

By Senator Lynn

7-853-04

1                                   A bill to be entitled  
2           An act relating to community residential homes;  
3           amending s. 419.001, F.S.; authorizing a  
4           sponsoring agency that does not have a contract  
5           with the Department of Children and Family  
6           Services to establish a community residential  
7           home for six or fewer residents in a  
8           single-family or multifamily zone without first  
9           obtaining approval from the local government;  
10          authorizing a sponsoring agency that has a  
11          contract with the department to provide  
12          specified services to establish a community  
13          residential home for six or fewer residents in  
14          a multifamily zone without first obtaining  
15          approval from the local government; prohibiting  
16          a sponsoring agency that has a contract with  
17          the department to provide specified services  
18          from establishing a community residential home  
19          for six or fewer residents in an area zoned for  
20          single families without first obtaining  
21          approval from the local government; requiring  
22          that a sponsoring agency planning to establish  
23          a community residential home notify the chief  
24          executive officer of the local government and  
25          provide specified information; providing an  
26          effective date.

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

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30           Section 1. Subsections (2) and (3) of section 419.001,  
31   Florida Statutes, are amended to read:

1           419.001 Site selection of community residential  
2 home.--

3           (2)(a) Homes of six or fewer residents which otherwise  
4 meet the definition of a community residential home shall be  
5 deemed a single-family unit and a noncommercial, residential  
6 use for the purpose of local laws and ordinances.

7           (b) Homes of six or fewer residents which otherwise  
8 meet the definition of a community residential home and do not  
9 have a contract with the department to provide supervision or  
10 care shall be allowed in single-family or multifamily zoning  
11 without approval by the local government, if the ~~provided that~~  
12 ~~such~~ homes are ~~shall not be~~ located within a radius of 1,000  
13 feet of another existing ~~such~~ home with six or fewer  
14 residents. ~~These~~ Such homes ~~with six or fewer residents~~ shall  
15 not be required to comply with the notification provisions of  
16 this section; ~~provided, however, that~~ the sponsoring agency or  
17 the department must notify ~~notifies~~ the local government at  
18 the time of home occupancy that the home is licensed by the  
19 department.

20           (c)1. Homes of six or fewer residents which otherwise  
21 meet the definition of a community residential home and have a  
22 contract with the department to provide supervision or care  
23 shall be allowed in multifamily zoning without approval by the  
24 local government. Such homes may not be located within a  
25 radius of 1,000 feet of another existing home with six or  
26 fewer residents. These homes are not required to comply with  
27 the notification provisions of this section; however, the  
28 sponsoring agency or the department must notify the local  
29 government at the time of home occupancy that the home is  
30 licensed by the department.

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1           2. Homes of six or fewer residents which otherwise  
2 meet the definition of a community residential home and have a  
3 contract with the department to provide supervision or care  
4 shall be allowed in single-family zoning with the approval of  
5 the local government. Such homes may not be located within a  
6 radius of 1,000 feet of another existing home with six or  
7 fewer residents. These homes must comply with the notification  
8 provisions of this section.

9           (3)(a) When a site for a community residential home  
10 has been selected by a sponsoring agency in an area zoned for  
11 multifamily units or when a site for a home with six or fewer  
12 residents has been selected by a sponsoring agency in an area  
13 zoned for single-family units, the agency must ~~shall~~ notify  
14 the chief executive officer of the local government in writing  
15 and include in such notice the specific address of the site,  
16 the residential licensing category, the number of residents,  
17 and the community support requirements of the program. The  
18 ~~Such~~ notice must ~~shall~~ also contain a statement from the  
19 district administrator of the department indicating the need  
20 for and the licensing status of the proposed community  
21 residential home and specifying how the home meets applicable  
22 licensing criteria for the safe care and supervision of the  
23 clients in the home. The district administrator shall also  
24 provide to the local government the most recently published  
25 data compiled that identifies all community residential homes  
26 in the district in which the proposed site is to be located.  
27 The local government shall review the notification of the  
28 sponsoring agency in accordance with the zoning ordinance of  
29 the jurisdiction.

30           (b) Pursuant to this ~~such~~ review, the local government  
31 may:

1           1. Determine that the siting of the community  
2 residential home is in accordance with local zoning and  
3 approve the siting. If the siting is approved, the sponsoring  
4 agency may establish the home at the site selected.

5           2. Fail to respond within 60 days. If the local  
6 government fails to respond within 60 days ~~such time~~, the  
7 sponsoring agency may establish the home at the site selected.

8           3. Deny the siting of the home.

9           (c) The local government may ~~shall~~ not deny the siting  
10 of a community residential home unless the local government  
11 establishes that the siting of the home at the site selected:

12           1. Does not otherwise conform to existing zoning  
13 regulations applicable to other multifamily uses in the area.

14           2. Does not meet applicable licensing criteria  
15 established and determined by the department, including  
16 requirements that the home be located to assure the safe care  
17 and supervision of all clients in the home.

18           3. Would result in such a concentration of community  
19 residential homes in the area in proximity to the site  
20 selected, or would result in a combination of such homes with  
21 other residences in the community, such that the nature and  
22 character of the area would be substantially altered. A  
23 community residential home that is located within a radius of  
24 1,200 feet of another existing community residential home in a  
25 multifamily zone is ~~shall be~~ an overconcentration of community  
26 residential ~~such~~ homes which ~~that~~ substantially alters the  
27 nature and character of the area. A community residential  
28 home that is located within a radius of 500 feet of an area of  
29 single-family zoning substantially alters the nature and  
30 character of the area.

31           Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Authorizes a sponsoring agency that does not have a contract with the Department of Children and Family Services to establish a community residential home for six or fewer residents in a single-family or multifamily zone without first obtaining approval from the local government. Authorizes a sponsoring agency that has a contract with the department to provide specified services to establish a community residential home for six or fewer residents in a multifamily zone without first obtaining approval from the local government. Prohibits a sponsoring agency that has a contract with the department to provide specified services from establishing a community residential home for six or fewer residents in an area zoned for single families without first obtaining approval from the local government. Requires that a sponsoring agency planning to establish a community residential home notify the chief executive officer of the local government and provide specified information.