



Address to Brevard Legislative Delegation, Dec. 1, 2008

Thank you for this opportunity to speak to you again on behalf of our loved ones with developmental disabilities and the discrimination they face.

Florida Statute 419.001 states that community residential homes (group homes) for people with developmental disabilities must be separated by 1,000 feet to prevent “an overconcentration” of such homes in a residential area. This is commonly known as the Thousand Foot Rule.

We are requesting that Chapter 419 be amended to say: **“This section is not intended to limit in any way the development of planned residential communities for persons with developmental disabilities.”**

A planned residential community negates the idea of “overconcentration” and would allow our citizens the same equal opportunity that other citizens enjoy like a retirement or intentional community.

Unfortunately, the Agency for Persons with Disabilities (APD) is using the Thousand Foot Rule to block the development of planned residential communities, to label them as “institutions,” and to deny licensure needed for Medwaiver funding. They are effectively saying: you may not live in a community of your peers with people who share common interests and needs. It’s against the law. You must live in a non restrictive environment.

While the Agency advocates “self-determination,” and “community inclusion,” it limits where and how close together our adult children may live.

Fortunately, there has been some progress regarding quotas and proximity issues:

Last March, we were successful in getting the 10% Density Rule deleted from the Medicaid Developmental Disabilities Handbook. While the Thousand Ft. Rule refers to group homes, the Density Rule refers to homes of individuals receiving Supported Living services. It said that these homes could account for no more that 10% of the housing in which they were located, like a city block or apartment complex and that they had to be “scattered.” Now, people in Supported Living **can** rent or own an apartment or home without quota restrictions and may also live **next door** to their friends.

Additionally, Bishop Grady Villas in Orlando was awarded a Medwaiver provider license last December. APD had previously denied it because the Villas’ six homes violated the Thousand Foot Rule. APD finally relented because the Villas were licensed as an assisted living facility.

We need to point out, however, that grass roots organizations are not typically thinking in terms of assisted living facilities, but want creative initiatives, and need more freedom to develop their visions and individual designs.

Take, for example, Noah's Landing in Lakeland. Polk County awarded 56 acres to this project under the zoning classification of Planned Unit Development. However, its sponsors anticipate the same problem with licensing because of the Thousand Foot Rule.

We don't want to see another residential community collapse as did Cobblestones in Melbourne, because of the Thousand Foot Rule.

We ask you, therefore,

(1) to encourage private organizations to expand residential options tailored to meet special needs

(2) to recognize that "self-determination" is a fundamental human right.

(3) to consider Federal Code which requires that "individuals with developmental disabilities and their families are the primary decisionmakers regarding . . . where the individuals live ..."
42 U.S.C. 1500 (c) (3).

and finally

(4) to recognize the benefits of planned residential communities for:

- safety, socialization, support services and **meaningful** community inclusion
- natural supports
- cost savings because of unnecessary duplication of services.

We hope to work with you on a bill to finalize the wording of an amendment and have attached some proposed language.

Please initiate this important legislation as an alternative to isolated group homes and end the discrimination which denies our loved ones the same opportunities that you and I enjoy.

Known Groups or Associations that Support this Issue: Voice of the Retarded (VOR), Family Care Council (FCC) Area 7 and individual Chairs of other FCCF's, Florida's Voice on Developmental Disabilities (FVDD), Sun-Up of Indian River County, Noah's Ark (Lakeland), Brevard Buddy Walk, DSI Supporters, Inc., Parents Planning Programs (PPP), Inc., Special Gatherings Brevard, Association for Developmentally Disabled Adults and Adolescents (AFDDAA), Independence Heights Ft. Lauderdale, Downs Syndrome Association, Association of Professional Providers of Florida, Brevard Business Leadership Network.