



712692

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2016	.	
	.	
	.	
	.	

The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 806 - 961

and insert:

Section 8. Effective June 30, 2016, or, if this act fails to become a law until after that date, effective upon becoming a law and operating retroactively to June 30, 2016, sections 24 and 26 of chapter 2015-222, Laws of Florida, are repealed.

Section 9. Subsection (15) of section 393.067, Florida Statutes, is reenacted to read:



712692

11 393.067 Facility licensure.-

12 (15) The agency is not required to contract with facilities
13 licensed pursuant to this chapter.

14 Section 10. Section 393.18, Florida Statutes, is reenacted
15 and amended to read:

16 393.18 Comprehensive transitional education program.-A
17 comprehensive transitional education program serves individuals
18 ~~is a group of jointly operating centers or units, the collective~~
19 ~~purpose of which is to provide a sequential series of~~
20 ~~educational care, training, treatment, habilitation, and~~
21 ~~rehabilitation services to persons~~ who have developmental
22 disabilities, and who have severe or moderate maladaptive
23 behaviors, severe maladaptive behaviors and co-occurring complex
24 medical conditions, or a dual diagnosis of developmental
25 disability and mental illness. However, this section does not
26 ~~require such programs to provide services only to persons with~~
27 ~~developmental disabilities. All such Services provided by the~~
28 program must shall be temporary in nature and delivered in a
29 manner designed to achieve structured residential setting,
30 ~~having~~ the primary goal of incorporating the principles
31 principle of self-determination and person-centered planning to
32 transition individuals to the most appropriate, least
33 restrictive community living option of their choice which is not
34 operated as a in establishing permanent residence for persons
35 ~~with maladaptive behaviors in facilities that are not associated~~
36 ~~with the~~ comprehensive transitional education program. The
37 supervisor of the clinical director of the program licensee must
38 hold a doctorate degree with a primary focus in behavior
39 analysis from an accredited university, be a certified behavior



712692

40 analyst pursuant to s. 393.17, and have at least 1 year of
41 experience in providing behavior analysis services for
42 individuals with developmental disabilities. The staff must
43 ~~shall~~ include behavior analysts and teachers, as appropriate,
44 who shall be available to provide services in each component
45 center or unit of the program. A behavior analyst must be
46 certified pursuant to s. 393.17.

47 (1) Comprehensive transitional education programs must
48 ~~shall include a minimum of two component centers or units, one~~
49 ~~of which shall be an intensive treatment and educational center~~
50 ~~or a transitional training and educational center, which~~
51 ~~provides services to persons with maladaptive behaviors in the~~
52 following components ~~sequential order:~~

53 (a) Intensive treatment and education ~~educational center.~~-
54 This component provides ~~is a self-contained residential unit~~
55 ~~providing~~ intensive behavioral and educational programming for
56 individuals whose conditions ~~persons with severe maladaptive~~
57 ~~behaviors whose behaviors~~ preclude placement in a less
58 restrictive environment due to the threat of danger or injury to
59 themselves or others. Continuous-shift staff are ~~shall be~~
60 required for this component.

61 (b) Intensive Transitional training and education
62 ~~educational center.~~-This component provides ~~is a residential~~
63 ~~unit for persons with moderate maladaptive behaviors providing~~
64 concentrated psychological and educational programming that
65 emphasizes a transition toward a less restrictive environment.
66 Continuous-shift staff are ~~shall be~~ required for this component.

67 (c) Community Transition residence.-This component provides
68 ~~is a residential center providing~~ educational programs and any



712692

69 support services, training, and care that are needed ~~to assist~~
70 ~~persons with maladaptive behaviors~~ to avoid regression to more
71 restrictive environments while preparing individuals ~~them~~ for
72 more independent living. Continuous-shift staff are ~~shall be~~
73 required for this component.

74 ~~(d) Alternative living center. This component is a~~
75 ~~residential unit providing an educational and family living~~
76 ~~environment for persons with maladaptive behaviors in a~~
77 ~~moderately unrestricted setting. Residential staff shall be~~
78 ~~required for this component.~~

79 ~~(e) Independent living education center. This component is~~
80 ~~a facility providing a family living environment for persons~~
81 ~~with maladaptive behaviors in a largely unrestricted setting and~~
82 ~~includes education and monitoring that is appropriate to support~~
83 ~~the development of independent living skills.~~

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

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



712692

98 education plans, must be integrated with the referring school
99 district of each school-aged resident.

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

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

114 (6) Beginning July 1, 2016, the agency may approve the
115 proposed admission or readmission of individuals into a
116 comprehensive transitional education program for up to 2 years,
117 subject to a specific review process. The agency may allow an
118 individual to live in this setting for a longer period of time
119 if, after a clinical review is conducted by the agency, it is
120 determined that remaining in the program for a longer period of
121 time is in the best interest of the individual.

122
123 Delete lines 1006 - 1009

124 and insert:

125 Section 14. Except as otherwise expressly provided in this
126 act and except for this section, which shall take effect upon



127 this act becoming a law, this act shall take effect July 1,
128 2016.

129
130 ===== T I T L E A M E N D M E N T =====

131 And the title is amended as follows:

132 Delete lines 39 - 59

133 and insert:

134 defining a term; repealing s. 24 of chapter 2015-222,
135 Laws of Florida, relating to the abrogation of the
136 scheduled expiration of an amendment to s.
137 393.067(15), F.S., and the scheduled reversion of the
138 text of that section; repealing s. 26 of chapter 2015-
139 222, Laws of Florida, relating to the abrogation of
140 the scheduled expiration of an amendment to s. 393.18,
141 F.S., and the scheduled reversion of the text of that
142 section; reenacting s. 393.067(15), F.S., relating to
143 contracts between the agency and licensed facilities;
144 reenacting and amending s. 393.18, F.S.; revising the
145 purposes of comprehensive transitional education
146 programs; requiring the supervisor of the clinical
147 director of such programs to meet specified
148 requirements; requiring such programs to include
149 specified components; revising the organization and
150 operation of the components; requiring components of a
151 program to be located within the same agency region;
152 providing for the integration of educational
153 components with the local school district of school-
154 aged residents; requiring licensees that have entered
155 into settlement agreements with the agency to comply



712692

156 with the agreement or face disciplinary action;
157 authorizing the agency to approve the proposed
158 admission or readmission of an individual to a program
159 for a specified period of time; providing for an
160 extended stay under certain circumstances; amending s.
161 393.501, F.S.;

162
163 Delete line 62

164 and insert:

165 cross references; providing effective dates.