

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

11  
 12 Be It Enacted by the Legislature of the State of Florida:

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 14           Section 1. Subsections (1), (2), (3), and (6) of section  
 15 419.001, Florida Statutes, are amended to read:

16           419.001 Site selection of community residential homes.--

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

19           (a) "Community residential home" means a dwelling unit  
 20 licensed to serve residents, as defined in paragraph (d), who  
 21 are clients of the Department of Elderly Affairs, the Agency for  
 22 Persons with Disabilities, the Department of Juvenile Justice,  
 23 or the Department of Children and Family Services or a dwelling  
 24 unit licensed by the Agency for Health Care Administration,  
 25 which provides a living environment for 7 to 14 unrelated  
 26 residents who operate as the functional equivalent of a family,  
 27 including such supervision and care by supportive staff as may

28 | be necessary to meet the physical, emotional, and social needs  
 29 | of the residents.

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

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

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

42 |       (d) "Resident" means any of the following: a frail elder  
 43 | as defined in s. 400.618; a physically disabled or handicapped  
 44 | person as defined in s. 760.22(7)(a); a developmentally disabled  
 45 | person as defined in s. 393.063; a nondangerous mentally ill  
 46 | person as defined in s. 394.455(18); or a child as defined in s.  
 47 | 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

48 |       (e) "Sponsoring agency" means an agency or unit of  
 49 | government, a profit or nonprofit agency, or any other person or  
 50 | organization which intends to establish or operate a community  
 51 | residential home.

52 |       (2) Homes of six or fewer residents which otherwise meet  
 53 | the definition of a community residential home shall be deemed a  
 54 | single-family unit and a noncommercial, residential use for the

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

75 |       (3) (a) When a site for a community residential home has  
76 | been selected by a sponsoring agency in an area zoned for  
77 | multifamily, the agency shall notify the chief executive officer  
78 | of the local government in writing and include in such notice  
79 | the specific address of the site, the residential licensing  
80 | category, the number of residents, and the community support  
81 | requirements of the program. Such notice shall also contain a

82 | statement from the licensing entity ~~district administrator of~~  
83 | ~~the department~~ indicating ~~the need for and~~ the licensing status  
84 | of the proposed community residential home and specifying how  
85 | the home meets applicable licensing criteria for the safe care  
86 | and supervision of the clients in the home. The sponsoring  
87 | agency ~~district administrator~~ shall also provide to the local  
88 | government the most recently published data compiled from the  
89 | licensing entities that identifies all community residential  
90 | homes within in the jurisdictional limits of the local  
91 | government ~~district~~ in which the proposed site is to be located.  
92 | The local government shall review the notification of the  
93 | sponsoring agency in accordance with the zoning ordinance of the  
94 | jurisdiction.

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

96 | 1. Determine that the siting of the community residential  
97 | home is in accordance with local zoning and approve the siting.  
98 | If the siting is approved, the sponsoring agency may establish  
99 | the home at the site selected.

100 | 2. Fail to respond within 60 days. If the local government  
101 | fails to respond within such time, the sponsoring agency may  
102 | establish the home at the site selected.

103 | 3. Deny the siting of the home.

104 | (c) The local government shall not deny the siting of a  
105 | community residential home unless the local government  
106 | establishes that the siting of the home at the site selected:

107 | 1. Does not otherwise conform to existing zoning  
108 | regulations applicable to other multifamily uses in the area.

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

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

124           (6) The licensing entity ~~department~~ shall not issue a  
125 license to a sponsoring agency for operation of a community  
126 residential home if the sponsoring agency does not notify the  
127 local government of its intention to establish a program, as  
128 required by subsection (3). A license issued without compliance  
129 with the provisions of this section shall be considered null and  
130 void, and continued operation of the home may be enjoined.

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