

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 contain
 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) Located within a planned residential community are not
78 | subject to the 1,000-foot-radius prohibition in paragraph (a).

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