum of 10 percent of the funds for administrative costs and distribute the remaining funds as follows:

- Twenty percent to the Brain and Spinal Cord Injury Program Trust Fund;
- Twenty percent to Prevent Blindness Florida;
- Twenty percent to the Blind Services Foundation of Florida;
- Twenty percent to the Able Trust to support the Personal Care Attendant program; and
- Twenty percent to the Florida Association for Centers for Independent Living.¹¹

Effect of Proposed Changes

The bill renames the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. In addition to the provision of personal care attendants currently being offered to eligible participants, the bill authorizes other support and services necessary to maintain competitive employment or self-employment to be made available to eligible persons in the program.

The bill defines competitive employment as public or private sector employment in which:

- The employee earns wages and benefits that are commensurate with his or her qualifications;
- The wages are comparable to persons with similar jobs in that industry or profession; and
- The employment allows the employee to work in comparable conditions to those experienced by the general workforce in that industry or profession.

FACIL must provide training to program participants on the hiring and managing of a personal care attendant and other skills needed to effectively access and manage the support and services provided in the program. FACIL must also provide administrative services to ensure the financial integrity of the program and administrative support to the revised Advisory and Oversight Committee.

The bill changes the portion of funding available to FACIL to administer the program. Current law provides that FACIL receive 12 percent of the funds paid to or on behalf of participants in the program. The bill provides that FACIL will be reimbursed up to 12 percent of the total funds deposited into the program from the FEFVR account. The reimbursement covers costs associated with program administration and oversight. FACIL's annual operating budget must be approved by the Oversight Committee.

The bill renames the existing oversight group as the Advisory and Oversight Committee and changes its membership. The representative of the Medicaid program within the Agency for Health Care Administration is removed and the representative of the Able Trust is changed to an ex officio member. The bill adds a member of the Florida Independent Living Council appointed by the Speaker of the House of Representatives, a financial management professional appointed by the Governor, and an ex-officio member from the FACIL. The appointing authority for the program participant is changed to the President of the Senate. The Advisory and Oversight Committee is tasked with providing program oversight, approving the program's operating budget, and advising FACIL on policies and procedures.

In addition, the bill increases the amount available to contract with state attorneys participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 per state attorney. The bill also changes the name of the entity receiving 20 percent of the funds distributed to

¹⁰ Section 320.08068(2), F.S.

¹¹ Section 320.08069(4), F.S.

the Able Trust from the sale of specialty motorcycle licenses to the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program.

B. SECTION DIRECTORY:

Section 1. Amends 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; requiring the program to provide additional support and services; requiring the association, in consultation with the Advisory and Oversight Committee, to adopt and revise certain policies and procedures and to provide technical assistance and support under certain circumstances; requiring the program to reimburse the Florida Association of Centers for Independent Living for certain costs approved by the oversight committee; revising membership of the committee; and renaming the committee as the Advisory and Oversight Committee.

Section 2. Amends 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.

Section 3. Amends s. 320.08068, F.S., making technical and conforming changes.

Section 4. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill expands the scope of services to disabled persons to include employment assistance to eligible program participants. The potential savings from increased employment of individuals with significant and chronic disabilities may be seen in reduced long-term care costs.

The bill also increases the amount of funds available to contract with the state attorneys' offices participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 for each office.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
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 renaming the James Patrick Memorial Work Incentive
6 Personal Attendant Services Program as the James
7 Patrick Memorial Work Incentive Personal Attendant
8 Services and Employment Assistance Program; defining a
9 term; requiring the program to provide additional
10 support and services; revising eligibility
11 requirements; expanding the kinds of training
12 required; requiring the association, in consultation
13 with the Advisory and Oversight Committee, to adopt
14 and revise certain policies and procedures and to
15 provide technical assistance and support under certain
16 circumstances; requiring the program to reimburse the
17 Florida Association of Centers for Independent Living
18 for certain costs approved by the Advisory and
19 Oversight Committee; prohibiting such reimbursement
20 from exceeding a certain amount; establishing the
21 Advisory and Oversight Committee for the James Patrick
22 Memorial Work Incentive Personal Attendant Services
23 and Employment Assistance Program; providing the
24 committee's purpose; providing for committee
25 membership; amending s. 413.4021, F.S.; revising the
26 maximum amount of specified funds for each state

27 attorney which may be used to administer the personal
 28 attendant and employment assistance program and to
 29 contract with the state attorneys participating in the
 30 tax collection enforcement diversion program; amending
 31 s. 320.08068, F.S.; making a technical change;
 32 conforming a provision to changes made by the act;
 33 providing an effective date.

34

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

36

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

39 413.402 James Patrick Memorial Work Incentive Personal
 40 ~~care~~ Attendant Services and Employment Assistance Program.—The
 41 Florida Endowment Foundation for Vocational Rehabilitation shall
 42 maintain ~~enter into an agreement, no later than October 1, 2008,~~
 43 with the Florida Association of Centers for Independent Living
 44 to administer the James Patrick Memorial Work Incentive Personal
 45 Attendant Services and Employment Assistance Program and shall
 46 remit sufficient funds monthly to meet the requirements of
 47 subsection (5).

48 (1) As used in this section, the term "competitive
 49 employment" means employment in the public or private sector in
 50 which the employee earns comparable wages and benefits,
 51 commensurate with his or her qualifications and experience, and
 52 works in comparable conditions to those experienced by the

53 general workforce in that industry or profession.

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

69 (3)(1) In order to be eligible to participate in the
 70 program, a person must:

71 (a) Be at least 18 years of age, be a legal resident of
 72 this state, and be significantly and chronically disabled.†

73 (b) As determined by a physician, psychologist, or
 74 psychiatrist, require a personal care attendant for assistance
 75 with or support for at least two activities of daily living as
 76 defined in s. 429.02.† ~~as determined by a physician,~~
 77 ~~psychologist, or psychiatrist;~~

78 (c) Require a personal care attendant and, as needed,

79 other support and services in order to accept an offer of
 80 employment and commence working or to a job or maintain
 81 competitive substantial gainful employment. ~~;~~ and

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

85 (4)(2)(a) The Florida Association of Centers for
 86 Independent Living shall provide program participants with
 87 appropriate training to program participants on the hiring and
 88 management of managing a personal care attendant and on other
 89 self-advocacy skills needed to effectively access and manage the
 90 support and services provided under this section. and,

91 (b) In consultation cooperation with the Advisory and
 92 Oversight Committee established in subsection (6), the Florida
 93 Association of Centers for Independent Living shall oversight
 94 group described in paragraph (b), adopt new and revised and
 95 revise the policies and procedures governing the operation of
 96 the personal care attendant program and the training program
 97 required in paragraph (a), provide technical assistance to
 98 program participants, provide administrative support services
 99 for the program, including the implementation of appropriate
 100 internal financial controls to ensure program integrity, and
 101 provide administrative support for the Advisory and Oversight
 102 Committee.

103 (5) The James Patrick Memorial Work Incentive Personal
 104 Attendant Services and Employment Assistance Program shall

105 reimburse the Florida Association of Centers for Independent
106 Living monthly for payments made to program participants and for
107 costs associated with program administration and oversight in
108 accordance with the annual operating budget approved by the
109 Advisory and Oversight Committee established pursuant to
110 subsection (6). Such costs may not exceed 12 percent of the
111 funds deposited with the Florida Endowment Foundation for
112 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and
113 413.4021(1).

114 (6) The Advisory and Oversight Committee for the James
115 Patrick Memorial Work Incentive Personal Attendant Services and
116 Employment Assistance Program is established for the purpose of
117 providing program oversight, advising the Florida Association of
118 Centers for Independent Living on policies and procedures, and
119 approving the program's annual operating budget for
120 administration and oversight.

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

122 1. The director of the Division of Vocational
123 Rehabilitation or his or her designee;

124 2. The executive director of the Department of Revenue or
125 his or her designee;

126 3. The secretary of the Department of Children and
127 Families or his or her designee;

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

130 5. A program participant, appointed by the President of

HB 495

2016

131 the Senate;

132 6. A member of the Florida Independent Living Council,
133 appointed by the Speaker of the House of Representatives;

134 7. A financial management professional, appointed by the
135 Governor; and

136 8. Two ex officio, nonvoting members, one designated by
137 the chair of the Florida Endowment Foundation for Vocational
138 Rehabilitation, and the other designated by the chair of the
139 Florida Association of Centers for Independent Living.

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

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

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

155 413.4021 Program participant selection; tax collection
156 enforcement diversion program.—The Department of Revenue, in

157 coordination with the Florida Association of Centers for
 158 Independent Living and the Florida Prosecuting Attorneys
 159 Association, shall select judicial circuits in which to operate
 160 the program. The association and the state attorneys' offices
 161 shall develop and implement a tax collection enforcement
 162 diversion program, which shall collect revenue due from persons
 163 who have not remitted their collected sales tax. The criteria
 164 for referral to the tax collection enforcement diversion program
 165 shall be determined cooperatively between the state attorneys'
 166 offices and the Department of Revenue.

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

177 Section 3. Paragraph (d) of subsection (4) of section
 178 320.08068, Florida Statutes, is amended to read:

179 320.08068 Motorcycle specialty license plates.—

180 (4) A license plate annual use fee of \$20 shall be
 181 collected for each motorcycle specialty license plate. Annual
 182 use fees shall be distributed to The Able Trust as custodial

HB 495

2016

183 agent. The Able Trust may retain a maximum of 10 percent of the
184 proceeds from the sale of the license plate for administrative
185 costs. The Able Trust shall distribute the remaining funds as
186 follows:

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

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



FLORIDA FFA ASSOCIATION

The Next Generation of Agriculturalists





We are addressing a very key issue: the growing need for young, talented people in a variety of fields to consider a career in agriculture.

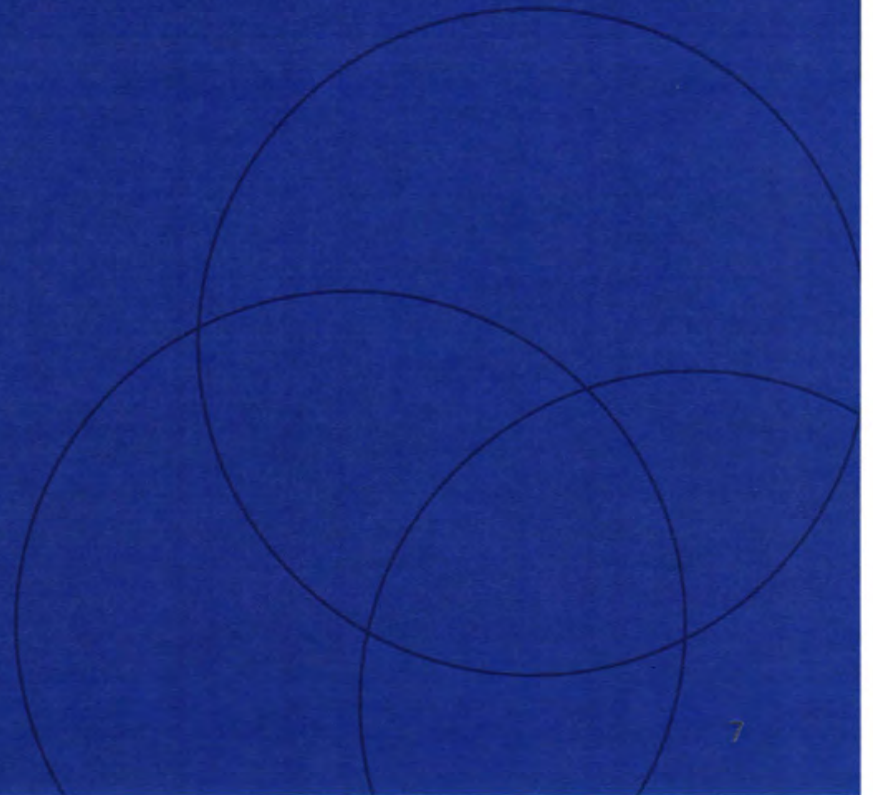


FFA is only part of a comprehensive strategy to build a heroic workforce and reconnect people with agriculture.

1928

33 farm boys started the organization in 1928, and now over 610,000 members are developing their potential for premier leadership, personal growth, and career success through agricultural education and FFA.

FFA is the most recognized component of agricultural education, but Supervised Agricultural Experiences and the classroom create a complete experience for our students.





Students can choose from eight different career pathways, preparing them for the workforce and college.



Supervised Agricultural Experiences allow students to gain real-world experience and apply their skills and knowledge from FFA and the classroom.



Agricultural education proudly provides students with one of the most complete educational experiences available.

We've got some work to do before 2050, but we're up for the challenge. Our growing pains are a positive sign:

- Record membership
- Record participation



As we continue to grow and close the gap, we face some challenges we hope to overcome:

- FFA has reached its capacity in regards to the services and opportunities we provide our members
- Recruiting and retaining qualified and certified teachers
- Classroom size and funding



Together, we'll face these issues in an effort to tackle a global challenge.



THE FFA MISSION

FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

THE AGRICULTURAL EDUCATION MISSION

Agricultural education prepares students for successful careers and a lifetime of informed choices in the global agriculture, food, fiber and natural resource systems.

The Florida FFA Association is a resource and support organization that does not select, control, supervise or approve local chapter or individual member activities except as expressly provided for in the Florida FFA Constitution and Bylaws.

The Florida FFA Association affirms its belief in the value of all human beings and seeks diversity in its membership, leadership and staff as an equal opportunity employer.