

1 A bill to be entitled
 2 An act relating to developmental disabilities
 3 institutions; creating s. 393.35, F.S.; providing
 4 legislative intent; requiring the Agency for Persons with
 5 Disabilities to submit a plan to the Governor and the
 6 Legislature if the agency proposes to close or reduce by a
 7 certain percentage the resident population of a
 8 developmental disabilities institution; providing for
 9 content of the plan; requiring the Governor to forward the
 10 Legislature's comments on the plan to the director of the
 11 agency after he or she considers such comments; requiring
 12 the agency to provide quarterly reports; providing for
 13 content of the reports; providing an effective date.

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

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 17 Section 1. Section 393.35, Florida Statutes, is created to
 18 read:

19 393.35 Developmental disabilities institutions.--

20 (1) LEGISLATIVE INTENT.--It is the intent of the
 21 Legislature that:

22 (a) The agency timely notify residents and guardians of
 23 residents of the Marianna Sunland developmental disabilities
 24 institution or the Tacachale developmental disabilities
 25 institution when the agency announces its intent to close or
 26 reduce the census by 20 percent or more at either the Marianna
 27 Sunland institution or the Tacachale institution. For purposes
 28 of this section, "census reduction" or "reduce the census" means

29 to reduce the current resident population of an institution over
 30 a 1-year period that begins on July 1 and ends on June 30
 31 annually. Residents placed in the institution under court order
 32 and residents or their guardians who have requested in writing
 33 to leave the institution shall not be included in the census
 34 reduction calculation.

35 (b) The agency provide assurance to residents and their
 36 guardians that planning for transition to another residential
 37 setting shall be conducted with the involvement of the residents
 38 and their guardians, designated family members, or designees and
 39 shall address the needs of the resident in the most appropriate
 40 setting.

41 (c) The agency ensure the health and safety of the
 42 residents of a developmental disabilities institution during a
 43 transition to closure of or a census reduction of 20 percent or
 44 more at the institution.

45 (d) The agency conduct a thorough planning process for
 46 activities associated with closure of or a census reduction of
 47 20 percent or more at a developmental disabilities institution
 48 and comply with the provisions of this section.

49 (2) INTENT TO CLOSE OR REDUCE CENSUS OF MARIANNA SUNLAND
 50 OR TACACHALE DEVELOPMENTAL DISABILITIES INSTITUTIONS.--

51 (a) If the agency announces its intent to close or reduce
 52 the census by 20 percent or more at either the Marianna Sunland
 53 developmental disabilities institution or the Tacachale
 54 developmental disabilities institution after July 1, 2008, the
 55 agency must first provide a report regarding plans related to
 56 closure of or census reduction at the developmental disabilities

57 institution to the Governor, the President of the Senate, and
58 the Speaker of the House of Representatives. The President of
59 the Senate and the Speaker of the House of Representatives shall
60 have 90 days to provide comments to the Governor after receipt
61 of notification of intent to close or reduce the census by 20
62 percent or more at the institution. The report shall include,
63 but not be limited to, the following activities:

64 1. A plan for providing notification of closure or census
65 reduction. The agency shall notify each affected resident of the
66 institution, the resident's guardian, designated members of the
67 resident's family, or a designee of the intent to close or
68 reduce the census at the institution. The notice must be
69 delivered by registered mail and include the reasons for closure
70 or census reduction, the timeline for closure or census
71 reduction activities, and contact information for the recipient
72 of the notice to obtain additional information.

73 2. A plan for providing education to staff and to
74 residents and their guardians, family members, or designees
75 about residential placement opportunities available to residents
76 after leaving the institution.

77 3. An assessment of the capacity of service providers and
78 their ability to meet the needs of the residents in the
79 communities where residents will likely reside after they leave
80 the institution.

81 4. A plan for service provider recruitment, development,
82 and training, as needed, to ensure that adequate services are
83 available to residents as they make the transition into the
84 community.

85 5. A plan for monitoring and ensuring safety and service
 86 quality for residents after they have left the institution.

87 6. A process for developing a support plan that includes
 88 consultation with the residents and their guardians for
 89 providing services and other residential placement plans for
 90 residents after they leave the institution.

91 7. A plan for adjusting employee staffing levels during
 92 the census reduction or transition to closure to ensure the
 93 safety of and quality of care for residents and assistance for
 94 employees seeking new employment.

95 8. A complete timeline for closure of or census reduction
 96 at the institution that includes a financial plan for the
 97 closure or census reduction and the projected savings associated
 98 with the closure or census reduction.

99 9. A communications plan to keep residents, guardians of
 100 residents, designated family members, employees, and designees
 101 informed of the progress of the closure or census reduction.

102 10. The responsibility of each state agency involved in
 103 the closure of or census reduction at the institution.

104 11. A plan for closure activities and the disposition of
 105 property of the physical plant of the institution.

106 (b) After review and consideration of the comments from
 107 the President of the Senate and the Speaker of the House of
 108 Representatives and other evidence, the Governor shall forward
 109 the comments to the director of the agency.

110 (3) REPORTS ON CLOSURE ACTIVITIES OR CENSUS REDUCTION.--

111 (a) The agency shall provide a quarterly report to the
 112 Governor, the President of the Senate, and the Speaker of the

113 House of Representatives on the progress of the closure of or
 114 census reduction at an institution and shall post the report on
 115 the agency's Internet website. This report requirement shall
 116 apply to the closure of the Gulf Coast Center and any other
 117 developmental disabilities institution closure or census
 118 reduction activities approved after July 1, 2008.

119 (b) The report shall document the progress of the plan,
 120 including, but not limited to, the requirements in subsection
 121 (2), and shall also include the following:

122 1. The number of residents, guardians, designated family
 123 members, and designees that have been notified and have yet to
 124 be notified of the planned closure or census reduction
 125 activities.

126 2. Current resident population compared to targeted census
 127 reduction.

128 3. The locations of residential placements by number and
 129 type of facilities.

130 4. The number of significant reportable events for
 131 residents in the institution.

132 5. Statistics that indicate the successful placement of
 133 residents in locations in the community or in other institutions
 134 chosen by those residents or their guardians and an assessment
 135 of the efforts made by the agency in assisting residents and
 136 their guardians in making those choices.

137 Section 2. This act shall take effect July 1, 2008.