

1 A bill to be entitled
2 An act relating to community residential homes; amending
3 s. 419.001, F.S.; revising definitions; requiring the
4 sponsoring agency to provide certain information to the
5 local government; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsections (1) and (2) of section 419.001,
10 Florida Statutes, are amended to read:

11 419.001 Site selection of community residential homes.--

12 (1) For the purposes of this section, the following
13 definitions shall apply:

14 (a) "Community residential home" means a dwelling unit
15 licensed to serve residents, as defined in paragraph (c), who
16 are clients of the Department of Elderly Affairs, the Agency for
17 Persons with Disabilities, the Department of Juvenile Justice,
18 or the Department of Children and Family Services or a dwelling
19 unit licensed by the Agency for Health Care Administration,
20 which provides a living environment for 7 to 14 unrelated
21 residents who operate as the functional equivalent of a family,
22 including such supervision and care by supportive staff as may
23 be necessary to meet the physical, emotional, and social needs
24 of the residents.

25 ~~(b) "Department" means the Department of Children and~~
26 ~~Family Services.~~

27 | (b)~~(e)~~ "Local government" means a county as set forth in
28 | chapter 7 or a municipality incorporated under the provisions of
29 | chapter 165.

30 | (c)~~(d)~~ "Resident" means any of the following: a frail
31 | elder as defined in s. 400.618; a physically disabled or
32 | handicapped person as defined in s. 760.22(7)(a); a
33 | developmentally disabled person as defined in s. 393.063; a
34 | nondangerous mentally ill person as defined in s. 394.455(18);
35 | or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or
36 | s. 985.03(8).

37 | (d)~~(e)~~ "Sponsoring agency" means an agency or unit of
38 | government, a profit or nonprofit agency, or any other person or
39 | organization which intends to establish or operate a community
40 | residential home.

41 | (2) Homes of six or fewer residents which otherwise meet
42 | the definition of a community residential home shall be deemed a
43 | single-family unit and a noncommercial, residential use for the
44 | purpose of local laws and ordinances. Homes of six or fewer
45 | residents which otherwise meet the definition of a community
46 | residential home shall be allowed in single-family or
47 | multifamily zoning without approval by the local government,
48 | provided that such homes shall not be located within a radius of
49 | 1,000 feet of another existing such home with six or fewer
50 | residents. Such homes with six or fewer residents shall not be
51 | required to comply with the notification provisions of this
52 | section; provided, however, that, prior to occupancy, the
53 | sponsoring agency provides the local government with the most
54 | recently published data compiled that identifies all community

55 | residential homes in the district in which the proposed site is
56 | to be located in order to show that no other community
57 | residential home is within a radius of 1,000 feet of the
58 | proposed home with six or fewer residents. At the time of home
59 | occupancy, the sponsoring agency or the department must notify
60 | ~~or the department notifies~~ the local government ~~at the time of~~
61 | ~~home occupancy~~ that the home is licensed by the department.

62 | Section 2. This act shall take effect July 1, 2005.