

20091124e1

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

20091124e1

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 local  
53 government-approved, planned unit development having amenities  
54 that are designed to serve residents who have developmental  
55 disabilities and may contain two or more community residential  
56 homes, licensed by the Agency for Persons with Disabilities,  
57 which are contiguous to one another.

58 (2) Homes of six or fewer residents which otherwise meet

20091124e1

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

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

80 (b) If located within a planned residential community, do  
81 not require local government approval regardless of their  
82 proximity to each other. This subsection does not limit the  
83 authority of a local government to approve or deny a planned  
84 unit development.

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