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CS/HB 899

2017 Legislature

1
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

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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.