

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 364

INTRODUCER: Senators Rader and Torres

SUBJECT: Independent Living Task Force

DATE: November 7, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	<u>Paglialonga</u>	<u>Yeatman</u>	<u>CA</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 364 creates a 23 member Independent Living Task Force (the task force) within the Florida Housing Finance Corporation (FHFC). The objective of the task force is to develop and evaluate policy proposals that incentivize building contractors and developers to create low-cost, supportive, and affordable housing for individuals who need such housing and who have a developmental disability or a mental illness.

The task force must submit a written report containing findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2020.

The bill requires the FHFC to use existing resources to administer and support the task force.

The bill provides for the dissolution of the task force by January 1, 2021.

The bill takes effect upon becoming a law.

II. Present Situation:

Task Force Requirements under section 20.03, Florida Statutes

Section 20.03(8), F.S., defines “task force” to mean an “advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.” This provision specifies that the existence of a task force terminates upon the completion of its assignment.

Independent Living

The Florida Statutes do not define the term “independent living.” “Independent living” can refer to when an elderly person still has the physical and mental capacity to live independently but wants companionship or otherwise needs supportive services.¹ It can also encompass a living arrangement for people with disabilities who need supportive services.

In 1988, the Legislature created the Florida Independent Living Council.² The council is responsible for, among other things, jointly developing and submitting the State Plan for Independent Living.³ The council works to ensure that individuals with disabilities have an opportunity for input into the development of the State Plan for Independent Living and work for systematic change in the areas that are the biggest barriers to people with disabilities participating fully in their communities.⁴ The council describes the independent living philosophy as “promot[ing] consumer control of services, self-determination, and equal access and participation in every aspect of community life, to the level that individual wishes.”⁵

Independent living communities allow healthy individuals to live on their own, but they do not offer assisted living or nursing services. Independent living communities can offer amenities such as transportation, security, yard maintenance, laundry service, group meals, and social and cultural activities.⁶ Currently, there are over 200 independent living communities in Florida.⁷

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC), a public corporation administratively housed within the Department of Economic Opportunity (DEO),⁸ is the state’s affordable housing finance agency. As such, the FHFC is responsible for increasing the amount of affordable housing available to individuals and families by stimulating investment of private capital and encouraging public and private sector housing partnerships. To accomplish this, the FHFC uses federal and state resources to finance the development of safe, affordable homes and rental housing and to assist first-time homebuyers.⁹

Developmental Disabilities in Florida

Section 393.063(9), F.S., defines developmental disabilities to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi

¹ According to the senior living search website, aPlaceforMom, *Independent Living in Florida*, available at: <http://www.aplaceformom.com/independent-living/florida> (last visited Nov. 1, 2019).

² Chapter 88-214, Laws of Fla.

³ Section 413.395, F.S.

⁴ Floridasilc.org, *About Independent Living*, available at: <https://www.floridasilc.org/independent-living/> (last visited November 1, 2019).

⁵ *Id.*

⁶ Seniorliving.org, *Selecting an Independent Living Community* (Feb. 14, 2011), available at: <http://www.seniorliving.org/lifestyles/independent-living-communities/> (last visited Nov. 1, 2019).

⁷ According to the senior living search website, aPlaceforMom, *Independent Living in Florida*, available at: <http://www.aplaceformom.com/independent-living/florida> (last visited Nov. 1, 2019).

⁸ Section 420.504(1), F.S.

⁹ See ss. 420.502 and 420.507, F.S.

syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

The Florida Developmental Disabilities Council estimates approximately 100,000 individuals are living in the state who meet the developmental disability criteria.

Mental Illness and Substance Abuse

Section 394.455(28), F.S., defines mental illness to mean “an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living.” This section also states that the term mental illness does not include “intoxication, or conditions manifested only by antisocial behavior or substance abuse.”

Alternatively, mental health is a state of well-being in which the individual realizes his or her abilities, can cope with the normal stresses of life, can work productively and fruitfully, and can contribute to his or her community.¹⁰

Mental illness is collectively all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning.¹¹ Thus, mental health refers to an individual’s mental state of well-being, whereas mental illness signifies an alteration of that well-being.

Mental illness affects millions of people in the United States each year. One in five adults experiences mental illness in a given year,¹² and one in five children ages 13-18 have or will have a seriously debilitating mental illness at some point during their life.¹³ Half of all lifetime cases of mental illness begin by age 14, and scientists are discovering that changes in the body leading to mental illness may start much younger before any symptoms appear.¹⁴

III. Effect of Proposed Changes:

Section 1 creates s. 420.5075, F.S., to establish the Independent Living Task Force within the FHFC for administrative purposes only. The FHFC is to use existing and available resources to support the activities of the task force.

The bill directs the task force to evaluate policy proposals that incentivize building contractors and developers to create units within mixed-use developments for individuals who have a developmental disability or a mental illness.

¹⁰ World Health Organization, *Mental Health: Strengthening Our Response*, available at: <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response> (last visited Nov. 1, 2019).

¹¹ Id.

¹² National Alliance on Mental Illness, *Mental Health Facts in America*, available at: <http://www.nami.org/NAMI/media/NAMI-Media/Infographics/GeneralMHFacts.pdf> (last visited Nov. 1, 2019).

¹³ National Alliance on Mental Illness, *Mental Health Facts: Children & Teens*, available at: <http://www.nami.org/NAMI/media/NAMI-Media/Infographics/Children-MH-Facts-NAMI.pdf> (last visited Nov. 1, 2019).

¹⁴ National Institute of Mental Health, *Children and Mental Health*, available at: <https://www.nimh.nih.gov/health/publications/treatment-of-children-with-mental-illness-fact-sheet/index.shtml> (last visited Nov. 1, 2019).

The task force is to be chaired by the executive director of the FHFC, or his or her designee, and composed of 23 members, to include:

- The Secretary of the Department of Children and Families, or his or her designee;
- The executive director of the Agency for Persons with Disabilities or his or her designee;
- The executive director of the Department of Economic Opportunity, or his or her designee;
- The Secretary of Business and Professional Regulation, or his or her designee;
- The executive director of the Commission for the Transportation Disadvantaged, or his or her designee;
- An individual appointed by the Governor;
- A representative from the Florida Supportive Housing Coalition;
- A representative from the Florida Housing Coalition;
- A representative from the ARC of Florida;
- A representative from the Florida Independent Living Council;
- A representative from the National Alliance on Mental Illness of Florida;
- A representative from the Florida League of Cities;
- A representative from the Florida Association of Counties;
- A representative from the Florida Developmental Disabilities Council;
- A representative from the banking industry who finances mixed-use developments;
- A representative from the Associated Builders and Contractors of Florida;
- A representative from the Florida Association of Rehabilitation Facilities;
- A representative from the Coalition of Affordable Housing Providers;
- A representative from the Association of Florida Community Developers;
- A representative from the Commercial Real Estate Development Association;
- A representative from the Florida Assisted Living Association;
- An attorney who is a member in good standing of the Elder Law Section of The Florida Bar.

Members of the task force shall serve without compensation or reimbursement for per diem or travel expenses. The task force is directed to convene its first meeting by June 1, 2020. The task force must meet as often as necessary to fulfill its responsibilities under the bill, and meetings may be conducted in person, by teleconference, or by other electronic means.

The bill directs the task force to work in consultation with local and state government to identify potential barriers and opportunities in current law, recommend modifications to existing laws, rules, or policies, recommend financial and regulatory incentives, evaluate policy proposals, and propose funding mechanisms to incentivize building contractors and developers to create low-cost, supportive, and affordable housing units within mixed-use developments for individuals with developmental disabilities or mental illness.

The task force must submit a final report containing its findings, conclusions, and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2020. The task force must dissolve on or before January 1, 2021.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill provides that the task force members are to serve without compensation and are not entitled to reimbursement for per diem or travel expense. Thus, to the extent travel is required, the members will incur associated costs.

C. Government Sector Impact:

The DEO anticipates that it will incur a minor amount of travel and other administrative expenses as the FHFC is housed within DEO, and it is the agency directed to use existing resources to administer and support the activities of the task force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 420.5075 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
