

1 Department of Children and Family Services, or the Agency for
2 Health Care Administration, which are authorized to license a
3 community residential home to serve residents. ~~"Department"~~
4 ~~means the Department of Children and Family Services.~~

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

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

15 (e) "Sponsoring agency" means an agency or unit of
16 government, a profit or nonprofit agency, or any other person
17 or organization which intends to establish or operate a
18 community residential home.

19 (2) Homes of six or fewer residents which otherwise
20 meet the definition of a community residential home shall be
21 deemed a single-family unit and a noncommercial, residential
22 use for the purpose of local laws and ordinances. Homes of
23 six or fewer residents which otherwise meet the definition of
24 a community residential home shall be allowed in single-family
25 or multifamily zoning without approval by the local
26 government, provided that such homes shall not be located
27 within a radius of 1,000 feet of another existing such home
28 with six or fewer residents. Such homes with six or fewer
29 residents shall not be required to comply with the
30 notification provisions of this section if, prior to
31 occupancy, ~~; provided, however, that~~ the sponsoring agency

1 provides the local government with the most recently published
2 data compiled from the licensing entities which identifies all
3 community residential homes within the jurisdictional limits
4 of the local government in which the proposed site is to be
5 located in order to show that no other community residential
6 home is within a radius of 1,000 feet of the proposed home
7 having six or fewer residents. At the time of home occupancy,
8 the sponsoring agency must notify ~~or the department notifies~~
9 the local government ~~at the time of home occupancy~~ that the
10 home is licensed by the licensing entity ~~department~~.

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

31 (b) Pursuant to such review, the local government 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 such time, the sponsoring
7 agency may establish the home at the site selected.

8 3. Deny the siting of the home.

9 (c) The local government shall not deny the siting of
10 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 licensing entity ~~department~~,
16 including requirements that the home be located to assure the
17 safe care 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 home
23 that is located within a radius of 1,200 feet of another
24 existing community residential home in a multifamily zone
25 shall be an overconcentration of such homes that substantially
26 alters the nature and character of the area. A home that is
27 located within a radius of 500 feet of an area of
28 single-family zoning substantially alters the nature and
29 character of the area.

30 (6) The licensing entity ~~department~~ shall not issue a
31 license to a sponsoring agency for operation of a community

1 residential home if the sponsoring agency does not notify the
2 local government of its intention to establish a program, as
3 required by subsection (3). A license issued without
4 compliance with the provisions of this section shall be
5 considered null and void, and continued operation of the home
6 may be enjoined.

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

8

9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1006

12 The committee substitute defines the term "licensing entity"
13 or "licensing entities." It also deletes obsolete references
14 to "department" and "district administrator" and replaces
15 those terms with "licensing entity" or "sponsoring agency."

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