

By Senator Harrell

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30 the revocation or denial of its license,
31 certification, or charter; requiring that zoning
32 approval granted to a sponsoring entity be stayed
33 pending the outcome of such appeal; requiring a
34 sponsoring entity of a community residence to notify
35 the designated local government official of the
36 revocation or denial of its license, certification, or
37 charter within a specified timeframe; requiring a
38 sponsoring entity to cease operations within a
39 specified timeframe after receiving notice of the
40 denial or revocation of its license, certification, or
41 charter; authorizing a local government to require
42 operations to cease immediately under certain
43 circumstances; requiring a sponsoring entity to
44 coordinate the reunion of residents with their
45 families or relocation to a safe and secure living
46 environment; requiring that enforcement of the denial
47 or revocation of a license, certificate, or charter be
48 stayed pending the outcome of an appeal; providing an
49 exception; providing spacing distance requirements for
50 the siting of a community residence; providing that
51 certain community residences may not be included in
52 spacing distance calculations; specifying requirements
53 for the calculation of spacing distance for each
54 street and alley; creating s. 419.005, F.S.; providing
55 that a family community residence or transitional
56 community residence constitutes a residential use
57 allowed in specified zoning districts if certain
58 requirements are met; specifying such requirements;

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59 providing that a community residence is considered a
60 residential use of property for purposes of local
61 government and land use zoning codes when in
62 compliance with specified provisions; specifying that
63 the provisions of the act do not affect the legal
64 nonconforming use status of certain community
65 residences or the authority of certain community
66 residences established before a specified date to
67 continue to operate, under certain circumstances;
68 providing construction; providing that spacing
69 distances may not exceed certain specifications;
70 authorizing a local government to require a sponsoring
71 entity to immediately cease operations under certain
72 circumstances; creating s. 419.007, F.S.; providing
73 that a proposed community residence may receive a
74 reasonable accommodation if the sponsoring entity
75 demonstrates that specified requirements are met;
76 providing primary factors to consider when determining
77 compliance with certain provisions; requiring a local
78 government to authorize a reasonable accommodation for
79 certain proposed community residences if specified
80 requirements are met; requiring a local government to
81 authorize a reasonable accommodation for a community
82 residence intended to house more than 12 unrelated
83 people if specified requirements are met; requiring a
84 local government to authorize a reasonable
85 accommodation for transitional community residences if
86 specified requirements are met; creating s. 419.009,
87 F.S.; requiring that a recovery community be licensed

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88 or certified by a licensing or certifying entity;
89 authorizing a local government to revoke siting
90 approval for a recovery community under certain
91 circumstances; prohibiting a sponsoring entity for a
92 recovery community whose license or certification has
93 been denied or revoked from operating in this state;
94 providing for the nullification of certain zoning
95 approval; requiring that zoning approval be stayed
96 pending the outcome of a sponsoring entity's appeal of
97 the revocation or denial of its licensure or
98 certification; requiring a sponsoring entity to notify
99 the designated local government official or other
100 applicable entity within a specified timeframe that
101 its license or certification has been revoked or
102 denied; requiring a sponsoring entity to cease
103 operations within a specified timeframe after such
104 notice; authorizing a local government to require a
105 sponsoring entity to immediately cease operations
106 under certain circumstances; requiring the sponsoring
107 entity to coordinate the reunion or relocation of
108 residents; requiring that the enforcement of the
109 revocation or denial of a license be stayed pending
110 the outcome of an appeal; providing an exception;
111 provided that a recovery community constitutes a
112 residential use allowed as of right if certain
113 requirements are met; providing that the provisions of
114 this act do not affect the legal nonconforming use
115 status or the authority of an recovery community to
116 operate; providing construction; authorizing a local

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117 government to require a sponsoring entity of a
118 recovery community to immediately cease operations if
119 continued operation poses an immediate and significant
120 threat to the health and safety of the residents or
121 the community; creating s. 419.013, F.S.; requiring
122 that a recovery community in specified locations be
123 allowed a reasonable accommodation if certain
124 requirements are met; specifying factors that must be
125 considered to determine compliance with certain
126 provisions; providing that a proposed recovery
127 community in combination with any existing community
128 residence, recovery community, or congregate living
129 facility may not alter the residential character of
130 the surrounding neighborhood; creating s. 419.015,
131 F.S.; requiring a local government to respond in
132 writing within a specified timeframe to requests
133 regarding whether a proposed community residence or
134 recovery residence is within a certain spacing
135 distance from certain other residences; requiring that
136 such response include certain information; requiring a
137 local government to provide the sponsoring entity of a
138 proposed community residence or recovery residence
139 with certain information within a specified timeframe
140 if such residences meet certain criteria; amending ss.
141 393.501, 400.464, 400.9972, 429.11, 429.67, and
142 1003.57, F.S.; conforming provisions to changes made
143 by the act; providing an effective date.

144

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

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147 Section 1. Section 419.001, Florida Statutes, is amended to
148 read:

149 419.001 Community residences and recovery communities;
150 ~~definitions site selection of community residential homes. -For~~
151 ~~the purposes of this chapter, the term:~~

152 (1) ~~For the purposes of this section, the term:~~

153 (a) "Community residence residential home" means a
154 residential living arrangement for unrelated individuals with
155 disabilities living as the functional equivalent of a family in
156 a dwelling unit, townhome, duplex, or triplex who need the
157 mutual support furnished by other residents of the dwelling as
158 well as the support services, if any, provided by any staff of
159 the community residence. The term includes a living arrangement
160 in which residents may be self-governing or supervised by a
161 sponsoring entity or its staff, which provide habilitative or
162 rehabilitative services related to the residents' disabilities.
163 A community residence operates as the functional equivalent of a
164 family to foster normalization of its residents, integrate them
165 into the surrounding community, and use neighbors as role models
166 for those residents capable of going into the community and
167 interacting with neighbors. Supportive interrelationships
168 between residents are an essential component. Its primary
169 purpose is to provide shelter; foster and facilitate life
170 skills; and meet the physical, emotional, and social needs of
171 the residents in a mutually supportive family-like environment.
172 The term includes, but is not limited to, residences licensed by
173 the Agency for Persons with Disabilities, the Department of
174 Elderly Affairs, the Agency for Health Care Administration, and

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175 the Department of Children and Families; recovery residences
176 certified by the state's designated credentialing entity
177 established under s. 397.487; and recovery residences
178 democratically operated by their residents pursuant to a charter
179 from an entity recognized or sanctioned by Congress a dwelling
180 unit licensed to serve residents who are clients of the
181 Department of Elderly Affairs, the Agency for Persons with
182 Disabilities, the Department of Juvenile Justice, or the
183 Department of Children and Families or licensed by the Agency
184 for Health Care Administration which provides a living
185 environment for 7 to 14 unrelated residents who operate as the
186 functional equivalent of a family, including such supervision
187 and care by supportive staff as may be necessary to meet the
188 physical, emotional, and social needs of the residents.

189 (2) "Congregate living facility" means a group living
190 arrangement that provides long-term care, accommodations, food
191 service, and one or more personal care services to people with
192 or without disabilities who pose a direct threat to the health
193 or safety of others, and who are not related to the owner or
194 administrator by blood or marriage.

195 (a) Congregate living facilities include, but are not
196 limited to:

197 1. An intermediate care or assisted living facility that
198 does not operate as the functional equivalent of a family.

199 2. A group living arrangement that is an alternative to
200 incarceration for people who pose a direct threat to the health
201 or safety of others.

202 3. A facility for the treatment of substance use disorders
203 where treatment is the primary purpose and use of the facility,

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204 whether it provides services only or includes a residential
205 component on site.

206 4. A facility for a group living arrangement too large to
207 operate as the functional equivalent of a family where
208 normalization, community integration, and the use of neighbors
209 as role models are not integral elements.

210 (b) A congregate living facility is not a community
211 residence or a recovery community.

212 (3) "Disability" means a physical or mental impairment that
213 substantially limits an individual's major life activities or
214 impairs an individual's ability to live independently. The term
215 includes an individual having a record of such an impairment or
216 being regarded as having such an impairment as defined in the
217 federal Fair Housing Act and Americans with Disabilities Act.
218 The term includes, but is not limited to, all of the following:

219 (a) An elderly person with disabilities as described in s.
220 429.65(9).

221 (b) A person with development disabilities as defined in s.
222 393.063.

223 (c) A person with a mental illness as defined in s.
224 394.455.

225 (d) A person in recovery from substance abuse as defined in
226 s. 397.311.

227
228 The term "disability" does not include individuals with a
229 substance use disorder who use illegal substances or substances
230 to which they are addicted or individuals who constitute a
231 direct threat to the health and safety of other persons.

232 (4) "Family community residence" means a community

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233 residence that provides a long-term living arrangement of at
234 least 6 months duration and does not limit how long a resident
235 may live there. Typical uses may include, but are not limited
236 to, all of the following:

237 (a) A community residential home for people with a
238 disability who do not pose a threat to the health and safety of
239 other persons and whose residency would not result in
240 substantial physical damage to the property of others.

241 (b) A group home for people with a disability which
242 operates as the functional equivalent of a family, including,
243 but not limited to, people with mental illness, physical
244 disabilities, or a substance use disorder.

245 (c) An assisted living facility for the elderly licensed
246 under s. 429.07.

247 (d) An adult family-care home licensed under s. 429.67.

248 (e) A community residential home licensed by the Department
249 of Elderly Affairs, the Agency for Persons with Disabilities,
250 the Department of Children and Families, or the Agency for
251 Health Care Administration which provides a living environment
252 for residents who operate as the functional equivalent of a
253 family.

254 (f) An intermediate care facility licensed under s. 400.962
255 which operates as the functional equivalent of a family.

256 (g) Housing licensed under chapter 394.

257 (h) Recovery residences certified under s. 397.487 or
258 certified recovery residences as defined in s. 397.311 where
259 residency is typically at least 6 months.

260 (i) Recovery residences democratically operated by their
261 residents pursuant to a charter from an entity recognized or

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262 sanctioned by Congress.263 (5)(b) "Licensing or certifying entity" or "licensing
264 entities" means the Department of Elderly Affairs, the Agency
265 for Persons with Disabilities, the Department of Juvenile
266 Justice, the Department of Children and Families, the Florida
267 Association of Recovery Residences or other licensing or
268 certifying entity as determined by the Department of Children
269 and Families pursuant to s. 397.487, or the Agency for Health
270 Care Administration, all of which are authorized to license a
271 community residential home to serve residents.272 (6)(e) "Local government" means a county as set forth in
273 chapter 125 7 or a municipality incorporated under the
274 provisions of chapter 165.275 (7)(d) "Long term" means a continuous period of 6 or more
276 months "Planned residential community" means a local government
277 approved, planned unit development that is under unified
278 control, is planned and developed as a whole, has a minimum
279 gross lot area of 8 acres, and has amenities that are designed
280 to serve residents with a developmental disability as defined in
281 s. 393.063 but that shall also provide housing options for other
282 individuals. The community shall provide choices with regard to
283 housing arrangements, support providers, and activities. The
284 residents' freedom of movement within and outside the community
285 may not be restricted. For the purposes of this paragraph, local
286 government approval must be based on criteria that include, but
287 are not limited to, compliance with appropriate land use,
288 zoning, and building codes. A planned residential community may
289 contain two or more community residential homes that are
290 contiguous to one another. A planned residential community may

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291 ~~not be located within a 10-mile radius of any other planned~~
292 ~~residential community.~~

293 (8) "Reasonable accommodation" means providing one or more
294 individuals with a disability and providers of housing for one
295 or more individuals with a disability the opportunity to receive
296 modification or waiver of certain requirements for land use,
297 zoning, or property maintenance and building code regulations to
298 give such individual or individuals with a disability an equal
299 opportunity to use and enjoy a dwelling within the meaning of 42
300 U.S.C. s. 3604(f).

301 (9) "Recovery community" means multiple dwelling units,
302 including adjacent multifamily structures, duplexes, triplexes,
303 and quadraplexes; attached single-family dwellings; a series of
304 adjacent single-family detached dwellings; or a group of such
305 adjacent dwellings which are not held out to the general public
306 for rent or occupancy and which provide a mutually supportive,
307 drug-free, and alcohol-free living arrangement for people in
308 recovery from a substance use disorder who do not operate as the
309 functional equivalent of a family and are under the auspices of
310 a single sponsoring entity or group of related sponsoring
311 entities.

312 (a) The term includes land uses for which the sponsoring
313 entity is eligible to apply for certification pursuant to s.
314 397.487.

315 (b) The term does not include other group living
316 arrangements for people who are not disabled or any community
317 residence, congregate living facility, institutional or medical
318 use facility, shelter, lodging or boarding house, extended stay
319 hotel, nursing home, vacation rental, or other living

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320 arrangement for similar use.321 (10) "Recovery residence" has the same meaning as in s.322 397.311.323 (11) (e) "Resident" means any of the following: a frail
324 elder as defined in s. 429.65; a person who has a disability as
325 defined in s. 760.22 s. 760.22(3)(a); a person who has a
326 developmental disability as defined in s. 393.063; a
327 nondangerous person who has a mental illness as defined in s.
328 394.455; a person in recovery from a substance use disorder; or
329 live-in staff or a child who is found to be dependent as defined
330 in s. 39.01, or a child in need of services as defined in s.
331 984.03.332 (12) (f) "Sponsoring entity agency" means an agency or unit
333 of government, a for-profit profit or nonprofit agency, or any
334 other person or organization that which intends to establish or
335 operate a community residence, recovery community, recovery
336 residence, or congregate living facility residential home.337 (13) "Transitional community residence" means a community
338 residence that provides a temporary living arrangement of less
339 than 6 months for unrelated people with disabilities.340 Transitional community residences include, but are not limited
341 to:342 (a) A group home for individuals with a disability which
343 operates as the functional equivalent of a family.344 (b) A community residence for people with a disability who
345 do not pose a direct threat to the health and safety of other
346 persons or whose residency would not result in substantial
347 physical damage to the property of others.348 (c) Housing connected to outpatient treatment licensed

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349 under chapter 394.

350 (d) A living arrangement licensed by the Department of
351 Elderly Affairs, the Agency for Persons with Disabilities, the
352 Department of Juvenile Justice, the Department of Children and
353 Families, or the Agency for Health Care Administration which
354 provides a living environment for 7 to 14 unrelated residents
355 who operate as the functional equivalent of a family.356 (e) A certified recovery residence as defined in s.357 397.311, at which residency is typically less than 6 months.358 (f) A separate residential community housing component,
359 pursuant to s. 397.311(9), of a day or night treatment facility
360 with a community housing license361 ~~(2) Homes of six or fewer residents which otherwise meet~~
362 ~~the definition of a community residential home shall be deemed a~~
363 ~~single family unit and a noncommercial, residential use for the~~
364 ~~purpose of local laws and ordinances. Homes of six or fewer~~
365 ~~residents which otherwise meet the definition of a community~~
366 ~~residential home shall be allowed in single family or~~
367 ~~multifamily zoning without approval by the local government,~~
368 ~~provided that such homes are not located within a radius of~~
369 ~~1,000 feet of another existing such home with six or fewer~~
370 ~~residents or within a radius of 1,200 feet of another existing~~
371 ~~community residential home. Such homes with six or fewer~~
372 ~~residents are not required to comply with the notification~~
373 ~~provisions of this section; provided that, before licensure, the~~
374 ~~sponsoring agency provides the local government with the most~~
375 ~~recently published data compiled from the licensing entities~~
376 ~~that identifies all community residential homes within the~~
377 ~~jurisdictional limits of the local government in which the~~

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378 proposed site is to be located in order to show that there is
379 not a home of six or fewer residents which otherwise meets the
380 definition of a community residential home within a radius of
381 1,000 feet and not a community residential home within a radius
382 of 1,200 feet of the proposed home. At the time of home
383 occupancy, the sponsoring agency must notify the local
384 government that the home is licensed by the licensing entity.
385 For purposes of local land use and zoning determinations, this
386 subsection does not affect the legal nonconforming use status of
387 any community residential home lawfully permitted and operating
388 as of July 1, 2016.

389 (3) (a) When a site for a community residential home has
390 been selected by a sponsoring agency in an area zoned for
391 multifamily, the agency shall notify the chief executive officer
392 of the local government in writing and include in such notice
393 the specific address of the site, the residential licensing
394 category, the number of residents, and the community support
395 requirements of the program. Such notice shall also contain a
396 statement from the licensing entity indicating the licensing
397 status of the proposed community residential home and specifying
398 how the home meets applicable licensing criteria for the safe
399 care and supervision of the clients in the home. The sponsoring
400 agency shall also provide to the local government the most
401 recently published data compiled from the licensing entities
402 that identifies all community residential homes within the
403 jurisdictional limits of the local government in which the
404 proposed site is to be located. The local government shall
405 review the notification of the sponsoring agency in accordance
406 with the zoning ordinance of the jurisdiction.

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407 (b) Pursuant to such review, the local government may:

408 1. Determine that the siting of the community residential
409 home is in accordance with local zoning and approve the siting.
410 If the siting is approved, the sponsoring agency may establish
411 the home at the site selected.

412 2. Fail to respond within 60 days. If the local government
413 fails to respond within such time, the sponsoring agency may
414 establish the home at the site selected.

415 3. Deny the siting of the home.

416 (c) The local government shall not deny the siting of a
417 community residential home unless the local government
418 establishes that the siting of the home at the site selected:

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

421 2. Does not meet applicable licensing criteria established
422 and determined by the licensing entity, including requirements
423 that the home be located to assure the safe care and supervision
424 of all clients in the home.

425 3. Would result in such a concentration of community
426 residential homes in the area in proximity to the site selected,
427 or would result in a combination of such homes with other
428 residences in the community, such that the nature and character
429 of the area would be substantially altered. A home that is
430 located within a radius of 1,200 feet of another existing
431 community residential home in a multifamily zone shall be an
432 overconcentration of such homes that substantially alters the
433 nature and character of the area. A home that is located within
434 a radius of 500 feet of an area of single-family zoning
435 substantially alters the nature and character of the area.

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436 (4) ~~Community residential homes, including homes of six or~~
437 ~~fewer residents which would otherwise meet the definition of a~~
438 ~~community residential home, which are located within a planned~~
439 ~~residential community are not subject to the proximity~~
440 ~~requirements of this section and may be contiguous to each~~
441 ~~other. A planned residential community must comply with the~~
442 ~~applicable local government's land development code and other~~
443 ~~local ordinances. A local government may not impose proximity~~
444 ~~limitations between homes within a planned residential community~~
445 ~~if such limitations are based solely on the types of residents~~
446 ~~anticipated to be living in the community.~~

447 (5) ~~All distance requirements in this section shall be~~
448 ~~measured from the nearest point of the existing home or area of~~
449 ~~single family zoning to the nearest point of the proposed home.~~

450 (6) ~~If agreed to by both the local government and the~~
451 ~~sponsoring agency, a conflict may be resolved through informal~~
452 ~~mediation. The local government shall arrange for the services~~
453 ~~of an independent mediator. Mediation shall be concluded within~~
454 ~~45 days of a request therefor. The resolution of any issue~~
455 ~~through the mediation process shall not alter any person's right~~
456 ~~to a judicial determination of any issue if that person is~~
457 ~~entitled to such a determination under statutory or common law.~~

458 (7) ~~The licensing entity shall not issue a license to a~~
459 ~~sponsoring agency for operation of a community residential home~~
460 ~~if the sponsoring agency does not notify the local government of~~
461 ~~its intention to establish a program, as required by subsection~~
462 ~~(3). A license issued without compliance with the provisions of~~
463 ~~this section shall be considered null and void, and continued~~
464 ~~operation of the home may be enjoined.~~

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465 (8) A dwelling unit housing a community residential home
466 established pursuant to this section shall be subject to the
467 same local laws and ordinances applicable to other
468 noncommercial, residential family units in the area in which it
469 is established.

470 (9) Nothing in this section shall be deemed to affect the
471 authority of any community residential home lawfully established
472 prior to October 1, 1989, to continue to operate.

473 (10) Nothing in this section shall permit persons to occupy
474 a community residential home who would constitute a direct
475 threat to the health and safety of other persons or whose
476 residency would result in substantial physical damage to the
477 property of others.

478 (11) The siting of community residential homes in areas
479 zoned for single family shall be governed by local zoning
480 ordinances. Nothing in this section prohibits a local government
481 from authorizing the development of community residential homes
482 in areas zoned for single family.

483 (12) Nothing in this section requires any local government
484 to adopt a new ordinance if it has in place an ordinance
485 governing the placement of community residential homes that meet
486 the criteria of this section. State law on community residential
487 homes controls over local ordinances, but nothing in this
488 section prohibits a local government from adopting more liberal
489 standards for siting such homes.

490 Section 2. Section 419.003, Florida Statutes, is created to
491 read:

492 419.003 Community residences.—

493 (1) PURPOSE AND DUTIES.—

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494 (a) A community residence is considered a residential use
495 of property for purposes of all local government land use and
496 zoning codes.

497 (b) A community residence shall do all of the following:
498 1. Provide safe and accommodating shelter for persons with
499 disabilities.

500 2. Operate as the functional equivalent of a family by
501 providing the opportunity for residents to form supportive
502 relationships that nurture their physical, emotional, and social
503 needs within a family-like relational structure.

504 3. Foster the normalization of residents, assist their
505 integration into the surrounding community, and, when residents
506 are capable, use neighbors without disabilities as role models.

507 4. Provide a safe and nurturing space for residents to gain
508 and practice life skills.

509 (c) The residents of a community residence must receive
510 care by supportive staff as may be necessary to meet their
511 physical, emotional, and social needs.

512 (d) Residents may be self-governing or may be supervised by
513 a sponsoring entity that provides habilitative or rehabilitative
514 services related to the residents' disabilities.

515 (2) COMMUNITY RESIDENCES EXEMPTED FROM THIS CHAPTER.—

516 (a) A community residence constitutes a family for purposes
517 of zoning and is not subject to this chapter when:

518 1. The number of occupants of a community residence,
519 including live-in staff, does not exceed the maximum number of
520 unrelated individuals, as determined by the definition of
521 family, family unit, household, or a similar term in the
522 appropriate local government land use code, ordinance, or

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523 regulation;524 2. A local government's land use code, ordinance, or
525 regulation does not stipulate a specific number of unrelated
526 people which constitutes a family, family unit, household, or
527 similar term; or528 3. A local government's land use code, ordinance, or
529 regulation does not define family, family unit, household, or a
530 similar term.531 (b) A community residence that is exempted from this
532 chapter pursuant subparagraph (a)1. may not be included when
533 determining spacing distance requirements.534 (3) LICENSURE AND OPERATIONS.-535 (a) A community residence must be licensed or certified to
536 operate when this state offers licensing or certification, or
537 must operate pursuant to a charter from an entity recognized or
538 sanctioned by Congress.539 (b) A local government may revoke or nullify siting
540 approval of a community residence if:541 1. The sponsoring entity fails to provide the local
542 government with evidence of permanent licensure or certification
543 from the state; or544 2. The community residence is not operated pursuant to a
545 charter from an entity recognized or sanctioned by Congress.546 (c) A sponsoring entity of a community residence whose
547 license, certification, or charter, or application for such
548 license, certification, or charter, has been revoked or denied
549 by a licensing or certifying entity may not operate in this
550 state. Any zoning approval granted to such sponsoring entity
551 becomes null and void upon the revocation or denial of its

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552 license, certification, or charter. The sponsoring entity of a
553 community residence may appeal the revocation or denial of its
554 license, certification, or charter. Any zoning approval granted
555 to a sponsoring entity must be stayed pending the outcome of
556 such appeal.

557 (d) The sponsoring entity of a community residence must
558 notify the designated local government official within 5
559 calendar days after receiving notice that its license,
560 certification, or charter has been revoked or denied. The
561 sponsoring entity shall cease operations within 60 calendar days
562 after the date on which the sponsoring entity receives notice of
563 the denial or revocation, except that the local government may
564 require operations to cease immediately when continued operation
565 poses a threat to the health and safety of the residents or the
566 community residence. In such event, the sponsoring entity must
567 coordinate the reunion of the residents with their families or
568 arrange for the relocation of the residents to a safe and secure
569 living environment. Enforcement of a revocation or denial must
570 be stayed pending the outcome of an appeal unless a local
571 government requires the sponsoring entity to cease operations.

572 (4) SITING.—Spacing distances under this section must be
573 measured from the nearest lot line of the existing community
574 residence, recovery community, or congregate living facility
575 closest to the proposed community residence or recovery
576 community to the nearest lot line of the proposed community
577 residence or recovery community. A community residence that is
578 exempted from this chapter pursuant to subsection (2) may not be
579 included when determining spacing distance requirements. Each
580 street and alley within the specified spacing distance

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581 requirement counts as 1 parcel lot.

582 Section 3. Section 419.005, Florida Statutes, is created to
583 read:

584 419.005 Community residences; permitted use.—

585 (1) FAMILY COMMUNITY RESIDENCE.—A family community
586 residence is considered a residential use as of right in all
587 zoning districts where residences are allowed as of right,
588 provided that it complies with subsection (3).

589 (2) TRANSITIONAL COMMUNITY RESIDENCE.—A transitional
590 community residence constitutes a residential use allowed as of
591 right in all zoning districts where multifamily dwellings,
592 duplexes, triplexes, or other forms of multifamily structures
593 are allowed as of right, provided that it complies with
594 subsection (3).

595 (3) REQUIREMENTS.—Family and transitional community
596 residences shall be allowed as of right as permitted uses only
597 if such residences comply with the following requirements:

598 (a) The proposed community residence must be located at
599 least 660 feet or 7 consecutive parcel lots, including each
600 street and alley as 1 parcel lot, whichever is a greater
601 distance, from the closest existing community residence,
602 recovery community, or congregate living facility.

603 (b) The proposed community residence has been issued and
604 maintains:

605 1. A license, certification, or charter required to operate
606 the proposed community residence; or

607 2. A provisional or conditional license, certification, or
608 charter during an application process as determined by the
609 designated licensing, certifying, or chartering entity.

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610 (c) No more than 12 individuals occupy the proposed
611 community residence, subject to the local government's standard
612 housing, building, or property maintenance code's provisions
613 related to overcrowding.

614 (4) CODE COMPLIANCE.—A community residence is considered a
615 residential use of property for purposes of local government
616 land use and zoning codes when in compliance with this chapter.

617 (5) EXCEPTIONS.—

618 (a) For purposes of local land use and zoning
619 determinations, this section does not affect:

620 1. The legal nonconforming use status of any community
621 residence lawfully permitted and operating before July 1, 2026,
622 as long as it is licensed or certified no later than July 1,
623 2027, or a reasonable accommodation is granted under s.

624 419.007(2) by July 1, 2027.

625 2. The authority of any community residence lawfully
626 established before July 1, 2026, to continue to operate as long
627 as it is licensed or certified no later than July 1, 2027, or a
628 reasonable accommodation is granted under s. 419.007(2) by July
629 1, 2027.

630 (b) This section may not be construed to require a local
631 government to amend its land use code if it has adopted zoning
632 provisions governing the placement of community residences that
633 meet the criteria of this section and ss. 419.003 and 419.007.

634 (c) This section may not be construed to prohibit a local
635 government from adopting less restrictive zoning for siting
636 community residences.

637 (d) No spacing distance may be greater than those specified
638 in paragraph (3) (a).

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639 (6) ENFORCEMENT.—A local government may require a
640 sponsoring entity for a community residence to cease operations
641 immediately if continued operation poses an immediate and
642 significant threat to the health and safety of the residents or
643 the community.

644 Section 4. Section 419.007, Florida Statutes, is created to
645 read:

646 419.007 Community residences; reasonable accommodation.—

647 (1) ACCOMMODATION TO LOCATE WITHIN APPLICABLE SPACING
648 DISTANCE.—A proposed community residence that does not comply
649 with standards required in s. 419.005(3)(a) must be allowed as a
650 reasonable accommodation from the applicable local government if
651 the sponsoring entity demonstrates all of the following:

652 (a) The proposed community residence will not interfere
653 with the normalization and community integration, and, where
654 practical, the use of neighbors without disabilities as role
655 models, of the residents of the closest existing community
656 residence or recovery community.

657 (b) The closest community residence, recovery community, or
658 congregate living facility will not interfere with the
659 normalization and community integration of the residents of the
660 proposed community residence.

661 (2) COMPLIANCE FACTORS.—Primary factors that must be
662 considered when determining compliance with subsection (1)
663 include:

664 (a) The linear distance along the pedestrian right-of-way
665 between the two residences.

666 (b) The likelihood of residents of one site interacting
667 with residents of the other site.

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668 (c) Whether the residents of both sites have different
669 disabilities or no disability.

670 (d) Whether the proposed community residence in combination
671 with any existing community residence, recovery community, or
672 congregate living facility will alter the residential character
673 of the surrounding neighborhood by creating an institutional
674 atmosphere or de facto social service district by clustering
675 such residences on a block face or concentrating them in a
676 neighborhood.

677 (3) ACCOMMODATION WITHOUT LICENSURE, CERTIFICATION, OR
678 DESIGNATION.—If the state does not offer a license or
679 certification for the type of community residence proposed and
680 the population it would house, or if such proposed community
681 residence is not eligible for designation as a recovery
682 residence democratically operated by its residents from an
683 entity recognized or sanctioned by the Congress, the local
684 government must authorize a reasonable accommodation for the
685 proposed community residence if the sponsoring entity
686 demonstrates that:

687 (a) The proposed community residence operates or will
688 operate in a manner effectively similar to that of a licensed,
689 certified, or chartered residence;

690 (b) Staff residing or working in the proposed community
691 residence are adequately trained in accordance with standards
692 typically required by licensing or state certification for a
693 community residence;

694 (c) The proposed community residence operates or will
695 operate as the functional equivalent of a family and achieve
696 normalization, community integration, and, when the residents

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697 are capable, the use of neighbors without disabilities as role
698 models; and

699 (d) The rules and practices governing the operation of the
700 proposed community residence protect the residents from abuse,
701 exploitation, fraud, theft, neglect, insufficient support, use
702 of illegal drugs or alcohol, and misuse of prescription
703 medications.

704 (4) ACCOMMODATION TO HOUSE MORE THAN 12 UNRELATED PEOPLE.—
705 If a proposed community residence is intended to house more than
706 12 unrelated people, the local government must authorize a
707 reasonable accommodation for the proposed community residence if
708 the sponsoring entity demonstrates that:

709 (a) The proposed number of residents greater than 12 is
710 necessary to ensure the therapeutic or financial viability of
711 the proposed community residence;

712 (b) The primary function of the proposed community
713 residence is residential, and any medical treatment is
714 incidental to the residential use of the property;

715 (c) The proposed community residence operates as the
716 functional equivalent of a family rather than a boarding or
717 rooming house; nursing home; short-term rental; continuing care
718 facility; motel; hotel; treatment center; rehabilitation center;
719 institutional use facility; assisted living facility or
720 community residential home that does not comport with the
721 definition of community residence in this chapter; or other
722 nonresidential use; and

723 (d) The requested number of residents in the proposed
724 community residence will not interfere with the normalization
725 and community integration of the occupants of the closest

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726 existing community residence or recovery community or, when the
727 residents are capable, the use of neighbors without disabilities
728 as role models.

729 (5) ACCOMMODATION TO PERMIT TRANSITIONAL COMMUNITY

730 RESIDENCES IN SINGLE-FAMILY ZONING.—The local government must
731 authorize a reasonable accommodation for a transitional
732 community residence to be sited in an area of single-family
733 zoning where single-family detached dwellings are the only
734 dwellings allowed as permitted uses, provided that the
735 sponsoring entity demonstrates that:

736 (a) The proposed transitional community residence complies
737 with ss. 419.003 and 419.005; and

738 (b) The proposed transitional community residence is found
739 to be compatible with the residential uses allowed as of right
740 in the zoning district.

741 Section 5. Section 419.009, Florida Statutes, is created to
742 read:

743 419.009 Recovery community as a permitted use.—

744 (1) LICENSURE AND OPERATIONS.—

745 (a) A recovery community must be licensed or certified by a
746 licensing or certifying entity. A local government may revoke
747 siting approval of a recovery community if the sponsoring entity
748 fails to provide evidence of permanent licensure or
749 certification.

750 (b) A sponsoring entity for a recovery community whose
751 license or certification has been denied or revoked may not
752 operate in this state. Any zoning approval granted to such
753 sponsoring entity becomes null and void upon the denial or
754 revocation of such license or certification. If a sponsoring

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755 entity appeals a revocation or denial of licensure or
756 certification, any zoning approval granted to such sponsoring
757 entity must be stayed pending the outcome of the appeal.

758 (c) The sponsoring entity must notify the designated local
759 government official or other applicable entity that its license
760 or certification has been revoked or denied within 5 calendar
761 days after receiving notice of such revocation or denial. The
762 sponsoring entity must cease operations within 60 calendar days
763 after such notice, except that the local government may require
764 operations to cease immediately when continued operation poses a
765 threat to the health and safety of the residents or the recovery
766 community. The sponsoring entity must coordinate the reunion of
767 the residents with their families or arrange for the relocation
768 of the residents to a safe and secure living environment.

769 Enforcement of the revocation or denial of a license or
770 certification must be stayed pending the outcome of an appeal
771 unless a local government requires the sponsoring entity to
772 cease operations.

773 (2) SITING AND ZONING.—A recovery community constitutes a
774 residential use allowed in all zoning districts where
775 townhouses, duplexes, triplexes, or other forms of multifamily
776 structures are allowed as permitted uses, provided that the
777 sponsoring entity has received certification from the designated
778 certifying entity as established by s. 397.487 and meets the
779 following requirements:

780 (a) A proposed recovery community housing up to 16
781 occupants is located at least 660 feet or 7 consecutive parcel
782 lots, with each street and alley counting as 1 parcel lot,
783 whichever is the greater distance, from the closest recovery

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784 community, community residence, or congregate living facility;

785 (b) A proposed recovery community housing 17 to 30
786 occupants is located at least 900 feet or 9 consecutive parcel
787 lots, with each street and alley counting as 1 parcel lot,
788 whichever is the greater distance, from the closest recovery
789 community, community residence, or congregate living facility;

790 (c) A proposed recovery community housing 31 to 50
791 occupants is located at least 1,300 feet or 13 consecutive
792 parcel lots, with each street and alley counting as 1 parcel
793 lot, whichever is the greater distance, from the closest
794 recovery community, community residence, or congregate living
795 facility;

796 (d) A proposed recovery community housing 51 to 100
797 occupants is located at least 1,400 feet or 14 consecutive
798 parcel lots, with each street and alley counting as 1 parcel
799 lot, whichever is the greater distance, from the closest
800 recovery community, community residence, or congregate living
801 facility; or

802 (e) A proposed recovery community housing more than 100
803 occupants is located at least 1,500 feet or 15 consecutive
804 parcel lots, with each street and alley counting as 1 parcel
805 lot, whichever is the greater distance, from the closest
806 recovery community, community residence, or congregate living
807 facility.

808 (3) EXCEPTIONS.-

809 (a) For purposes of local land use and zoning
810 determinations, this section does not affect:

811 1. The legal nonconforming use status of any recovery
812 community lawfully permitted and operating before July 1, 2026.

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813 2. The authority of any recovery community lawfully
814 established before July 1, 2026, to continue to operate.

815 (b) This section may not be construed to require a local
816 government to amend its land use code if it has adopted zoning
817 provisions governing the placement of recovery communities that
818 meet the criteria of subsections (1) and (2).

819 (c) This section may not be construed to prohibit a local
820 government from adopting less restrictive zoning for siting
821 recovery communities.

822 (d) No spacing distance may be greater than those specified
823 in subsection (2).

824 (4) ENFORCEMENT.—

825 (a) A local government may require a sponsoring entity of a
826 recovery community to cease operations immediately if continued
827 operation poses an immediate and significant threat to the
828 health and safety of the residents or the community.

829 (b) This section may not be construed to permit persons who
830 are known to constitute a direct threat to the health and safety
831 of others or whose residency would result in substantial
832 physical damage to the person or property of others to reside in
833 a community residence.

834 Section 6. Section 419.013, Florida Statutes, is created to
835 read:

836 419.013 Recovery communities as reasonable accommodation.—

837 (1) A recovery community proposed to be located within the
838 distance requirements specified in s. 419.009(2) from the
839 closest existing community residence, recovery community, or
840 congregate living facility must be allowed a reasonable
841 accommodation if the sponsoring entity demonstrates that:

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842 (a) The proposed recovery community will not interfere with
843 the normalization and community integration of the residents of
844 the closest existing community residence or recovery community;
845 and

846 (b) The closest existing community residence, recovery
847 community, or congregate living facility will not interfere with
848 the normalization, community integration, or, when residents are
849 capable, the use of neighbors without disabilities as role
850 models.

851 (2) Primary factors that must be considered when
852 determining compliance with subsection (1) include:

853 (a) The linear distance along the pedestrian right-of-way
854 between the two residences.

855 (b) The likelihood of residents of one site interacting
856 with residents of the other site.

857 (c) Whether the residents of both sites have different
858 disabilities or no disabilities.

859 (3) A proposed recovery community in combination with any
860 existing community residence, recovery community, or congregate
861 living facility may not alter the residential character of the
862 surrounding neighborhood by creating an institutional atmosphere
863 or by creating or intensifying an institutional atmosphere or de
864 facto social service district by clustering community
865 residences, recovery communities, or congregate living
866 facilities on a block face or concentrating them in a
867 neighborhood.

868 Section 7. Section 419.015, Florida Statutes, is created to
869 read:

870 419.015 Community residences and recovery communities;

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871 applicable spacing distance; assistance.—

872 (1) A local government shall respond in writing within 10
873 business days to a request from a sponsoring entity as to
874 whether a proposed site for a community residence or recovery
875 community is within the applicable spacing distance established
876 by this chapter from the closest existing community residence,
877 recovery community, or congregate living facility. The response
878 must include the calculated distance relied upon to deny an
879 otherwise permitted use.

880 (2) If the proposed community residence or recovery
881 community is within the applicable spacing distance specified in
882 s. 419.005(3)(a), the local government must, upon request by the
883 sponsoring entity, provide, at no charge and in writing within
884 20 business days after receiving the request, all of the
885 following information:

886 (a) The address of existing community residences, recovery
887 communities, or congregate living facilities within the
888 applicable spacing distance from the proposed community
889 residence or recovery community.

890 (b) The exact linear distance along the pedestrian pathway
891 of the proposed community residence or recovery community from
892 the closest existing community residence, recovery community, or
893 congregate living facility.

894 (c) The addresses and general nature of the residents'
895 disabilities in all existing community residences and recovery
896 communities as well as the nature of the population served at
897 any congregate living facilities within a one-half mile radius
898 of the proposed community residence or recovery community.

899 Section 8. Subsection (2) of section 393.501, Florida

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900 Statutes, is amended to read:

901 393.501 Rulemaking.—

902 (2) Such rules must address the number of facilities on a
903 single lot or on adjacent lots, except that there is no
904 restriction on the number of facilities designated as community
905 residences as defined in s. 419.001 ~~residential homes located~~
906 ~~within a planned residential community as those terms are~~
907 ~~defined in s. 419.001(1)~~.

908 Section 9. Paragraph (k) of subsection (6) of section
909 400.464, Florida Statutes, is amended to read:

910 400.464 Home health agencies to be licensed; expiration of
911 license; exemptions; unlawful acts; penalties.—

912 (6) The following are exempt from licensure as a home
913 health agency under this part:

914 (k) The delivery of community residential services for
915 which the community residence ~~residential home~~ is licensed under
916 chapter 419, to serve the residents in its facility.

917 Section 10. Paragraph (c) of subsection (3) of section
918 400.9972, Florida Statutes, is amended to read:

919 400.9972 License required; fee; application.—

920 (3) An applicant for licensure must provide:

921 (c) Proof of compliance with local zoning requirements,
922 including compliance with the requirements of chapter 419 if the
923 proposed facility is a community residence ~~residential home~~.

924 Section 11. Subsection (3) of section 429.11, Florida
925 Statutes, is amended to read:

926 429.11 Initial application for license.—

927 (3) If the applicant is a community residence ~~residential~~
928 ~~home~~, the applicant must provide proof that it has met the

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929 requirements specified in chapter 419.

930 Section 12. Subsection (5) of section 429.67, Florida
931 Statutes, is amended to read:

932 429.67 Licensure.—

933 (5) Unless the adult family-care home is a community
934 residence ~~residential home~~ subject to chapter 419, the applicant
935 must provide documentation, signed by the appropriate
936 governmental official, that the home has met local zoning
937 requirements for the location for which the license is sought.

938 Section 13. Paragraph (e) of subsection (2) of section
939 1003.57, Florida Statutes, is amended to read:

940 1003.57 Exceptional students instruction.—

941 (2)

942 (e) This subsection applies to any nonresident student with
943 a disability who resides in a residential facility and who
944 receives instruction as an exceptional student with a disability
945 in any type of residential facility in this state, including,
946 but not limited to, a public school, a private school, a group
947 home facility as defined in s. 393.063, an intensive residential
948 treatment program for children and adolescents as defined in s.
949 395.002, a facility as defined in s. 394.455, an intermediate
950 care facility for the developmentally disabled or ICF/DD as
951 defined in s. 393.063 or s. 400.960, or a community residence
952 ~~residential home~~ as defined in s. 419.001.

953 Section 14. This act shall take effect July 1, 2026.