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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/21/2010 04:21 PM

Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete lines 60 - 109

and insert:

(a) "Community residential home" means a dwelling unit:

(a) Licensed to serve residents, ~~as defined in paragraph~~
~~(d)~~, who are clients of the Department of Elderly Affairs, the
Agency for Persons with Disabilities, the Department of Juvenile
Justice, or the Department of Children and Family Services or a
~~dwelling unit~~ licensed by the Agency for Health Care
Administration which provides a living environment for 7 to 14
unrelated residents who operate as the functional equivalent of
a family, including such supervision and care by supportive



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14 staff as may be necessary to meet the physical, emotional, and
15 social needs of the residents; or

16 (b) A sober house-transitional living home established on
17 or after July 1, 2010.

18 (b) "Licensing entity" or "licensing entities" means the
19 Department of Elderly Affairs, the Agency for Persons with
20 Disabilities, the Department of Juvenile Justice, the Department
21 of Children and Family Services, or the Agency for Health Care
22 Administration, all of which are authorized to license a
23 community residential home to serve residents, ~~as defined in~~
24 ~~paragraph (d).~~

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

28 (d) "Planned residential community" means a local
29 government-approved, planned unit development that is under
30 unified control, is planned and developed as a whole, has a
31 minimum gross lot area of 8 acres, and has amenities that are
32 designed to serve residents with a developmental disability as
33 defined in s. 393.063 but that may also provide housing options
34 for other individuals. The community shall provide choices with
35 regard to housing arrangements, support providers, and
36 activities. The residents' freedom of movement within and
37 outside the community may not be restricted. For the purposes of
38 this paragraph, local government approval must be based on
39 criteria that include, but are not limited to, compliance with
40 appropriate land use, zoning, and building codes. A planned
41 residential community may contain two or more community
42 residential homes that are contiguous to one another.



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43 ~~(e)-(d)~~ "Resident" means any of the following: a frail elder
44 as defined in s. 429.65; a person who has a handicap physically
45 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a
46 ~~developmentally disabled person who has a developmental~~
47 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~
48 person who has a mental illness as defined in s. 394.455-~~(18)~~; or
49 a child who is found to be dependent as defined in s. 39.01 or
50 s. 984.03, or a child in need of services as defined in s.
51 984.03 or s. 985.03.

52 (f) "Sober house-transitional living home" means a
53 community residential home that provides a peer supported and
54 managed alcohol and drug-free living environment for up to six
55 unrelated residents who are recovering from substance abuse and
56 are actively participating in licensed substance abuse
57 treatment, nonlicensed peer-support services, or who are in
58 transition back to the community from residential treatment
59 programs or incarceration. The homes are supervised by a house
60 manager who ensures that the sober living environment offers
61 structure and strong peer support. Residents pay weekly or
62 monthly rent and other living expenses associated with the
63 operation of the home while working, attending treatment, or
64 attending school during the day and engaging in recovery
65 activities in the evenings.

66 ~~(g)-(e)~~ "Sponsoring agency" means an agency or unit of
67 government, a profit or nonprofit agency, or any other person or
68 organization which intends to establish or operate a community
69 residential home.

70 (4) Community residential homes, including homes of six or
71 fewer residents which would otherwise meet the definition of a



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72 community residential home, which are located within a planned
73 residential community are not subject to the proximity
74 requirements of this section and may be contiguous to each
75 other. A planned residential community must comply with the
76 applicable local government's land development code and other
77 local ordinances. A local government may not impose proximity
78 limitations between homes within a planned residential community
79 if such limitations are based solely on the types of residents
80 anticipated to be living in the community.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete lines 7 - 11

85 and insert:

86 planned residential community; amending s. 419.001,
87 F.S.; revising definitions; defining the terms
88 "planned residential community" and "sober house-
89 transitional living home"; providing that community
90 residential homes located within a planned residential
91 community may be contiguous to one another;
92 prohibiting a local government from imposing proximity
93 limitations under certain circumstances; providing an
94 effective