

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 proposes to close or reduce by a
 7 certain percentage the resident population of a
 8 developmental disabilities institution; providing for
 9 content of the plan; requiring the Governor to approve or
 10 disapprove the plan to close or reduce the population of
 11 an institution; providing that the Governor's decision is
 12 not binding on the Legislature; requiring the agency to
 13 provide quarterly reports; providing for content of the
 14 reports; providing an effective date.

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

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

20 393.35 Developmental disabilities institutions.--

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

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

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

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

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

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

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

52 (a) If the agency announces its intent to close or reduce
 53 the census by 20 percent or more at either the Marianna Sunland
 54 developmental disabilities institution or the Tacachale
 55 developmental disabilities institution after July 1, 2008, the
 56 agency must first provide a report regarding plans related to

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

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

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

78 3. An assessment of the capacity of service providers and
79 their ability to meet the needs of the residents in the
80 communities where residents will likely reside after they leave
81 the institution.

82 4. A plan for service provider recruitment, development,
83 and training, as needed, to ensure that adequate services are
84 available to residents as they make the transition into the

85 community.

86 5. A plan for monitoring and ensuring safety and service
87 quality for residents after they have left the institution.

88 6. A process for developing a support plan that includes
89 consultation with the residents and their guardians for
90 providing services and other residential placement plans for
91 residents after they leave the institution.

92 7. A plan for adjusting employee staffing levels during
93 the census reduction or transition to closure to ensure the
94 safety of and quality of care for residents and assistance for
95 employees seeking new employment.

96 8. A complete timeline for closure of or census reduction
97 at the institution that includes a financial plan for the
98 closure or census reduction and the projected savings associated
99 with the closure or census reduction.

100 9. A communications plan to keep residents, guardians of
101 residents, designated family members, employees, and designees
102 informed of the progress of the closure or census reduction.

103 10. The responsibility of each state agency involved in
104 the closure of or census reduction at the institution.

105 11. A plan for closure activities and the disposition of
106 property of the physical plant of the institution.

107 (b) After consideration of comments from the President of
108 the Senate and the Speaker of the House of Representatives and
109 other evidence, the Governor shall approve or disapprove the
110 plan of the agency to close or reduce the census by 20 percent
111 or more at the developmental disabilities institution. The
112 Governor's approval or disapproval of the closure of or census

113 reduction at an institution is not binding on the Legislature.

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

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

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

126 1. The number of residents, guardians, designated family
 127 members, and designees that have been notified and have yet to
 128 be notified of the planned closure or census reduction
 129 activities.

130 2. Current resident population compared to targeted census
 131 reduction.

132 3. The locations of residential placements by number and
 133 type of facilities.

134 4. The number of significant reportable events for
 135 residents in the institution.

136 5. Statistics that indicate the successful placement of
 137 residents in locations in the community or in other institutions
 138 chosen by those residents or their guardians and an assessment
 139 of the efforts made by the agency in assisting residents and
 140 their guardians in making those choices.

CS/HB 333

2008

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