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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/21/2010 03:01 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 residents 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. Residents 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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101

distance from one another; providing an effective