



576-04077A-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to comprehensive transitional
education programs; amending s. 393.0678, F.S.;
authorizing the Agency for Persons with Disabilities
to petition a court for the appointment of a receiver
for a comprehensive transitional education program
under certain circumstances; providing an effective
date.

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

Section 1. Subsection (1) of section 393.0678, Florida
Statutes, is amended to read:

393.0678 Receivership proceedings.—

(1) The agency may petition a court of competent
jurisdiction for the appointment of a receiver for a
comprehensive transitional education program, a residential
habilitation center, or a group home facility owned and operated
by a corporation or partnership when any of the following
conditions exist:

(a) Any person is operating a facility or program without a
license and refuses to make application for a license as
required by s. 393.067.

(b) The licensee is closing the facility or has informed
the department that it intends to close the facility; and
adequate arrangements have not been made for relocation of the
residents within 7 days, exclusive of weekends and holidays, of



897830

576-04077A-17

28 the closing of the facility.

29 (c) The agency determines that conditions exist in the
30 facility which present an imminent danger to the health, safety,
31 or welfare of the residents of the facility or which present a
32 substantial probability that death or serious physical harm
33 would result therefrom. Whenever possible, the agency shall
34 facilitate the continued operation of the program.

35 (d) The licensee cannot meet its financial obligations to
36 provide food, shelter, care, and utilities. Evidence such as the
37 issuance of bad checks or the accumulation of delinquent bills
38 for such items as personnel salaries, food, drugs, or utilities
39 constitutes prima facie evidence that the ownership of the
40 facility lacks the financial ability to operate the home in
41 accordance with the requirements of this chapter and all rules
42 promulgated thereunder.

43 Section 2. This act shall take effect upon becoming a law.