

By Senator Altman

24-00916A-09

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1 A bill to be entitled
 2 An act relating to community residential homes;
 3 amending s. 419.001, F.S.; defining the term "planned
 4 residential community"; providing that community
 5 residential homes that have six or fewer residents
 6 located within a planned residential community are not
 7 required to obtain local government approval
 8 regardless of their proximity to each other; providing
 9 an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsections (1) and (2) of section 419.001,
 14 Florida Statutes, are amended to read:

15 419.001 Site selection of community residential homes.—

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

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

29 (b) "Licensing entity" or "licensing entities" means the

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

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

39 (d) "Resident" means any of the following: a frail elder as
40 defined in s. 429.65; a person who has a handicap ~~physically~~
41 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a
42 ~~developmentally disabled person who has a developmental~~
43 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~
44 person who has a mental illness as defined in s. 394.455 ~~as~~
45 ~~defined in s. 394.455(18)~~; or a child who is found to be
46 dependent as defined in s. 39.01 or s. 984.03, or a child in
47 need of services as defined in s. 984.03 or s. 985.03.

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 (f) "Planned residential community" means a planned unit
53 development having amenities that are designed to serve
54 residents who have developmental disabilities and may consist of
55 two or more community residential homes that are contiguous to
56 one another.

57 (2) Homes of six or fewer residents which otherwise meet
58 the definition of a community residential home shall be deemed a

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59 single-family unit and a noncommercial, residential use for the
60 purpose of local laws and ordinances. Such homes ~~of six or fewer~~
61 ~~residents which otherwise meet the definition of a community~~
62 ~~residential home:~~

63 (a) Shall be allowed in single-family or multifamily zoning
64 without ~~approval by the local government~~ approval if they are,
65 ~~provided that such homes shall not be located within a radius of~~
66 1,000 feet of another existing such home that has ~~with~~ six or
67 fewer residents. Such homes are ~~with six or fewer residents~~
68 ~~shall not be~~ required to comply with the notification provisions
69 of this section ~~if; provided that,~~ prior to licensure, the
70 sponsoring agency provides the local government with the most
71 recently published data compiled from the licensing entities
72 that identifies all community residential homes within the
73 jurisdictional limits of the local government in which the
74 proposed site is to be located in order to show that no other
75 community residential home is within a radius of 1,000 feet of
76 the proposed home ~~with six or fewer residents~~. At the time of
77 home occupancy, the sponsoring agency must notify the local
78 government that the home is licensed by the licensing entity.

79 (b) That are located within a planned residential community
80 do not require local government approval regardless of their
81 proximity to each other.

82 Section 2. This act shall take effect July 1, 2009.