

By Senator Harrell

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A bill to be entitled

An act relating to residential living arrangements; amending s. 419.001, F.S.; defining terms; deleting definitions and provisions related to community residential living arrangements; creating s. 419.003, F.S.; providing that a community residence is a residential use of property; providing the purpose and duties of a community residence; requiring that the residents of a community residence receive care by supportive staff as may be necessary; providing that residents may be self-governing or supervised by a certain sponsoring entity; providing that a community residence constitutes a family for certain purposes and is not subject to certain provisions if certain conditions are met; providing that certain community residences may not be included when determining spacing distance requirements; requiring that a community residence be licensed or certified, or operate pursuant to a charter from an entity recognized or sanctioned by Congress; authorizing a local government to revoke or nullify the siting approval of a community residence under certain circumstances; prohibiting a sponsoring entity whose license, certification, or charter, or application for such license, certification, or charter, has been revoked or denied from operating a community residence; providing for the nullification of zoning approval under certain circumstances; authorizing the sponsoring entity of a community residence to appeal

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the revocation or denial of its license,
certification, or charter; requiring that zoning
approval granted to a sponsoring entity be stayed
pending the outcome of such appeal; requiring a
sponsoring entity of a community residence to notify
the designated local government official of the
revocation or denial of its license, certification, or
charter within a specified timeframe; requiring a
sponsoring entity to cease operations within a
specified timeframe after receiving notice of the
denial or revocation of its license, certification, or
charter; authorizing a local government to require
operations to cease immediately under certain
circumstances; requiring a sponsoring entity to
coordinate the reunion of residents with their
families or relocation to a safe and secure living
environment; requiring that enforcement of the denial
or revocation of a license, certificate, or charter be
stayed pending the outcome of an appeal; providing an
exception; providing spacing distance requirements for
the siting of a community residence; providing that
certain community residences may not be included in
spacing distance calculations; specifying requirements
for the calculation of spacing distance for each
street and alley; creating s. 419.005, F.S.; providing
that a family community residence or transitional
community residence constitutes a residential use
allowed in specified zoning districts if certain
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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or certified by a licensing or certifying entity;
authorizing a local government to revoke siting
approval for a recovery community under certain
circumstances; prohibiting a sponsoring entity for a
recovery community whose license or certification has
been denied or revoked from operating in this state;
providing for the nullification of certain zoning
approval; requiring that zoning approval be stayed
pending the outcome of a sponsoring entity's appeal of
the revocation or denial of its licensure or
certification; requiring a sponsoring entity to notify
the designated local government official or other
applicable entity within a specified timeframe that
its license or certification has been revoked or
denied; requiring a sponsoring entity to cease
operations within a specified timeframe after such
notice; authorizing a local government to require a
sponsoring entity to immediately cease operations
under certain circumstances; requiring the sponsoring
entity to coordinate the reunion or relocation of
residents; requiring that the enforcement of the
revocation or denial of a license be stayed pending
the outcome of an appeal; providing an exception;
provided that a recovery community constitutes a
residential use allowed as of right if certain
requirements are met; providing that the provisions of
this act do not affect the legal nonconforming use
status or the authority of an recovery community to
operate; providing construction; authorizing a local

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

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

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

419.001 Community residences and recovery communities; definitions ~~Site selection of community residential homes.~~ For the purposes of this chapter, the term:

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

~~(a)~~ "Community residence residential home" means a residential living arrangement for unrelated individuals with disabilities living as the functional equivalent of a family in a dwelling unit, townhome, duplex, or triplex who need the mutual support furnished by other residents of the dwelling as well as the support services, if any, provided by any staff of the community residence. The term includes a living arrangement in which residents may be self-governing or supervised by a sponsoring entity or its staff, which provide habilitative or rehabilitative services related to the residents' disabilities. A community residence operates as the functional equivalent of a family to foster normalization of its residents, integrate them into the surrounding community, and use neighbors as role models for those residents capable of going into the community and interacting with neighbors. Supportive interrelationships between residents are an essential component. Its primary purpose is to provide shelter; foster and facilitate life skills; and meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. The term includes, but is not limited to, residences licensed by the Agency for Persons with Disabilities, the Department of 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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whether it provides services only or includes a residential component on site.

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

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

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

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

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

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

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

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

(4) "Family community residence" means a community

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

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

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

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

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

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

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

(g) Housing licensed under chapter 394.

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

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

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sanctioned by Congress.

~~(5)(b)~~ "Licensing or certifying entity" or "licensing entities" means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, the Florida Association of Recovery Residences or other licensing or certifying entity as determined by the Department of Children and Families pursuant to s. 397.487, or the Agency for Health Care Administration, ~~all of which are authorized to license a community residential home to serve residents.~~

~~(6)(e)~~ "Local government" means a county as set forth in chapter 125 7 or a municipality incorporated under ~~the provisions of~~ chapter 165.

~~(7)(d)~~ "Long term" means a continuous period of 6 or more months ~~"Planned residential community"~~ means a local government-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with a developmental disability as defined in s. 393.063 but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents' freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are 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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arrangement for similar use.

(10) "Recovery residence" has the same meaning as in s. 397.311.

~~(11)(e)~~ "Resident" means any of the following: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22 ~~s. 760.22(3)(a)~~; a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; a person in recovery from a substance use disorder; or live-in staff ~~or a child who is found to be dependent as defined in s. 39.01, or a child in need of services as defined in s. 984.03.~~

~~(12)(f)~~ "Sponsoring entity agency" means an agency or unit of government, a for-profit ~~profit~~ or nonprofit agency, or any other person or organization that ~~which~~ intends to establish or operate a community residence, recovery community, recovery residence, or congregate living facility ~~residential home~~.

(13) "Transitional community residence" means a community residence that provides a temporary living arrangement of less than 6 months for unrelated people with disabilities.
Transitional community residences include, but are not limited to:

(a) A group home for individuals with a disability which operates as the functional equivalent of a family.

(b) A community residence for people with a disability who do not pose a direct threat to the health and safety of other persons or whose residency would not result in substantial physical damage to the property of others.

(c) Housing connected to outpatient treatment licensed

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under chapter 394.

(d) A living arrangement licensed by the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, or the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family.

(e) A certified recovery residence as defined in s. 397.311, at which residency is typically less than 6 months.

(f) A separate residential community housing component, pursuant to s. 397.311(9), of a day or night treatment facility with a community housing license

~~(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of this section; provided that, before licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the~~

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

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

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

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

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

~~3. Deny the siting of the home.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

419.003 Community residences.—

(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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regulation;

2. A local government's land use code, ordinance, or regulation does not stipulate a specific number of unrelated people which constitutes a family, family unit, household, or similar term; or

3. A local government's land use code, ordinance, or regulation does not define family, family unit, household, or a similar term.

(b) A community residence that is exempted from this chapter pursuant subparagraph (a)1. may not be included when determining spacing distance requirements.

(3) LICENSURE AND OPERATIONS.—

(a) A community residence must be licensed or certified to operate when this state offers licensing or certification, or must operate pursuant to a charter from an entity recognized or sanctioned by Congress.

(b) A local government may revoke or nullify siting approval of a community residence if:

1. The sponsoring entity fails to provide the local government with evidence of permanent licensure or certification from the state; or

2. The community residence is not operated pursuant to a charter from an entity recognized or sanctioned by Congress.

(c) A sponsoring entity of a community residence whose license, certification, or charter, or application for such license, certification, or charter, has been revoked or denied by a licensing or certifying entity may not operate in this state. Any zoning approval granted to such sponsoring entity becomes null and void upon the revocation or denial of its

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

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

(4) SITING.—Spacing distances under this section must be measured from the nearest lot line of the existing community residence, recovery community, or congregate living facility closest to the proposed community residence or recovery community to the nearest lot line of the proposed community residence or recovery community. A community residence that is exempted from this chapter pursuant to subsection (2) may not be included when determining spacing distance requirements. Each 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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are capable, the use of neighbors without disabilities as role models; and

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

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

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

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

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

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

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

(5) ACCOMMODATION TO PERMIT TRANSITIONAL COMMUNITY RESIDENCES IN SINGLE-FAMILY ZONING.—The local government must authorize a reasonable accommodation for a transitional community residence to be sited in an area of single-family zoning where single-family detached dwellings are the only dwellings allowed as permitted uses, provided that the sponsoring entity demonstrates that:

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

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

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

419.009 Recovery community as a permitted use.—

(1) LICENSURE AND OPERATIONS.—

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

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

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

(c) The sponsoring entity must notify the designated local
government official or other applicable entity that its license
or certification has been revoked or denied within 5 calendar
days after receiving notice of such revocation or denial. The
sponsoring entity must cease operations within 60 calendar days
after such notice, except that the local government may require
operations to cease immediately when continued operation poses a
threat to the health and safety of the residents or the recovery
community. The sponsoring entity must coordinate the reunion of
the residents with their families or arrange for the relocation
of the residents to a safe and secure living environment.
Enforcement of the revocation or denial of a license or
certification must be stayed pending the outcome of an appeal
unless a local government requires the sponsoring entity to
cease operations.

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

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

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community, community residence, or congregate living facility;

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

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

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

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

(3) EXCEPTIONS.—

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

1. The legal nonconforming use status of any recovery 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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applicable spacing distance; assistance.-

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

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

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

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

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

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

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Statutes, is amended to read:

393.501 Rulemaking.—

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

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

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

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

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

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

400.9972 License required; fee; application.—

(3) An applicant for licensure must provide:

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

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

429.11 Initial application for license.—

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

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requirements specified in chapter 419.

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

429.67 Licensure.—

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

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

1003.57 Exceptional students instruction.—

(2)

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

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