

1                                   A bill to be entitled  
 2           An act relating to community residential homes; amending  
 3           s. 419.001, F.S.; revising and providing definitions;  
 4           exempting certain community residential homes in planned  
 5           residential communities from the requirement to obtain  
 6           local government approval; 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) and (2) of section 419.001,  
 11   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 (d),~~ who  
 17   are clients of the Department of Elderly Affairs, the Agency for  
 18   Persons with Disabilities, the Department of Juvenile Justice,  
 19   or the Department of Children and Family Services or a dwelling  
 20   unit licensed by the Agency for Health Care Administration which  
 21   provides a living environment for 7 to 14 unrelated residents  
 22   who operate as the functional equivalent of a family, including  
 23   such supervision and care by supportive staff as may be  
 24   necessary to meet the physical, emotional, and social needs of  
 25   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

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 (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 planned unit  
 37 | development having amenities that are designed to serve  
 38 | residents who have developmental disabilities and may consist of  
 39 | two or more community residential homes that are contiguous to  
 40 | one another.

41 | (e)-(d) "Resident" means any of the following: a frail  
 42 | elder as defined in s. 429.65; a person who has a handicap  
 43 | ~~physically disabled or handicapped person~~ as defined in s.  
 44 | 760.22(7)(a); a ~~developmentally disabled~~ person who has a  
 45 | developmental disability as defined in s. 393.063; a  
 46 | nondangerous ~~mentally ill~~ person who has a mental illness as  
 47 | defined in s. 394.455(18); or a child who is found to be  
 48 | dependent as defined in s. 39.01 or s. 984.03, or a child in  
 49 | need of services as defined in s. 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) Homes of six or fewer residents which otherwise meet  
 55 | the definition of a community residential home shall be deemed a  
 56 | single-family unit and a noncommercial, residential use for the

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57 | purpose of local laws and ordinances. Such homes ~~of six or fewer~~  
58 | ~~residents which otherwise meet the definition of a community~~  
59 | ~~residential home:~~

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

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

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