

By Senator Fasano

11-784-06

See HB 351

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A bill to be entitled

An act relating to community residential homes;  
amending s. 419.001, F.S.; revising  
definitions; requiring the sponsoring agency of  
a community residential home to provide certain  
information to a local government under certain  
circumstances; providing an effective date.

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

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

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

1           ~~(b)(c)~~ "Local government" means a county as set forth  
2 in chapter 7 or a municipality incorporated under the  
3 provisions of chapter 165.

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

11           ~~(d)(e)~~ "Sponsoring agency" means an agency or unit of  
12 government, a profit or nonprofit agency, or any other person  
13 or organization which intends to establish or operate a  
14 community residential home.

15           (2) Homes of six or fewer residents which otherwise  
16 meet the definition of a community residential home shall be  
17 deemed a single-family unit and a noncommercial, residential  
18 use for the purpose of local laws and ordinances. Homes of six  
19 or fewer residents which otherwise meet the definition of a  
20 community residential home shall be allowed in single-family  
21 or multifamily zoning without approval by the local  
22 government, provided that such homes shall not be located  
23 within a radius of 1,000 feet of another existing such home  
24 with six or fewer residents. Such homes with six or fewer  
25 residents shall not be required to comply with the  
26 notification provisions of this section; ~~provided, however,~~  
27 that, prior to occupancy, the sponsoring agency provides the  
28 local government with the most recently published data  
29 compiled that identifies all community residential homes in  
30 the district in which the proposed site is to be located in  
31 order to show that no other community residential home is

1 within a radius of 1,000 feet of the proposed home with six or  
2 fewer residents. At the time of home occupancy, the sponsoring  
3 agency or the Department of Children and Family Services must  
4 notify ~~or the department notifies~~ the local government ~~at the~~  
5 ~~time of home occupancy~~ that the home is licensed by the  
6 department.

7           Section 2. This act shall take effect July 1, 2006.  
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