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 HB 351, Engrossed 1

2006 Legislature

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:

13
 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

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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

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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

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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.

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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.