

By Senator Sobel

33-00617-15

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1 A bill to be entitled
 2 An act relating to residential facilities; amending s.
 3 419.001, F.S.; prohibiting the colocation of a home of
 4 six or fewer residents which otherwise meets the
 5 definition of a community residential home and a
 6 community residential home within a certain distance;
 7 requiring the measuring of certain distances between
 8 community residential homes; amending s. 429.075,
 9 F.S.; requiring the adoption, use, and maintenance of
 10 certain security measures and practices by assisted
 11 living facilities in municipalities having a
 12 population greater than 300,000; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (2) and paragraph (c) of subsection
 18 (3) of section 419.001, Florida Statutes, are amended to read:

19 419.001 Site selection of community residential homes.—

20 (2) Homes with ~~of~~ six or fewer residents which otherwise
 21 meet the definition of a community residential home are ~~shall be~~
 22 deemed a single-family unit and a noncommercial, residential use
 23 for the purpose of local laws and ordinances. Homes with ~~of~~ six
 24 or fewer residents which otherwise meet the definition of a
 25 community residential home must ~~shall~~ be allowed in single-
 26 family or multifamily zoning without approval by the local
 27 government, provided that such homes may ~~shall~~ not be located
 28 within a radius of 1,000 feet of another existing such home with
 29 six or fewer residents. Such homes with six or fewer residents

33-00617-15

20151364__

30 may not be located within a radius of 1,200 feet of a community
31 residential home. Such homes with six or fewer residents may
32 ~~shall~~ not be required to comply with the notification provisions
33 of this section; provided that, prior to licensure, the
34 sponsoring agency provides the local government with the most
35 recently published data compiled from the licensing entities
36 that identifies all community residential homes and all such
37 homes with six or fewer residents within the jurisdictional
38 limits of the local government in which the proposed site is to
39 be located in order to show that no other community residential
40 home is within a radius of 1,200 feet of the proposed home with
41 six or fewer residents and that no other such home with six or
42 fewer residents is within a radius of 1,000 feet of the proposed
43 home with six or fewer residents. At the time of home occupancy,
44 the sponsoring agency must notify the local government that the
45 home is licensed by the licensing entity.

46 (3)

47 (c) The local government may ~~shall~~ not deny the siting of a
48 community residential home unless the local government
49 establishes that the siting of the home at the site selected:

50 1. Does not otherwise conform to existing zoning
51 regulations applicable to other multifamily uses in the area.

52 2. Does not meet applicable licensing criteria established
53 and determined by the licensing entity, including requirements
54 that the home be located to assure the safe care and supervision
55 of all clients in the home.

56 3. Would result in such a concentration of community
57 residential homes in the area in proximity to the site selected,
58 or would result in a combination of such homes with other

33-00617-15

20151364__

59 residences in the community, ~~such~~ that the nature and character
60 of the area would be substantially altered. A home that is
61 located within a radius of 1,200 feet of another existing
62 community residential home in a multifamily zone is deemed to
63 ~~shall~~ be an overconcentration of such homes that substantially
64 alters the nature and character of the area. A community
65 residential home may not be located within a radius of 1,200
66 feet of a home of six or fewer residents which otherwise meets
67 the definition of a community residential home. Distances must
68 be measured between all community residential homes that are
69 less than 1,200 feet apart if they serve residents who are
70 clients of one or more of the agencies and offices described in
71 paragraph (1) (a). A home that is located within a radius of 500
72 feet of an area of single-family zoning substantially alters the
73 nature and character of the area.

74 Section 2. Subsection (2) of section 429.075, Florida
75 Statutes, is amended to read:

76 429.075 Limited mental health license.—An assisted living
77 facility that serves three or more mental health residents must
78 obtain a limited mental health license.

79 (2) A facility that is ~~Facilities~~ licensed to provide
80 services to mental health residents shall provide appropriate
81 supervision and staffing to provide for the health, safety, and
82 welfare of such residents. A facility housing mental health
83 residents as defined in s. 429.02(15) which is located in an
84 area zoned for residential use in a municipality having a
85 population greater than 300,000 shall also do the following:

86 (a) Maintain on the premises of the facility 24-hour
87 security services provided by uniformed security personnel,

33-00617-15

20151364__

88 licensed under part III of chapter 493, or surveillance cameras
89 sufficient to ensure the safety of its residents and the
90 community at large. The cameras must be operational and in use
91 24 hours a day and cover the entire exterior of the facility as
92 well as all ingress and egress points. Camera videos must be
93 saved for up to 30 days.

94 (b) Notify the municipality within 20 days after accepting
95 a resident who has been discharged from the criminal justice
96 system following a felony conviction within the past 5 years.

97 (c) Maintain a log of residents who have been discharged
98 from the criminal justice system following a felony conviction
99 within the past 5 years. The log must contain the name of the
100 transferring department and the previous address for each such
101 resident. The facility or home shall require residents to sign
102 the log each time they enter or exit the premises. The facility
103 shall send a copy of the log to the chief administrative officer
104 of the municipality in which the facility is located on a
105 quarterly basis and shall keep the log current, maintain it in
106 an accessible area on the premises, and allow its inspection or
107 copying within 45 days of a request by the municipality.

108 Section 3. This act shall take effect July 1, 2015.