

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; prohibiting a  
11          local government from imposing proximity limitations under  
12          certain circumstances; providing an effective date.

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

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

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

28          WHEREAS, such selection should have no bearing on

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29 | eligibility for services or supports that an individual may  
 30 | otherwise be entitled to receive, NOW, THEREFORE,  
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32 | Be It Enacted by the Legislature of the State of Florida:  
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34 | Section 1. Subsection (2) of section 393.501, Florida  
 35 | Statutes, is amended to read:

36 | 393.501 Rulemaking.—

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

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

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

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

57 | 419.001 Site selection of community residential homes.—

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

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

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

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

81 | (d) "Planned residential community" means a planned unit  
 82 | development which is under unified control, is planned and  
 83 | developed as a whole, has a minimum gross lot area of 10 acres,  
 84 | and has amenities that are designed to serve residents with a

85 developmental disability as defined in s. 393.063 but which may  
 86 also provide housing options for other individuals. This  
 87 community shall provide choices with regard to housing  
 88 arrangements, support providers, and activities. The residents  
 89 may enjoy unrestricted freedom of movement within and outside of  
 90 the community. For the purposes of this paragraph, local  
 91 government approval must be based on criteria that include, but  
 92 are not limited to, compliance with appropriate land use,  
 93 zoning, and building codes. A planned residential community may  
 94 contain two or more community residential homes that are  
 95 contiguous to one another.

96 (e)~~(d)~~ "Resident" means any of the following: a frail  
 97 elder as defined in s. 429.65; a person who has a handicap  
 98 ~~physically disabled or handicapped person~~ as defined in s.  
 99 760.22(7)(a); a ~~developmentally disabled person who has a~~  
 100 developmental disability as defined in s. 393.063; a  
 101 nondangerous mentally ill person who has a mental illness as  
 102 defined in s. 394.455~~(18)~~; or a child who is found to be  
 103 dependent as defined in s. 39.01 or s. 984.03, or a child in  
 104 need of services as defined in s. 984.03 or s. 985.03.

105 (f)~~(e)~~ "Sponsoring agency" means an agency or unit of  
 106 government, a profit or nonprofit agency, or any other person or  
 107 organization which intends to establish or operate a community  
 108 residential home.

109 (4) Community residential homes, including homes of six or  
 110 fewer residents which would otherwise meet the definition of a  
 111 community residential home, which are located within a planned  
 112 residential community are not subject to the proximity

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113 requirements of this section and may be contiguous to each  
114 other. A planned residential community must comply with the  
115 applicable local government's land development code and other  
116 local ordinances. A local government may not impose proximity  
117 limitations between homes within a planned residential community  
118 if such limitations are based solely on the types of residents  
119 anticipated to be living in the community.

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