

By Senator Altman

24-00226B-10

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1                   A bill to be entitled  
2           An act relating to community residential homes;  
3           amending s. 393.501, F.S.; prohibiting certain rules  
4           adopted by the Agency for Persons with Disabilities  
5           from restricting the number of facilities designated  
6           as community residential homes located within a  
7           planned residential community; amending s. 419.001,  
8           F.S.; defining the term "planned residential  
9           community"; providing that community residential homes  
10          located within a planned residential community may be  
11          contiguous to one another; providing an effective  
12          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  
29          eligibility for services or supports that an individual may

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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~~

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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 local  
82 government-approved, planned unit development that is planned  
83 and developed as a whole, is designed to serve the unique needs  
84 of residents who have developmental disabilities, and may  
85 include two or more community residential homes. For the  
86 purposes of this paragraph, local government approval must be  
87 based on criteria that includes, but is not limited to,

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88 compliance with appropriate land use, zoning, and building  
89 codes, but does not include proximity limitations based on the  
90 type of residents anticipated to be living in the community.

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

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

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

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