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LEGISLATIVE ACTION

Senate

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House

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Floor: 4/00/2R

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04/21/2010 04:37 PM

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Senator Aronberg moved the following:

1 **Senate Substitute for Amendment (753162) (with directory**
2 **and title amendments)**

3
4 Delete lines 60 - 109
5 and insert:

6 (a) "Community residential home" means a dwelling unit
7 licensed to serve residents, ~~as defined in paragraph (d),~~ who
8 are clients of the Department of Elderly Affairs, the Agency for
9 Persons with Disabilities, the Department of Juvenile Justice,
10 or the Department of Children and Family Services or ~~a dwelling~~
11 ~~unit~~ licensed by the Agency for Health Care Administration which
12 provides a living environment for 7 to 14 unrelated residents
13 who operate as the functional equivalent of a family, including



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14 such supervision and care by supportive staff as may be
15 necessary to meet the physical, emotional, and social needs of
16 the residents.

17 (b) "Licensing entity" or "licensing entities" means the
18 Department of Elderly Affairs, the Agency for Persons with
19 Disabilities, the Department of Juvenile Justice, the Department
20 of Children and Family Services, or the Agency for Health Care
21 Administration, all of which are authorized to license a
22 community residential home to serve residents, ~~as defined in~~
23 ~~paragraph (d).~~

24 (c) "Local government" means a county as set forth in
25 chapter 7 or a municipality incorporated under the provisions of
26 chapter 165.

27 (d) "Planned residential community" means a local
28 government-approved, planned unit development that is under
29 unified control, is planned and developed as a whole, has a
30 minimum gross lot area of 8 acres, and has amenities that are
31 designed to serve residents with a developmental disability as
32 defined in s. 393.063 but that may also provide housing options
33 for other individuals. The community shall provide choices with
34 regard to housing arrangements, support providers, and
35 activities. The residents' freedom of movement within and
36 outside the community may not be restricted. For the purposes of
37 this paragraph, local government approval must be based on
38 criteria that include, but are not limited to, compliance with
39 appropriate land use, zoning, and building codes. A planned
40 residential community may contain two or more community
41 residential homes that are contiguous to one another.

42 (e) ~~(d)~~ "Resident" means any of the following: a frail elder



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43 as defined in s. 429.65; a person who has a handicap ~~physically~~
44 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a
45 ~~developmentally disabled person~~ who has a developmental
46 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~
47 person who has a mental illness as defined in s. 394.455-~~(18)~~; or
48 a child who is found to be dependent as defined in s. 39.01 or
49 s. 984.03, or a child in need of services as defined in s.
50 984.03 or s. 985.03.

51 (f) "Sober house-transitional living home" means a single-
52 family residence that is a peer supported and managed alcohol
53 and drug-free living environment for up to six unrelated
54 individuals who are recovering from substance abuse and are
55 actively participating in licensed substance abuse treatment or
56 nonlicensed peer-support services, or who are in transition back
57 to the community from residential treatment programs or
58 incarceration. The homes are supervised by a house manager who
59 ensures that the sober living environment offers structure and
60 strong peer support. Individuals pay weekly or monthly rent and
61 other living expenses associated with the operation of the home
62 while working, attending treatment, or attending school during
63 the day and engaging in recovery activities in the evenings.

64 (g)-(e) "Sponsoring agency" means an agency or unit of
65 government, a profit or nonprofit agency, or any other person or
66 organization which intends to establish or operate a community
67 residential home.

68 (4) Community residential homes, including homes of six or
69 fewer residents which would otherwise meet the definition of a
70 community residential home, which are located within a planned
71 residential community are not subject to the proximity



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72 requirements of this section and may be contiguous to each
73 other. A planned residential community must comply with the
74 applicable local government's land development code and other
75 local ordinances. A local government may not impose proximity
76 limitations between homes within a planned residential community
77 if such limitations are based solely on the types of residents
78 anticipated to be living in the community.

79 (5) A sober house-transitional living home that is
80 established on or after July 1, 2010, may not operate within
81 1,000 feet of another such home.

82
83 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

84 And the directory clause is amended as follows:

85 Delete lines 54 - 55

86 and insert:

87 that section are redesignated as subsections (6) through (13),
88 respectively, and new subsections (4) and (5) are added to that
89 section,

90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete lines 8 - 11

94 and insert:

95 F.S.; defining the terms "planned residential
96 community" and "sober house-transitional living home";
97 providing that community residential homes located
98 within a planned residential community may be
99 contiguous to one another; prohibiting sober house-
100 transitional living homes from being within a certain



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distance from one another; providing an effective