

1 A bill to be entitled
 2 An act relating to developmental disabilities
 3 institutions; creating s. 393.35, F.S.; providing
 4 legislative intent; requiring the Agency for Persons with
 5 Disabilities to submit a plan to the Governor and the
 6 Legislature if the agency or the Legislature proposes to
 7 close or reduce by a certain percentage the resident
 8 population of a developmental disabilities institution;
 9 providing for content of the plan; requiring the Governor
 10 to approve or disapprove the plan to close or reduce the
 11 population of an institution; providing that the
 12 Governor's decision is not binding on the Legislature;
 13 requiring the agency to provide quarterly reports;
 14 providing for content of the reports; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Section 393.35, Florida Statutes, is created to
 20 read:

21 393.35 Developmental disabilities institutions.--

22 (1) LEGISLATIVE INTENT.--It is the intent of the
 23 Legislature that:

24 (a) The agency timely notify residents and guardians of
 25 residents of the Marianna Sunland developmental disabilities
 26 institution or the Tacachale developmental disabilities
 27 institution when the agency or the Legislature announces its
 28 intent to close or reduce the census by 20 percent or more at

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29 either the Marianna Sunland institution or the Tacachale
30 institution. For purposes of this section, "census reduction" or
31 "reduce the census" means to reduce the current resident
32 population of an institution over a 1-year period that begins on
33 July 1 and ends on June 30 annually. Residents placed in the
34 institution under court order and residents or their guardians
35 who have requested in writing to leave the institution shall not
36 be included in the census reduction calculation.

37 (b) The agency provide assurance to residents and their
38 guardians that planning for transition to another residential
39 setting shall be conducted with the involvement of the residents
40 and their guardians, designated family members, or designees and
41 shall address the needs of the resident in the most appropriate
42 setting.

43 (c) The agency ensure the health and safety of the
44 residents of a developmental disabilities institution during a
45 transition to closure of or a census reduction of 20 percent or
46 more at the institution.

47 (d) The agency conduct a thorough planning process for
48 activities associated with closure of or a census reduction of
49 20 percent or more at a developmental disabilities institution
50 and comply with the provisions of this section.

51 (2) INTENT TO CLOSE OR REDUCE CENSUS OF MARIANNA SUNLAND
52 OR TACACHALE DEVELOPMENTAL DISABILITIES INSTITUTIONS.--

53 (a) If the agency or the Legislature announces its intent
54 to close or reduce the census by 20 percent or more at either
55 the Marianna Sunland developmental disabilities institution or
56 the Tacachale developmental disabilities institution after July

57 1, 2008, the agency must first provide a report regarding plans
58 related to closure of or census reduction at the developmental
59 disabilities institution to the Governor, the President of the
60 Senate, and the Speaker of the House of Representatives. The
61 President of the Senate and the Speaker of the House of
62 Representatives shall have 90 days to provide comments to the
63 Governor after receipt of notification of intent to close or
64 reduce the census by 20 percent or more at the institution. The
65 report shall include, but not be limited to, the following
66 activities:

67 1. A plan for providing notification of closure or census
68 reduction. The agency shall notify each affected resident of the
69 institution, the resident's guardian, designated members of the
70 resident's family, or a designee of the intent to close or
71 reduce the census at the institution. The notice must be
72 delivered by registered mail and include the reasons for closure
73 or census reduction, the timeline for closure or census
74 reduction activities, and contact information for the recipient
75 of the notice to obtain additional information.

76 2. A plan for providing education to staff and to
77 residents and their guardians, family members, or designees
78 about residential placement opportunities available to residents
79 after leaving the institution.

80 3. A plan for providing services and other residential
81 placements for residents after they leave the institution.

82 4. An assessment of the capacity of service providers and
83 their ability to meet the needs of the residents in the
84 communities where residents will likely reside after they leave

85 the institution.

86 5. A plan for service provider recruitment, development,
87 and training, as needed, to ensure that adequate services are
88 available to residents as they make the transition into the
89 community.

90 6. A plan for monitoring and ensuring safety and service
91 quality for residents after they have left the institution.

92 7. A process for developing a support plan that includes
93 consultation with the residents and their guardians and provides
94 a community living plan for delivering services to those
95 residents.

96 8. A process for residents and their guardians to appeal
97 the services planned through the support planning process.

98 9. A plan for adjusting employee staffing levels during
99 the census reduction or transition to closure to ensure the
100 safety of and quality of care for residents and assistance for
101 employees seeking new employment.

102 10. A complete timeline for closure of or census reduction
103 at the institution that includes a financial plan for the
104 closure or census reduction and the projected savings associated
105 with the closure or census reduction.

106 11. A communications plan to keep residents, guardians of
107 residents, designated family members, employees, and designees
108 informed of the progress of the closure or census reduction.

109 12. The responsibility of each state agency involved in
110 the closure of or census reduction at the institution.

111 13. A plan for closure activities and the disposition of
112 property of the physical plant of the institution.

113 (b) After consideration of comments from the President of
 114 the Senate and the Speaker of the House of Representatives and
 115 other evidence, the Governor shall approve or disapprove the
 116 plan of the agency to close or reduce the census by 20 percent
 117 or more at the developmental disabilities institution. The
 118 Governor's approval or disapproval of the closure of or census
 119 reduction at an institution is not binding on the Legislature.

120 (3) REPORTS ON CLOSURE ACTIVITIES OR CENSUS REDUCTION.--

121 (a) The agency shall provide a quarterly report to the
 122 Governor, the President of the Senate, and the Speaker of the
 123 House of Representatives on the progress of the closure of or
 124 census reduction at an institution and shall post the report on
 125 the agency's Internet website. This report requirement shall
 126 apply to the closure of the Gulf Coast Center and any other
 127 developmental disabilities institution closure or census
 128 reduction activities approved after July 1, 2008.

129 (b) The report shall document the progress of the plan,
 130 including, but not limited to, the requirements in subsection
 131 (2), and shall also include the following:

132 1. The number of residents, guardians, designated family
 133 members, and designees that have been notified and have yet to
 134 be notified of the planned closure or census reduction
 135 activities.

136 2. Current resident population compared to targeted census
 137 reduction.

138 3. The locations of residential placements by number and
 139 type of facilities.

140 4. The number of significant reportable events for

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141 residents in the institution.

142 5. Statistics that indicate the successful placement of
143 residents in locations in the community or in other institutions
144 chosen by those residents or their guardians and an assessment
145 of the efforts made by the agency in assisting residents and
146 their guardians in making those choices.

147 Section 2. This act shall take effect July 1, 2008.