

HB 645

2010

1 A bill to be entitled
2 An act relating to community residential homes; amending
3 s. 393.501, F.S.; prohibiting certain rules adopted by the
4 Agency for Persons with Disabilities from restricting the
5 number of facilities designated as community residential
6 homes located within a planned residential community;
7 amending s. 419.001, F.S.; defining the term "planned
8 residential community"; providing that community
9 residential homes located within a planned residential
10 community may be contiguous to one another; providing an
11 effective date.

12
13 WHEREAS, individuals who have development disabilities have
14 the same rights and freedoms as every other citizen in the
15 United States, and

16 WHEREAS, the Developmental Disabilities Assistance and Bill
17 of Rights Act of 2000, Pub. L. No. 106-402, found that
18 individuals who have developmental disabilities and their
19 families are the primary decisionmakers regarding the services
20 and supports such individuals and their families receive,
21 including choosing where the individuals live, and play
22 decisionmaking roles in policies and programs that affect the
23 lives of such individuals and their families, and

24 WHEREAS, individuals who have developmental disabilities
25 should be able to select a home with the same freedom of choice
26 as other United States citizens, and

27 WHEREAS, such selection should have no bearing on
28 eligibility for services or supports that an individual may

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29 otherwise be entitled to receive, NOW, THEREFORE,

30

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

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33 Section 1. Subsection (2) of section 393.501, Florida
 34 Statutes, is amended to read:

35 393.501 Rulemaking.—

36 (2) Such rules must ~~shall~~ address the number of facilities
 37 on a single lot or on adjacent lots, except that there is no
 38 restriction on the number of facilities designated as community
 39 residential homes located within a planned residential community
 40 as those terms are defined in s. 419.001(1). In adopting rules,
 41 an alternative living center and an independent living education
 42 center, as described in s. 393.18, are ~~shall be~~ subject to ~~the~~
 43 ~~provisions of~~ s. 419.001, except that such centers are ~~shall be~~
 44 exempt from the 1,000-foot-radius requirement of s. 419.001(2)
 45 if:

46 (a) The centers are located on a site zoned in a manner
 47 that permits all the components of a comprehensive transitional
 48 education center to be located on the site; or

49 (b) There are no more than three such centers within a
 50 radius of 1,000 feet.

51 Section 2. Subsection (1) of section 419.001, Florida
 52 Statutes, is amended, present subsections (4) through (11) of
 53 that section are redesignated as subsections (5) through (12),
 54 respectively, and a new subsection (4) is added to that section,
 55 to read:

56 419.001 Site selection of community residential homes.—

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57 (1) For the purposes of this section, the term following
58 ~~definitions shall apply:~~

59 (a) "Community residential home" means a dwelling unit
60 licensed to serve residents, ~~as defined in paragraph (d),~~ who
61 are clients of the Department of Elderly Affairs, the Agency for
62 Persons with Disabilities, the Department of Juvenile Justice,
63 or the Department of Children and Family Services or a dwelling
64 unit licensed by the Agency for Health Care Administration which
65 provides a living environment for 7 to 14 unrelated residents
66 who operate as the functional equivalent of a family, including
67 such supervision and care by supportive staff as may be
68 necessary to meet the physical, emotional, and social needs of
69 the residents.

70 (b) "Licensing entity" or "licensing entities" means the
71 Department of Elderly Affairs, the Agency for Persons with
72 Disabilities, the Department of Juvenile Justice, the Department
73 of Children and Family Services, or the Agency for Health Care
74 Administration, all of which are authorized to license a
75 community residential home to serve residents, ~~as defined in~~
76 ~~paragraph (d).~~

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

80 (d) "Planned residential community" means a local
81 government-approved, planned unit development that is planned
82 and developed as a whole, is designed to serve the unique needs
83 of residents who have developmental disabilities, and may
84 include two or more community residential homes. For the

85 purposes of this paragraph, local government approval must be
 86 based on criteria that includes, but is not limited to,
 87 compliance with appropriate land use, zoning, and building
 88 codes, but does not include proximity limitations based on the
 89 type of residents anticipated to be living in the community.

90 (e)-(d) "Resident" means any of the following: a frail
 91 elder as defined in s. 429.65; a person who has a handicap
 92 ~~physically disabled or handicapped person~~ as defined in s.
 93 760.22(7)(a); a ~~developmentally disabled~~ person who has a
 94 developmental disability as defined in s. 393.063; a
 95 nondangerous ~~mentally ill~~ person who has a mental illness as
 96 defined in s. 394.455-~~(18)~~; or a child who is found to be
 97 dependent as defined in s. 39.01 or s. 984.03, or a child in
 98 need of services as defined in s. 984.03 or s. 985.03.

99 (f)-(e) "Sponsoring agency" means an agency or unit of
 100 government, a profit or nonprofit agency, or any other person or
 101 organization which intends to establish or operate a community
 102 residential home.

103 (4) Community residential homes, including homes of six or
 104 fewer residents which would otherwise meet the definition of a
 105 community residential home, which are located within a planned
 106 residential community are not subject to the proximity
 107 requirements of this section and may be contiguous to each
 108 other.

109 Section 3. This act shall take effect July 1, 2010.