

1 A bill to be entitled
2 An act relating to health and human services; amending s.
3 393.067, F.S.; prohibiting monitoring requirements that
4 mandate pornographic materials be available in residential
5 facilities that serve clients of the Agency for Persons
6 with Disabilities; amending s. 393.11, F.S.; requiring the
7 court to order a person involuntarily admitted to
8 residential services to be released to the agency for
9 appropriate residential services; prohibiting the court
10 from ordering that such person be released directly to a
11 residential service provider; authorizing the agency to
12 transfer a person from one residential setting to another;
13 requiring the agency to notify the committing court and
14 the person's counsel of the transfer within a specified
15 time; amending s. 916.1093, F.S.; requiring a sufficient
16 number of civil facilities to provide community-based
17 training for defendants charged with sex offenses;
18 amending s. 916.3025, F.S.; requiring that the court order
19 a person involuntarily admitted to residential services
20 after criminal charges have been dismissed to be released
21 to the agency for appropriate residential services;
22 creating a task force to develop input for the creation of
23 certain guidelines and procedures for providers of
24 residential services; providing for membership of the task
25 force; requiring the task force to seek input from certain
26 pertinent entities; requiring the agency to provide
27 administrative support to the task force; requiring the

28 | task force to submit its findings to the Legislature;
 29 | providing an effective date.

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 31 | Be It Enacted by the Legislature of the State of Florida:

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 33 | Section 1. Subsection (1) of section 393.067, Florida
 34 | Statutes, is amended to read:

35 | 393.067 Facility licensure.—

36 | (1) The agency shall provide through its licensing
 37 | authority and by rule license application procedures, provider
 38 | qualifications, facility and client care standards, requirements
 39 | for client records, requirements for staff qualifications and
 40 | training, and requirements for monitoring foster care
 41 | facilities, group home facilities, residential habilitation
 42 | centers, and comprehensive transitional education programs that
 43 | serve agency clients. However, monitoring requirements for
 44 | foster care facilities, group home facilities, residential
 45 | habilitation centers, and comprehensive transitional education
 46 | programs may not mandate that pornographic materials be
 47 | available in residential facilities that serve the clients of
 48 | the agency.

49 | Section 2. Present paragraph (e) of subsection (8) of
 50 | section 393.11, Florida Statutes, is redesignated as paragraph
 51 | (f) and amended, and a new paragraph (e) is added to that
 52 | subsection, to read:

53 | 393.11 Involuntary admission to residential services.—

54 | (8) ORDER.—

55 | (e) If an order of involuntary admission to residential

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56 services provided by the agency is entered by the court, the
57 court shall order that the person be released to the agency for
58 receipt of appropriate residential services and may not order
59 the person to be released directly to a residential service
60 provider.

61 ~~(f)(e)~~ Upon receiving the order, the agency shall, within
62 45 days, provide the court with a copy of the person's family or
63 individual support plan and copies of all examinations and
64 evaluations, outlining the treatment and rehabilitative
65 programs. The agency shall document that the person has been
66 placed in the most appropriate, least restrictive and cost-
67 beneficial residential setting. A copy of the family or
68 individual support plan and other examinations and evaluations
69 shall be served upon the person and the person's counsel at the
70 same time the documents are filed with the court. The agency may
71 transfer a person from one residential setting to another
72 residential setting and must notify the court and the person's
73 counsel of the transfer within 30 days after the transfer is
74 completed.

75 Section 3. Present subsection (2) of section 916.1093,
76 Florida Statutes, is renumbered as subsection (3), and a new
77 subsection (2) is added to that section to read:

78 916.1093 Operation and administration; rules.—

79 (2) The agency shall ensure that there is a sufficient
80 number of civil facilities to provide community-based training
81 for defendants charged with sex offenses so that alternative
82 placement options are available. If the agency determines that
83 there are two or fewer facilities available to provide

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84 community-based training for defendants charged with sex
85 offenses, the agency shall immediately procure additional
86 facilities.

87 Section 4. Subsection (3) of section 916.3025, Florida
88 Statutes, is amended to read:

89 916.3025 Jurisdiction of committing court.—

90 (3) The committing court shall consider a petition to
91 involuntarily admit a defendant whose charges have been
92 dismissed to residential services provided by the agency and,
93 when applicable, to continue secure placement of such person as
94 provided in s. 916.303. If a defendant whose criminal charges
95 have been dismissed is involuntarily committed to residential
96 services provided by the agency, the committing court shall
97 order that the defendant be released to the agency for receipt
98 of appropriate residential services and may not order that the
99 defendant be released directly to a residential service
100 provider. The committing court shall retain jurisdiction over
101 such person so long as he or she remains in secure placement or
102 is on conditional release as provided in s. 916.304. However,
103 upon request, the court may transfer continuing jurisdiction to
104 the court in the circuit where the defendant resides. The
105 defendant may not be released from an order for secure placement
106 except by order of the court.

107 Section 5. Task force for the protection of persons with
108 developmental disabilities.—The Legislature recognizes the
109 rights of individuals who are developmentally disabled to lead
110 full and rewarding lives. The Legislature also recognizes the
111 state's obligation to protect vulnerable adults from sexual

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112 abuse.

113 (1) In recognition of the social, legal, and environmental
114 complexities associated with this issue, the Agency for Persons
115 with Disabilities shall establish a task force to gather input
116 for the creation of guidelines and procedures for providers of
117 residential services relating to sexual activity among the
118 residents of its facilities.

119 (2) The task force shall be composed of the following
120 members:

121 (a) The director of the Agency for Persons with
122 Disabilities or his or her designee.

123 (b) The director of the adult protective services program
124 within the Department of Children and Family Services.

125 (c) The executive director of The Arc of Florida.

126 (d) A family board member of The Arc of Florida appointed
127 by the executive director of The Arc of Florida.

128 (e) The chair of the Family Care Council Florida.

129 (f) A parent representative from the Family Care Council
130 Florida appointed by the chair of the Family Care Council
131 Florida.

132 (g) A representative from the Developmental Disabilities
133 Council.

134 (h) A representative from Disability Rights Florida.

135 (i) A representative from the Florida courts.

136 (j) A representative from the Florida Prosecuting
137 Attorneys Association.

138 (k) A representative from the Florida Public Defender
139 Association.

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140 (1) A staff member of the University Centers for
141 Excellence in Developmental Disabilities at the University of
142 South Florida, the Florida Center for Inclusive Communities.

143 (m) A self-advocate.

144 (n) A representative from an intensive behavior
145 residential habilitation provider.

146 (3) The task force shall seek input from self-advocates,
147 family members, universities and colleges, and other pertinent
148 entities.

149 (4) The agency shall provide administrative support to the
150 task force.

151 (5) Members of the task force shall serve without
152 compensation.

153 (6) The task force shall submit a report of its findings
154 to the President of the Senate and the Speaker of the House of
155 Representatives by November 1, 2011.

156 Section 6. This act shall take effect July 1, 2011.