

CHAMBER ACTION

1 The Growth Management Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to community residential homes; amending
7 s. 419.001, F.S.; revising, providing, and deleting
8 definitions; requiring the sponsoring agency of a
9 community residential home to provide certain information
10 and notification regarding siting requirements to a local
11 government under certain circumstances; providing for the
12 licensing agency to deny or nullify a license to operate a
13 community residential home under certain circumstances;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsections (1), (2), (3), and (6) of section
19 419.001, Florida Statutes, are amended to read:

20 419.001 Site selection of community residential homes.--

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

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23 (a) "Community residential home" means a dwelling unit
24 licensed to serve residents, as defined in paragraph (d), who
25 are clients of the Department of Elderly Affairs, the Agency for
26 Persons with Disabilities, the Department of Juvenile Justice,
27 or the Department of Children and Family Services or a dwelling
28 unit licensed by the Agency for Health Care Administration,
29 which provides a living environment for 7 to 14 unrelated
30 residents who operate as the functional equivalent of a family,
31 including such supervision and care by supportive staff as may
32 be necessary to meet the physical, emotional, and social needs
33 of the residents.

34 (b) "Licensing entity" or "licensing entities" means the
35 Department of Elderly Affairs, the Agency for Persons with
36 Disabilities, the Department of Juvenile Justice, the Department
37 of Children and Family Services, or the Agency for Health Care
38 Administration, all of which are authorized to license a
39 community residential home to serve residents, as defined in
40 paragraph (d).

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

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

46 (d) "Resident" means any of the following: a frail elder
47 as defined in s. 400.618; a physically disabled or handicapped
48 person as defined in s. 760.22(7)(a); a developmentally disabled
49 person as defined in s. 393.063; a nondangerous mentally ill

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50 | person as defined in s. 394.455(18); or a child as defined in s.
51 | 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

52 | (e) "Sponsoring agency" means an agency or unit of
53 | government, a profit or nonprofit agency, or any other person or
54 | organization which intends to establish or operate a community
55 | residential home.

56 | (2) Homes of six or fewer residents which otherwise meet
57 | the definition of a community residential home shall be deemed a
58 | single-family unit and a noncommercial, residential use for the
59 | purpose of local laws and ordinances. Homes of six or fewer
60 | residents which otherwise meet the definition of a community
61 | residential home shall be allowed in single-family or
62 | multifamily zoning without approval by the local government,
63 | provided that such homes shall not be located within a radius of
64 | 1,000 feet of another existing such home with six or fewer
65 | residents. Such homes with six or fewer residents shall not be
66 | required to comply with the notification provisions of this
67 | section; ~~provided, however,~~ that, prior to occupancy, the
68 | sponsoring agency provides the local government with the most
69 | recently published data compiled from the licensing entities
70 | that identifies all community residential homes within the
71 | jurisdictional limits of the local government in which the
72 | proposed site is to be located in order to show that no other
73 | community residential home is within a radius of 1,000 feet of
74 | the proposed home with six or fewer residents. At the time of
75 | home occupancy, the sponsoring agency must notify ~~or the~~
76 | ~~department notifies~~ the local government ~~at the time of home~~

77 | ~~occupancy~~ that the home is licensed by the licensing entity
78 | ~~department~~.

79 | (3) (a) When a site for a community residential home has
80 | been selected by a sponsoring agency in an area zoned for
81 | multifamily, the agency shall notify the chief executive officer
82 | of the local government in writing and include in such notice
83 | the specific address of the site, the residential licensing
84 | category, the number of residents, and the community support
85 | requirements of the program. Such notice shall also contain a
86 | statement from the licensing entity ~~district administrator of~~
87 | ~~the department~~ indicating ~~the need for and~~ the licensing status
88 | of the proposed community residential home and specifying how
89 | the home meets applicable licensing criteria for the safe care
90 | and supervision of the clients in the home. The sponsoring
91 | agency ~~district administrator~~ shall also provide to the local
92 | government the most recently published data compiled from the
93 | licensing entities that identifies all community residential
94 | homes within in the jurisdictional limits of the local
95 | government ~~district~~ in which the proposed site is to be located.
96 | The local government shall review the notification of the
97 | sponsoring agency in accordance with the zoning ordinance of the
98 | jurisdiction.

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

- 100 | 1. Determine that the siting of the community residential
101 | home is in accordance with local zoning and approve the siting.
102 | If the siting is approved, the sponsoring agency may establish
103 | the home at the site selected.

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

107 3. Deny the siting of the home.

108 (c) The local government shall not deny the siting of a
109 community residential home unless the local government
110 establishes that the siting of the home at the site selected:

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

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

117 3. Would result in such a concentration of community
118 residential homes in the area in proximity to the site selected,
119 or would result in a combination of such homes with other
120 residences in the community, such that the nature and character
121 of the area would be substantially altered. A home that is
122 located within a radius of 1,200 feet of another existing
123 community residential home in a multifamily zone shall be an
124 overconcentration of such homes that substantially alters the
125 nature and character of the area. A home that is located within
126 a radius of 500 feet of an area of single-family zoning
127 substantially alters the nature and character of the area.

128 (6) The licensing entity ~~department~~ shall not issue a
129 license to a sponsoring agency for operation of a community
130 residential home if the sponsoring agency does not notify the
131 local government of its intention to establish a program, as

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132 | required by subsection (3). A license issued without compliance
133 | with the provisions of this section shall be considered null and
134 | void, and continued operation of the home may be enjoined.

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