

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 223 Persons with Disabilities
SPONSOR(S): Littlefield
TIED BILLS: **IDEN./SIM. BILLS:** SB 118

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) ELDER & LONG TERM CARE(SUB)	9 Y, 0 N	Meyer	Liem
2) FUTURE OF FLORIDA'S FAMILIES	15 Y, 0 N w/CS	Meyer	Liem
3) FINANCE & TAX			
4) JUDICIAL APPROPRIATIONS (SUB)			
5) APPROPRIATIONS			

SUMMARY ANALYSIS

HB 223 revises the existing Personal Care Attendant Program from a pilot project to a statewide program. It provides that fifty percent instead of twenty-five percent of the money collected through the Sales Tax Enforcement Diversion Program be deposited in the ABLE trust to support the program.

The bill takes effect July 1, 2003.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0223b.fff.doc
DATE: March 13, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The bill will convert the planned Personal Care Attendant pilot program into a program available statewide.

The Pilot Program

The Personal Care Attendant Program is planned for five counties (Duval, Broward, Dade, Palm Beach, and Hillsborough). The Brain & Spinal Cord Injury program transferred \$250,000 to the ABLE Trust to initially fund the project (\$50,000 for each site). Staff from the Department of Health, the Centers for Independent Living, Vocational Rehabilitation, and the ABLE trust has formed a steering committee that has identified sites for the pilot project to operate, is establishing criteria for recruiting, selecting, and training staff to administer the tax collection enforcement diversion program. The Steering Committee is also working on participant eligibility criteria and standards for the personal care attendants. No one has yet received services under the pilot project.

Brain & Spinal Cord Injury Program

Section 381.7395, F.S., provides that the intent of the Legislature is that individuals who have moderate-to-severe brain or spinal cord injuries are referred to the Brain and Spinal Cord Injury Program that is administered by the DOH. The program is to provide the rehabilitative services necessary for the person to benefit from the vocational rehabilitation program or return to the community at an appropriate functional level. The BSCIP provides for acute care, inpatient and outpatient rehabilitation, home and vehicle modification, and adaptive technology by a network of designated trauma, rehabilitation, and transitional living centers. The program is funded through the BSCIP Rehabilitation Trust Fund from fines levied for speeding, driving or boating under the influence, and surcharges on temporary license plates. The BSCIP acts as a "payer of last resort," and relies heavily on third party payments and comparable benefits for provision of rehabilitation services. A 16-member Advisory Council provides oversight to the program.

Personal Care Attendants (PCA)

Disabled persons and other advocates have developed a strong sense of what a PCA is and how it is different from the personal care services available from home health agencies or even the informal assistance available from family and friends. Essentially, the PCA model means that the individual user must be able to recruit, train, schedule, supervise, and, if necessary, fire his or her own assistants.

The state of Pennsylvania began a demonstration project to prove that greater independence for people with disabilities can be achieved by receiving assistance in the home with a state law enacted in 1986. Currently, there are more than 400 highly qualified, trained personal care attendants employed

by more than 405 people with physical disabilities. In Pennsylvania, the Attendant Care Program receives state and federal funds. Consumers who do not receive benefits from social security or the state's medical assistance program pay for a portion of their attendant care service. The amount is based on a sliding fee scale to accommodate an individual's ability to pay.

The Sales Tax Revenue Collections Diversion Program in Florida's Fourth Judicial Circuit

The State Attorney's Office in the fourth Judicial Circuit in Jacksonville has operated its "Citizen's Dispute Settlement Program" since 1975. Among the cases they handle are cases referred from the state Department of Revenue related to sales tax collected by businesses, but not remitted properly to the state.

These programs have been quite successful at collecting restitution according to information provided by State Attorney Harry Shorstein and his associate, Assistant State Attorney William Hodges. Last year, more than \$1.1 million dollars in restitution was ordered to be paid directly to individual citizens or to state agencies, including more than \$500,000 in sales tax receipts.

C. SECTION DIRECTORY:

Section 1 amends 413.402 the Personal Care Attendant Program to remove its designation as a "pilot" project and its geographic limitations. It removes the outdated requirements related to submission of a plan for implementing the pilot project.

Section 2 amends 413.4021 related to the counties that participate. The bill provides that judicial circuits instead of counties may participate and it removes Duval County as a designated site. The bill provides that fifty percent instead of twenty-five percent of the revenue collected by the Tax Collection Diversion Program will be deposited with the ABLE Trust to fund the personal care attendant program.

Section 3 provides an appropriation of \$250,000 from the Brain & Spinal Cord Injury Program Trust Fund.

Section 4 provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

In those judicial circuits that choose to participate in the program, the Department of Revenue may be able to collect sales taxes that have not been paid to the state without the enforcement program provided in this bill. Fifty percent of those revenues would support the operation of the program.

2. Expenditures:

\$250,000 from non-recurring funds from the Brain & Spinal Cord Injury Program Trust Fund is appropriated to the Florida Endowment Foundation for Vocational Rehabilitation (also known as the ABLE Trust) for the development of the personal care attendant program. That sum will be repaid as funds are deposited from the participating circuits.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

No rule making authority is provided in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES