

Bill No. PCS for SB 618 (195888)

Barcode 954862

CHAMBER ACTION

Senate

House

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The Committee on Children and Families (Campbell) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

On page 3, line 19, through  
page 6, line 16, delete those lines

and insert:

(3) Each licensing entity of residential community  
homes shall maintain a comprehensive, centralized list of all  
of its licensed homes which includes the address of each home  
and identifies the county in which the home is located. This  
list must be made available to any local government and any  
sponsoring agency seeking to establish a residential community  
home.

(4)(3)(a) When a site for a community residential home  
has been selected by a sponsoring agency in an area zoned for  
multifamily, the agency shall notify the chief executive  
officer of the local government in writing and include in such  
notice the specific address of the site, the residential  
licensing category, the number of residents, and the community

Bill No. PCS for SB 618 (195888)

Barcode 954862

1 support requirements of the program. Such notice shall also  
 2 contain a statement from the licensing entity ~~district~~  
 3 ~~administrator of the department~~ indicating the need for and  
 4 the licensing status of the proposed community residential  
 5 home and specifying how the home meets applicable licensing  
 6 criteria for the safe care and supervision of the residents  
 7 ~~clients~~ in the home. The applicable licensing entity ~~district~~  
 8 ~~administrator~~ shall also provide to the local government the  
 9 most recently published data compiled that identifies all  
 10 community residential homes in the county ~~district~~ in which  
 11 the proposed site is to be located. The local government  
 12 shall review the notification of the sponsoring agency in  
 13 accordance with the zoning ordinance of the jurisdiction.

14 (b) Pursuant to such review, the local government may:

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

19 2. Fail to respond within 60 days. If the local  
 20 government fails to respond within such time, the sponsoring  
 21 agency may establish the home at the site selected.

22 3. Deny the siting of the home.

23 (c) The local government shall not deny the siting of  
 24 a community residential home unless the local government  
 25 establishes that the siting of the home at the site selected:

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

28 2. Does not meet applicable licensing criteria  
 29 established and determined by the department, including  
 30 requirements that the home be located to assure the safe care  
 31 and supervision of all clients in the home.

Bill No. PCS for SB 618 (195888)

Barcode 954862

1           3. Would result in such a concentration of community  
2 residential homes in the area in proximity to the site  
3 selected, or would result in a combination of such homes with  
4 other residences in the community, such that the nature and  
5 character of the area would be substantially altered. A home  
6 that is located within a radius of 1,200 feet of another  
7 existing community residential home in a multifamily zone  
8 shall be an overconcentration of such homes that substantially  
9 alters the nature and character of the area. A home that is  
10 located within a radius of 500 feet of an area of  
11 single-family zoning substantially alters the nature and  
12 character of the area.

13           (5)~~(4)~~ All distance requirements in this section shall  
14 be measured from the nearest point of the existing home or  
15 area of single-family zoning to the nearest point of the  
16 proposed home.

17           (6)~~(5)~~ If agreed to by both the local government and  
18 the sponsoring agency, a conflict may be resolved through  
19 informal mediation. The local government shall arrange for  
20 the services of an independent mediator or may utilize the  
21 dispute resolution process established by a regional planning  
22 council pursuant to s. 186.509. Mediation shall be concluded  
23 within 45 days of a request therefor. The resolution of any  
24 issue through the mediation process shall not alter any  
25 person's right to a judicial determination of any issue if  
26 that person is entitled to such a determination under  
27 statutory or common law.

28           (7)~~(6)~~ The licensing entity may ~~department shall~~ not  
29 issue a license to a sponsoring agency for operation of a  
30 community residential home if the sponsoring agency does not  
31 notify the local government of its intention to establish a

Bill No. PCS for SB 618 (195888)

Barcode 954862

1 program, as required by subsection~~(4)~~~~(3)~~. A license issued  
2 without compliance with the provisions of this section shall  
3 be considered null and void, and continued operation of the  
4 home may be enjoined.

5 ~~(8)~~~~(7)~~ A dwelling unit housing a community residential  
6 home established pursuant to this section shall be subject to  
7 the same local laws and ordinances applicable to other  
8 noncommercial, residential family units in the area in which  
9 it is established.

10 ~~(9)~~~~(8)~~ Nothing in this section shall be deemed to  
11 affect the authority of any community residential home  
12 lawfully established prior to October 1, 1989, to continue to  
13 operate.

14 ~~(10)~~~~(9)~~ Nothing in this section shall permit persons  
15 to occupy a community residential home who would constitute a  
16 direct threat to the health and safety of other persons or  
17 whose residency would result in substantial physical damage to  
18 the property of others.

19 ~~(11)~~~~(10)~~ The siting of community residential homes in  
20 areas zoned for single family shall be governed by local  
21 zoning ordinances. Nothing in this section prohibits a local  
22 government from authorizing the development of community  
23 residential homes in areas zoned for single family.

24 ~~(12)~~~~(11)~~ Nothing in this section requires any local  
25  
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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, line 18, after the semicolon,

30  
31 insert:

Bill No. PCS for SB 618 (195888)

Barcode 954862

1           requiring that a licensing entity maintain a  
2           list of licensed homes and make the list  
3           available to local governments and sponsoring  
4           agencies seeking to establish a residential  
5           community home;

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