

By the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Senators Fasano and Lynn

585-07958-08

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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 forward the  
10          Legislature's comments on the plan to the head of the  
11          agency after he or she considers such comments; requiring  
12          the agency to provide quarterly reports; providing for  
13          content of the reports; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 393.35, Florida Statutes, is created to  
18           read:

19           393.35 Developmental disabilities institutions.--

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

22           (a) The agency timely notify residents and guardians of  
23           residents of the Marianna Sunland developmental disabilities  
24           institution or the Tacachale developmental disabilities  
25           institution when the agency announces its intent to close or  
26           reduce the census by 20 percent or more at either the Marianna  
27           Sunland institution or the Tacachale institution. For purposes of  
28           this section, "census reduction" or "reduce the census" means to  
29           reduce the current resident population of an institution over a

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30 1-year period that begins on July 1 and ends on June 30 annually.  
31 Residents placed in the institution under court order and  
32 residents or their guardians who have requested in writing to  
33 leave the institution shall not be included in the census  
34 reduction calculation.

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

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

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

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

51 (a) If the agency announces its intent to close or reduce  
52 the census by 20 percent or more at either the Marianna Sunland  
53 developmental disabilities institution or the Tacachale  
54 developmental disabilities institution after July 1, 2008, the  
55 agency must first provide a report regarding plans related to  
56 closure of or census reduction at the developmental disabilities  
57 institution to the Governor, the President of the Senate, and the  
58 Speaker of the House of Representatives. The President of the

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

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

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

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

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

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

87 6. A process for developing a support plan that includes

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88 consultation with the residents and their guardians for providing  
89 services and other residential placement plans for residents  
90 after they leave the institution.

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

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

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

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

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

106 (b) After review and consideration of the comments from the  
107 President of the Senate and the Speaker of the House of  
108 Representatives and other evidence, the Governor shall forward  
109 the comments to the head of the agency.

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

111 (a) The agency shall provide a quarterly report to the  
112 Governor, the President of the Senate, and the Speaker of the  
113 House of Representatives on the progress of the closure of or  
114 census reduction at an institution and shall post the report on  
115 the agency's Internet website. This report requirement shall  
116 apply to the closure of the Gulf Coast Center and any other

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117 developmental disabilities institution closure or census  
118 reduction activities approved after July 1, 2008.

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

122 1. The number of residents, guardians, designated family  
123 members, and designees that have been notified and have yet to be  
124 notified of the planned closure or census reduction activities.

125 2. Current resident population compared to targeted census  
126 reduction.

127 3. The locations of residential placements by number and  
128 type of facilities.

129 4. The number of significant reportable events for  
130 residents in the institution.

131 5. Statistics that indicate the successful placement of  
132 residents in locations in the community or in other institutions  
133 chosen by those residents or their guardians and an assessment of  
134 the efforts made by the agency in assisting residents and their  
135 guardians in making those choices.

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