

Bill No. SB 1006

Barcode 614172

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: FAV
02/15/2006 09:25 AM

.
. .
. .
. .
. .
. .

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1), (2), (3), and (6) of
section 419.001, Florida Statutes, are amended to read:

419.001 Site selection of community residential
homes.--

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

(a) "Community residential home" means a dwelling unit
licensed to serve residents, as defined in paragraph (d), who
are clients of the Department of Elderly Affairs, the Agency
for Persons with Disabilities, the Department of Juvenile
Justice, or the Department of Children and Family Services, or
a dwelling unit licensed by the Agency for Health Care
Administration which provides a living environment for 7 to 14
unrelated residents who operate as the functional equivalent

Bill No. SB 1006

Barcode 614172

1 of a family, including such supervision and care by supportive
2 staff as may be necessary to meet the physical, emotional, and
3 social needs of the residents.

4 (b) "Licensing entity" or "licensing entities" means
5 the Department of Elderly Affairs, the Agency for Persons with
6 Disabilities, the Department of Juvenile Justice, the
7 Department of Children and Family Services, or the Agency for
8 Health Care Administration, which are authorized to license a
9 community residential home to serve residents. ~~"Department"~~
10 ~~means the Department of Children and Family Services.~~

11 (c) "Local government" means a county as set forth in
12 chapter 7 or a municipality incorporated under the provisions
13 of chapter 165.

14 (d) "Resident" means any of the following: a frail
15 elder as defined in s. 400.618; a physically disabled or
16 handicapped person as defined in s. 760.22(7)(a); a
17 developmentally disabled person as defined in s. 393.063; a
18 nondangerous mentally ill person as defined in s. 394.455(18);
19 or a child as defined in s. 39.01(14), s. 984.03(9) or (12),
20 or s. 985.03(8).

21 (e) "Sponsoring agency" means an agency or unit of
22 government, a profit or nonprofit agency, or any other person
23 or organization which intends to establish or operate a
24 community residential home.

25 (2) Homes of six or fewer residents which otherwise
26 meet the definition of a community residential home shall be
27 deemed a single-family unit and a noncommercial, residential
28 use for the purpose of local laws and ordinances. Homes of
29 six or fewer residents which otherwise meet the definition of
30 a community residential home shall be allowed in single-family
31 or multifamily zoning without approval by the local

Bill No. SB 1006

Barcode 614172

1 government, provided that such homes shall not be located
 2 within a radius of 1,000 feet of another existing such home
 3 with six or fewer residents. Such homes with six or fewer
 4 residents shall not be required to comply with the
 5 notification provisions of this section if, prior to
 6 occupancy, ~~provided, however, that~~ the sponsoring agency
 7 provides the local government with the most recently published
 8 data compiled from the licensing entities which identifies all
 9 community residential homes within the jurisdictional limits
 10 of the local government in which the proposed site is to be
 11 located in order to show that no other community residential
 12 home is within a radius of 1,000 feet of the proposed home
 13 having six or fewer residents. At the time of home occupancy,
 14 the sponsoring agency must notify ~~or the department notifies~~
 15 the local government ~~at the time of home occupancy~~ that the
 16 home is licensed by the licensing entity ~~department~~.

17 (3)(a) When a site for a community residential home
 18 has been selected by a sponsoring agency in an area zoned for
 19 multifamily, the agency shall notify the chief executive
 20 officer of the local government in writing and include in such
 21 notice the specific address of the site, the residential
 22 licensing category, the number of residents, and the community
 23 support requirements of the program. Such notice shall also
 24 contain a statement from the licensing entity ~~district~~
 25 ~~administrator of the department~~ indicating ~~the need for and~~
 26 the licensing status of the proposed community residential
 27 home and specifying how the home meets applicable licensing
 28 criteria for the safe care and supervision of the clients in
 29 the home. The sponsoring agency ~~district administrator~~ shall
 30 also provide to the local government the most recently
 31 published data compiled from the licensing entities that

Bill No. SB 1006

Barcode 614172

1 identifies all community residential homes within ~~in~~ the
 2 jurisdiction of the local government ~~district~~ in which the
 3 proposed site is to be located. The local government shall
 4 review the notification of the sponsoring agency in accordance
 5 with the zoning ordinance of the jurisdiction.

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

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

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

14 3. Deny the siting of the home.

15 (c) The local government shall not deny the siting of
 16 a community residential home unless the local government
 17 establishes that the siting of the home at the site selected:

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

20 2. Does not meet applicable licensing criteria
 21 established and determined by the licensing entity ~~department~~,
 22 including requirements that the home be located to assure the
 23 safe care and supervision of all clients in the home.

24 3. Would result in such a concentration of community
 25 residential homes in the area in proximity to the site
 26 selected, or would result in a combination of such homes with
 27 other residences in the community, such that the nature and
 28 character of the area would be substantially altered. A home
 29 that is located within a radius of 1,200 feet of another
 30 existing community residential home in a multifamily zone
 31 shall be an overconcentration of such homes that substantially

Bill No. SB 1006

Barcode 614172

1 alters the nature and character of the area. A home that is
 2 located within a radius of 500 feet of an area of
 3 single-family zoning substantially alters the nature and
 4 character of the area.

5 (6) The licensing entity department shall not issue a
 6 license to a sponsoring agency for operation of a community
 7 residential home if the sponsoring agency does not notify the
 8 local government of its intention to establish a program, as
 9 required by subsection (3). A license issued without
 10 compliance with the provisions of this section shall be
 11 considered null and void, and continued operation of the home
 12 may be enjoined.

13 Section 2. This act shall take effect July 1, 2006.
 14
 15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete everything before the enacting clause
 19

20 and insert:

21 A bill to be entitled
 22 An act relating to community residential homes;
 23 amending s. 419.001, F.S.; revising
 24 definitions; requiring the sponsoring agency of
 25 a community residential home to provide certain
 26 information to a local government under certain
 27 circumstances; providing an effective date.
 28
 29
 30
 31