

By Senator Garcia

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1 A bill to be entitled
2 An act relating to comprehensive transitional
3 education programs; amending s. 393.0678, F.S.;
4 authorizing the Agency for Persons with Disabilities
5 to petition a court for the appointment of a receiver
6 for a comprehensive transitional education program
7 under certain circumstances; amending s. 393.18, F.S.;
8 providing that no new comprehensive transitional
9 education programs may be licensed after a specified
10 date; providing that no licenses may be renewed for
11 comprehensive transitional education programs after a
12 certain specified date; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 393.0678 Receivership proceedings.—

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

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

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

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

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

47 Section 2. Subsection (7) is added to section 393.18,
48 Florida Statutes, to read:

49 393.18 Comprehensive transitional education program.—A
50 comprehensive transitional education program serves individuals
51 who have developmental disabilities, severe maladaptive
52 behaviors, severe maladaptive behaviors and co-occurring complex
53 medical conditions, or a dual diagnosis of developmental
54 disability and mental illness. Services provided by the program
55 must be temporary in nature and delivered in a manner designed
56 to achieve the primary goal of incorporating the principles of
57 self-determination and person-centered planning to transition
58 individuals to the most appropriate, least restrictive community
59 living option of their choice which is not operated as a
60 comprehensive transitional education program. The supervisor of
61 the clinical director of the program licensee must hold a

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62 doctorate degree with a primary focus in behavior analysis from
63 an accredited university, be a certified behavior analyst
64 pursuant to s. 393.17, and have at least 1 year of experience in
65 providing behavior analysis services for individuals in
66 developmental disabilities. The staff must include behavior
67 analysts and teachers, as appropriate, who must be available to
68 provide services in each component center or unit of the
69 program. A behavior analyst must be certified pursuant to s.
70 393.17.

71 (7) After July 1, 2017, a license may not be granted under
72 this section to a new comprehensive transitional education
73 program. After December 31, 2019, a license may not be renewed
74 for an existing comprehensive transitional education program.

75 Section 3. This act shall take effect July 1, 2017.