

PROPOSED COUNCIL SUBSTITUTE FOR COUNCIL/COMMITTEE PURPOSES

Bill No. PCS for HB 371

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

Committee hearing bill: Military & Local Affairs Policy
Committee

The Military & Local Affairs Policy Committee offered the
following:

Proposed Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to community residential homes; amending
s. 419.001, F.S.; defining the term "planned residential
community"; providing that community residential homes
that have six or fewer residents located within a planned
residential community are not required to obtain local
government approval regardless of their proximity to each
other; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 419.001,
Florida Statutes, are amended to read:

419.001 Site selection of community residential homes.--

(1) For the purposes of this section, the following
definitions shall apply:

(a) "Community residential home" means a dwelling unit

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24 licensed to serve residents, ~~as defined in paragraph (d)~~, who
25 are clients of the Department of Elderly Affairs, the Agency for
26 Persons with Disabilities, the Department of Juvenile Justice,
27 or the Department of Children and Family Services or a dwelling
28 unit licensed by the Agency for Health Care Administration which
29 provides a living environment for 7 to 14 unrelated residents
30 who operate as the functional equivalent of a family, including
31 such supervision and care by supportive staff as may be
32 necessary to meet the physical, emotional, and social needs of
33 the residents.

34 (b) "Licensing entity" or "licensing entities" means the
35 Department of Elderly Affairs, the Agency for Persons with
36 Disabilities, the Department of Juvenile Justice, the Department
37 of Children and Family Services, or the Agency for Health Care
38 Administration, all of which are authorized to license a
39 community residential home to serve residents, ~~as defined in~~
40 ~~paragraph (d)~~.

41 (c) "Local government" means a county as set forth in
42 chapter 7 or a municipality incorporated under the provisions of
43 chapter 165.

44 (d) "Resident" means any of the following: a frail elder
45 as defined in s. 429.65; a person who has a handicap physically
46 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a
47 ~~developmentally disabled person~~ who has a developmental
48 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~
49 person who has a mental illness as defined in s. 394.455 ~~as~~
50 ~~defined in s. 394.455(18)~~; or a child who is found to be
51 dependent as defined in s. 39.01 or s. 984.03, or a child in
52 need of services as defined in s. 984.03 or s. 985.03.

53 (e) "Sponsoring agency" means an agency or unit of
54 government, a profit or nonprofit agency, or any other person or
55 organization which intends to establish or operate a community

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56 residential home.

57 (f) "Planned residential community" means a planned unit
58 development having amenities that are designed to serve
59 residents who have developmental disabilities and may consist of
60 two or more community residential homes that are contiguous to
61 one another.

62 (2) Homes of six or fewer residents which otherwise meet
63 the definition of a community residential home shall be deemed a
64 single-family unit and a noncommercial, residential use for the
65 purpose of local laws and ordinances. Such homes ~~of six or fewer~~
66 ~~residents which otherwise meet the definition of a community~~
67 ~~residential home:~~

68 (a) Shall be allowed in single-family or multifamily
69 zoning without ~~approval by the~~ local government approval if they
70 are, ~~provided that such homes shall not be~~ located within a
71 radius of 1,000 feet of another existing ~~such home~~ that has with
72 six or fewer residents. Such homes are ~~with six or fewer~~
73 ~~residents shall not be~~ required to comply with the notification
74 provisions of this section if; ~~provided that,~~ prior to
75 licensure, the sponsoring agency provides the local government
76 with the most recently published data compiled from the
77 licensing entities that identifies all community residential
78 homes within the jurisdictional limits of the local government
79 in which the proposed site is to be located in order to show
80 that no other community residential home is within a radius of
81 1,000 feet of the proposed home ~~with six or fewer residents~~. At
82 the time of home occupancy, the sponsoring agency must notify
83 the local government that the home is licensed by the licensing
84 entity.

85 (b) That are located within a planned residential
86 community do not require local government approval regardless of
87 their proximity to each other.

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