

By Senator Fasano

11-02608-08

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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  
29 either the Marianna Sunland institution or the Tacachale

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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 20  
49 percent or more at a developmental disabilities institution and  
50 comply with the provisions of this section.

51 (2) INTENT TO CLOSE OR REDUCE CENSUS OF MARIANNA SUNLAND OR  
52 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 the  
55 Marianna Sunland developmental disabilities institution or the  
56 Tacachale developmental disabilities institution after July 1,  
57 2008, the agency must first provide a report regarding plans  
58 related to closure of or census reduction at the developmental

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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 reduce  
71 the census at the institution. The notice must be delivered by  
72 registered mail and include the reasons for closure or census  
73 reduction, the timeline for closure or census reduction  
74 activities, and contact information for the recipient of the  
75 notice to obtain additional information.

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

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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 the  
99 census reduction or transition to closure to ensure the safety of  
100 and quality of care for residents and assistance for employees  
101 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 closure  
104 or census reduction and the projected savings associated with the  
105 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 the  
110 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 plan  
116 of the agency to close or reduce the census by 20 percent or more

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117 at the developmental disabilities institution. The Governor's  
118 approval or disapproval of the closure of or census reduction at  
119 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 be  
134 notified of the planned closure or census reduction activities.

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

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

139 4. The number of significant reportable events for  
140 residents in the institution.

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

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