

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;  
7           providing an effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Subsection (1) of section 393.0678, Florida  
12           Statutes, is amended to read:

13           393.0678 Receivership proceedings.—

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

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

23           (b) The licensee is closing the facility or has informed  
24           the department that it intends to close the facility; and  
25           adequate arrangements have not been made for relocation of the

26 residents within 7 days, exclusive of weekends and holidays, of  
27 the closing of the facility.

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

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

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