

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 for the appointment of a receiver for a  
 6           comprehensive transitional education program; amending  
 7           s. 393.18, F.S.; prohibiting the licensure of new  
 8           comprehensive transitional education programs after a  
 9           specified date; prohibiting the renewal of existing  
 10          comprehensive transitional education program licenses  
 11          after a specified date; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Subsection (1) of section 393.0678, Florida  
 16 Statutes, is amended to read:

17           393.0678 Receivership proceedings.—

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

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

26 | 393.067.

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

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

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

46 |       Section 2. Section 393.18, Florida Statutes, is amended to  
47 | read:

48 |       393.18 Comprehensive transitional education program.—A  
49 | comprehensive transitional education program serves individuals  
50 | who have developmental disabilities, severe maladaptive

51 behaviors, severe maladaptive behaviors and co-occurring complex  
52 medical conditions, or a dual diagnosis of developmental  
53 disability and mental illness. Services provided by the program  
54 must be temporary in nature and delivered in a manner designed  
55 to achieve the primary goal of incorporating the principles of  
56 self-determination and person-centered planning to transition  
57 individuals to the most appropriate, least restrictive community  
58 living option of their choice which is not operated as a  
59 comprehensive transitional education program. The supervisor of  
60 the clinical director of the program licensee must hold a  
61 doctorate degree with a primary focus in behavior analysis from  
62 an accredited university, be a certified behavior analyst  
63 pursuant to s. 393.17, and have at least 1 year of experience in  
64 providing behavior analysis services for individuals in  
65 developmental disabilities. The staff must include behavior  
66 analysts and teachers, as appropriate, who must be available to  
67 provide services in each component center or unit of the  
68 program. A behavior analyst must be certified pursuant to s.  
69 393.17.

70 (1) Comprehensive transitional education programs must  
71 include the following components:

72 (a) Intensive treatment and education.—This component  
73 provides intensive behavioral and educational programming for  
74 individuals whose conditions preclude placement in a less  
75 restrictive environment due to the threat of danger or injury to

76 | themselves or others. Continuous-shift staff are required for  
77 | this component.

78 |       (b) Intensive training and education.—This component  
79 | provides concentrated psychological and educational programming  
80 | that emphasizes a transition toward a less restrictive  
81 | environment. Continuous-shift staff are required for this  
82 | component.

83 |       (c) Transition.—This component provides educational  
84 | programs and any support services, training, and care that are  
85 | needed to avoid regression to more restrictive environments  
86 | while preparing them for more independent living. Continuous-  
87 | shift staff are required for this component.

88 |       (2) Components of a comprehensive transitional education  
89 | program are subject to the license issued under s. 393.067 to a  
90 | comprehensive transitional education program and may be located  
91 | on a single site or multiple sites as long as such components  
92 | are located within the same agency region.

93 |       (3) Comprehensive transitional education programs shall  
94 | develop individual education plans for each school-aged person  
95 | with maladaptive behaviors, severe maladaptive behaviors and co-  
96 | occurring complex medical conditions, or a dual diagnosis of  
97 | developmental disability and mental illness who receives  
98 | services from the program. Each individual education plan shall  
99 | be developed in accordance with the criteria specified in 20  
100 | U.S.C. ss. 401 et seq., and 34 C.F.R. part 300. Educational

101 components of the program, including individual education plans,  
102 to the extent possible, must be integrated with the programs of  
103 the referring school district of each school-aged resident.

104 (4) The total number of persons in a comprehensive  
105 transitional education program who are being provided with  
106 services may not exceed 120 residents, and each residential unit  
107 within the component centers of a program authorized under this  
108 section may not exceed 15 residents. However, a program that was  
109 authorized to operate residential units with more than 15  
110 residents before July 1, 2015, may continue to operate such  
111 units.

112 (5) Any licensee that has executed a settlement agreement  
113 with the agency that is enforceable by the court must comply  
114 with the terms of the settlement agreement or be subject to  
115 discipline as provided by law or rule.

116 (6) The agency may approve the proposed admission or  
117 readmission of individuals into a comprehensive transitional  
118 education program for up to 2 years subject to a specific review  
119 process. The agency may allow an individual to reside in this  
120 setting for a longer period of time if, after a clinical review  
121 is conducted by the agency, it is determined that remaining in  
122 the program for a longer period of time is in the best interest  
123 of the individual.

124 (7) After July 1, 2017, new comprehensive transitional  
125 education programs may not be licensed. After December 31, 2019,

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126 | the license for an existing comprehensive transitional education  
127 | program may not be renewed.

128 |       Section 3. This act shall take effect upon becoming a law.