

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 terms "planned
8 residential community" and "sober house transitional
9 living home"; providing that community residential homes
10 located within a planned residential community may be
11 contiguous to one another; prohibiting a local government
12 from imposing proximity limitations under certain
13 circumstances; providing an effective date.

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

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

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

29 WHEREAS, such selection should have no bearing on
 30 eligibility for services or supports that an individual may
 31 otherwise be entitled to receive, NOW, THEREFORE,

32

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

34

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

37 393.501 Rulemaking.—

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

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

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

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

57 to read:

58 419.001 Site selection of community residential homes.—

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

61 (a) "Community residential home" means a dwelling unit
 62 licensed to serve residents, ~~as defined in paragraph (d),~~ who
 63 are clients of the Department of Elderly Affairs, the Agency for
 64 Persons with Disabilities, the Department of Juvenile Justice,
 65 or the Department of Children and Family Services; or a dwelling
 66 unit licensed by the Agency for Health Care Administration which
 67 provides a living environment for 7 to 14 unrelated residents
 68 who operate as the functional equivalent of a family, including
 69 such supervision and care by supportive staff as may be
 70 necessary to meet the physical, emotional, and social needs of
 71 the residents; or a dwelling unit that operates as a sober house
 72 transitional living home that is established July 1, 2010, or
 73 thereafter.

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

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

84 (d) "Planned residential community" means a planned unit

85 development which is approved by the local government, is under
 86 unified control, is planned and developed as a whole, has a
 87 minimum gross lot area of 8 acres, and has amenities that are
 88 designed to serve residents with a developmental disability as
 89 defined in s. 393.063 but which may also provide housing options
 90 for other individuals. This community shall provide choices with
 91 regard to housing arrangements, support providers, and
 92 activities. The residents may enjoy unrestricted freedom of
 93 movement within and outside of the community. For the purposes
 94 of this paragraph, local government approval must be based on
 95 criteria that include, but are not limited to, compliance with
 96 appropriate land use, zoning, and building codes. A planned
 97 residential community may contain two or more community
 98 residential homes that are contiguous to one another.

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

108 (f) "Sober house transitional living home" means a
 109 community residential home that provides a peer supported and
 110 managed alcohol-free and drug-free living environment for no
 111 more than six unrelated residents who are recovering from
 112 substance abuse and are actively participating in licensed

113 substance abuse treatment or nonlicensed peer support services
114 or are transitioning back into the community from residential
115 treatment programs or incarceration. A sober house transitional
116 living home shall be supervised by a house manager who ensures
117 that the sober living environment offers structure and strong
118 peer support. Residents shall pay weekly or monthly rent and
119 other living expenses associated with operation of the
120 transitional living home while working, attending treatment, or
121 attending school during the day and engaging in recovery
122 activities in the evenings.

123 (g) ~~(e)~~ "Sponsoring agency" means an agency or unit of
124 government, a profit or nonprofit agency, or any other person or
125 organization which intends to establish or operate a community
126 residential home.

127 (4) Community residential homes, including homes of six or
128 fewer residents which would otherwise meet the definition of a
129 community residential home, which are located within a planned
130 residential community are not subject to the proximity
131 requirements of this section and may be contiguous to each
132 other. A planned residential community must comply with the
133 applicable local government's land development code and other
134 local ordinances. A local government may not impose proximity
135 limitations between homes within a planned residential community
136 if such limitations are based solely on the types of residents
137 anticipated to be living in the community.

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