

20091124e2

1                   A bill to be entitled  
2           An act relating to community residential homes;  
3           amending s. 393.501, F.S.; prohibiting certain rules  
4           adopted by the Agency for Persons with Disabilities  
5           from restricting the number of facilities designated  
6           as community residential homes located within a  
7           planned residential community; amending s. 419.001,  
8           F.S.; defining the term "planned residential  
9           community"; providing that community residential homes  
10          that have six or fewer residents located within a  
11          planned residential community are not required to  
12          obtain local government approval regardless of their  
13          proximity to each other; providing an effective date.  
14

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

17           Section 1. Subsection (2) of section 393.501, Florida  
18           Statutes, is amended to read:

19           393.501 Rulemaking.—

20           (2) Such rules shall address the number of facilities on a  
21           single lot or on adjacent lots, except that there shall be no  
22           restriction on the number of facilities designated as community  
23           residential homes pursuant to s. 419.001(1)(a) located within a  
24           planned residential community as defined in s. 419.001(1)(f). In  
25           adopting rules, an alternative living center and an independent  
26           living education center, as described in s. 393.18, shall be  
27           subject to the provisions of s. 419.001, except that such  
28           centers shall be exempt from the 1,000-foot-radius requirement  
29           of s. 419.001(2) if:

20091124e2

30 (a) The centers are located on a site zoned in a manner  
31 that permits all the components of a comprehensive transitional  
32 education center to be located on the site; or

33 (b) There are no more than three such centers within a  
34 radius of 1,000 feet.

35 Section 2. Subsections (1) and (2) of section 419.001,  
36 Florida Statutes, are amended to read:

37 419.001 Site selection of community residential homes.—

38 (1) For the purposes of this section, the following  
39 definitions shall apply:

40 (a) "Community residential home" means a dwelling unit  
41 licensed to serve residents, ~~as defined in paragraph (d)~~, who  
42 are clients of the Department of Elderly Affairs, the Agency for  
43 Persons with Disabilities, the Department of Juvenile Justice,  
44 or the Department of Children and Family Services or a dwelling  
45 unit licensed by the Agency for Health Care Administration which  
46 provides a living environment for 7 to 14 unrelated residents  
47 who operate as the functional equivalent of a family, including  
48 such supervision and care by supportive staff as may be  
49 necessary to meet the physical, emotional, and social needs of  
50 the residents.

51 (b) "Licensing entity" or "licensing entities" means the  
52 Department of Elderly Affairs, the Agency for Persons with  
53 Disabilities, the Department of Juvenile Justice, the Department  
54 of Children and Family Services, or the Agency for Health Care  
55 Administration, all of which are authorized to license a  
56 community residential home to serve residents, ~~as defined in~~  
57 ~~paragraph (d)~~.

58 (c) "Local government" means a county as set forth in

20091124e2

59 chapter 7 or a municipality incorporated under the provisions of  
60 chapter 165.

61 (d) "Resident" means any of the following: a frail elder as  
62 defined in s. 429.65; a person who has a handicap ~~physically~~  
63 ~~disabled or handicapped person~~ as defined in s. 760.22(7) (a); a  
64 ~~developmentally disabled person~~ who has a developmental  
65 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~  
66 person who has a mental illness as defined in s. 394.455 ~~as~~  
67 ~~defined in s. 394.455(18)~~; or a child who is found to be  
68 dependent as defined in s. 39.01 or s. 984.03, or a child in  
69 need of services as defined in s. 984.03 or s. 985.03.

70 (e) "Sponsoring agency" means an agency or unit of  
71 government, a profit or nonprofit agency, or any other person or  
72 organization which intends to establish or operate a community  
73 residential home.

74 (f) "Planned residential community" means a local  
75 government-approved, planned unit development having amenities  
76 that are designed to serve residents who have developmental  
77 disabilities and may contain two or more community residential  
78 homes, licensed by the Agency for Persons with Disabilities,  
79 which are contiguous to one another.

80 (2) Homes of six or fewer residents which otherwise meet  
81 the definition of a community residential home shall be deemed a  
82 single-family unit and a noncommercial, residential use for the  
83 purpose of local laws and ordinances. Such ~~homes of six or fewer~~  
84 ~~residents which otherwise meet the definition of a community~~  
85 ~~residential home:~~

86 (a) Shall be allowed in single-family or multifamily zoning  
87 ~~without approval by the local government~~ approval if they are,

20091124e2

88 ~~provided that such homes shall not be~~ located within a radius of  
89 1,000 feet of another existing ~~such home~~ that has with six or  
90 fewer residents. Such homes are ~~with six or fewer residents~~  
91 ~~shall not be~~ required to comply with the notification provisions  
92 of this section ~~if, provided that,~~ prior to licensure, the  
93 sponsoring agency provides the local government with the most  
94 recently published data compiled from the licensing entities  
95 that identifies all community residential homes within the  
96 jurisdictional limits of the local government in which the  
97 proposed site is to be located in order to show that no other  
98 community residential home is within a radius of 1,000 feet of  
99 the proposed home ~~with six or fewer residents~~. At the time of  
100 home occupancy, the sponsoring agency must notify the local  
101 government that the home is licensed by the licensing entity.

102 (b) If located within a planned residential community, do  
103 not require local government approval regardless of their  
104 proximity to each other. This subsection does not limit the  
105 authority of a local government to approve or deny a planned  
106 unit development.

107 Section 3. This act shall take effect July 1, 2009.