

HB 371

2009

1 A bill to be entitled
 2 An act relating to site selection of community residential
 3 homes; amending s. 419.001, F.S.; revising and providing
 4 definitions; providing applicability of requirements
 5 relating to planned residential communities; conforming
 6 cross-references; providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Subsections (1), (2), and (4) of section
 11 419.001, Florida Statutes, are amended to read:

12 419.001 Site selection of community residential homes.--

13 (1) For the purposes of this section, the following
 14 definitions shall apply:

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

26 (b) "Licensing entity" or "licensing entities" means the
 27 Department of Elderly Affairs, the Agency for Persons with
 28 Disabilities, the Department of Juvenile Justice, the Department

HB 371

2009

29 | of Children and Family Services, or the Agency for Health Care
30 | Administration, all of which are authorized to license a
31 | community residential home to serve residents, as defined in
32 | paragraph (e) ~~(d)~~.

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

36 | (d) "Planned residential community" means a community
37 | established for persons with developmental disabilities, as
38 | defined in s. 393.063, that may be a planned unit development
39 | with amenities designed to serve the needs of such residents
40 | consisting of two or more community residential homes which may
41 | be contiguous to one another.

42 | (e) ~~(d)~~ "Resident" means any of the following: a frail
43 | elder as defined in s. 429.65; a physically disabled or
44 | handicapped person as defined in s. 760.22(7)(a); a
45 | developmentally disabled person as defined in s. 393.063; a
46 | nondangerous mentally ill person as defined in s. 394.455(18);
47 | or a child who is found to be dependent as defined in s. 39.01
48 | or s. 984.03, or a child in need of services as defined in s.
49 | 984.03 or s. 985.03.

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

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

HB 371

2009

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

75 | (b) This subsection is not intended to limit in any way
76 | the development of a planned residential community for persons
77 | with developmental disabilities.

78 | (4) (a) All distance requirements in this section shall be
79 | measured from the nearest point of the existing home or area of
80 | single-family zoning to the nearest point of the proposed home.

81 | (b) Distance requirements shall not apply to a planned
82 | residential community for persons with developmental
83 | disabilities existing as a separate entity apart from an
84 | established residential area.

HB 371

2009

85

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