

By the Committee on Children, Families, and Elder Affairs; and
Senators Fasano and Lynn

586-04238-08

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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 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 of
29 this section, "census reduction" or "reduce the census" means to

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30 reduce the current resident population of an institution over a
31 1-year period that begins on July 1 and ends on June 30 annually.
32 Residents placed in the institution under court order and
33 residents or their guardians who have requested in writing to
34 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 20
48 percent or more at a developmental disabilities institution and
49 comply with the provisions of this section.

50 (2) INTENT TO CLOSE OR REDUCE CENSUS OF MARIANNA SUNLAND OR
51 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 the

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59 Speaker of the House of Representatives. The President of the
60 Senate and the Speaker of the House of Representatives shall have
61 90 days to provide comments to the Governor after receipt of
62 notification of intent to close or reduce the census by 20
63 percent or more at the institution. The report shall include, but
64 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 reduce
69 the census at the institution. The notice must be delivered by
70 registered mail and include the reasons for closure or census
71 reduction, the timeline for closure or census reduction
72 activities, and contact information for the recipient of the
73 notice to obtain additional information.

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

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

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

96 8. A complete timeline for closure of or census reduction
97 at the institution which 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 the
104 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 plan
110 of the agency to close or reduce the census by 20 percent or more
111 at the developmental disabilities institution. The Governor's
112 approval or disapproval of the closure of or census reduction at
113 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

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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 be
128 notified of the planned closure or census reduction activities.

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

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

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

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

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