

By the Committee on Appropriations; and Senator Garcia

576-04400-17

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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; providing an effective
8 date.

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

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

14 393.0678 Receivership proceedings.—

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

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

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

29 (c) The agency determines that conditions exist in the

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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.