

# Subject Outline of Bill Replacing Chapter 419

Page numbers refer to the legislation

## Chapter 419 Community Residences, Recovery Communities, and Congregate Living Facilities

### Section 1 amends:

#### 419.001 Site selection of community residences (Page 1)

**This section strikes the entirety of s. 419.001 which this bill replaces in full and replaces this section with definitions of terms used in this new legislation.**

Community residence

Congregate living facility [Defined here because they are used in implementing the spacing distance for community residences and recovery communities even though the bill does not affect local zoning for congregate living facilities.]

Disability

Family community residence

Licensing or certifying entity or entities

Local government

Reasonable accommodation

Recovery community

Recovery residence (same meaning as in s. 197.311)

Resident

Sponsoring entity

Transitional community residence

### Section 2 creates:

#### 419.002. Restrictions on site selection of community residences – exemptions (Page 13)

## Subject Outline

**This section covers several overarching principles including exemptions from this statute, when zoning approval can be revoked, and more.**

- (1) Purposes of community residences
- (2) Exemption from this chapter when a community residence is legally a “family” under the case law (see pages 106-108 of the study):
  - (a) When the number of residents is within cap on number of unrelated in jurisdiction’s zoning definition of “family”
  - (b) Exemption from this chapter when local jurisdiction does not place a cap on the number of unrelated individuals that constitute a “family”
  - (c) Exemption from this chapter when local jurisdiction does not define “family”
- (3) Community residences exempt due to (2) cannot be used for calculating spacing distances
- (4) How to measure spacing distances for this chapter [The spacing distances are set here only for proposed community residences and recovery communities. Regulation of the location of congregate living facilities is left to local jurisdictions since they are not covered by President Reagan’s Fair Housing Amendments Act of 1988.]
- (5) Circumstances when zoning approval may be revoked
- (6) Prohibition of community residences and recovery communities that do not obtain available license, certification, or charter which voids zoning approval.
- (7) Invalidation of zoning approval when an operator’s license, certification, or charter is revoked or application is denied. Allows for appeal of the denial or revocation.
- (8) Notification to city when license, certification, charter denied or revoked and guidance for dissolution of the community residence or recovery community, allowing for appeals.
- (9) This legislation does not affect community residence as a legal nonconforming use that was lawfully in place before January 1, 2027. This is intended to give operators without a license or certification the opportunity to obtain licensing or certification.
- (10) This legislation does not affect authority of community residence or recovery community lawfully established before January 1, 2027..
- (11) Prohibit residents who pose direct threat (The Fair Housing Act includes this exemption to its coverage.).
- (12) Legislation does not require adoption of new ordinance if existing ordinance covering communities residences that meet the criteria of s. 419.003 and s. 419.004 . Localities may adopt less restrictive zoning regulations.

### **Section 3 creates:**

#### **419.003 Community residences; permitted use. – (Page 16)**

## Subject Outline

**This section specifies the objective standards for a community residence to be a permitted use allowed by right.**

- (1) When family community residence = residential permitted use
- (2) When transitional community residence = residential permitted use
- (3) Standards for a community residence to be a permitted use:
  - (a) Standard to be permitted use: Location must be outside spacing distance
  - (b) Standard to be permitted use: License, certification, charter
  - (c) Standard to be permitted use: Up to 12 residents (includes live-in staff)

### Section 4 creates:

#### 419.004 Community residences: reasonable accommodation. – (Page 17)

**This section sets forth the standards to receive a reasonable accommodation when the standards in s. 419.003 are not met and for siting a transitional community residence in a pure single-family zoning district.**

- (1) Standards to allow a community residence when proposed to locate within the specified spacing distance
- (2) Standards to allow a community residence when no state license or certification or no charter is available
- (3) Standards to allow a community residence when seeking to house more than 12 unrelated people (including live-in staff)
- (4) Standards to grant zoning approval to locate a transitional community residences in pure single-family districts

### Section 5 creates:

#### 419.005 Recovery communities as a permitted use. – (Page 20)

**This section specifies the objective standards for a recovery community to be a permitted use allowed by right and the zoning districts where allowed.**

- (1) Recovery communities are residential uses allowed by right in all zoning districts where multifamily dwellings, duplexes, triplexes, and townhomes are allowed when standards are met
  - (a) Provisional or permanent certification verified (Since the state already offers certification for this use via FARR, there is no need to allow any exemption from this standard as a reasonable accommodation in s. 419.006 that follows.)
  - (b) Spacing distance for up to 16 occupants
  - (c) Spacing distance for 17 to 30 occupants
  - (d) Spacing distance for 31 to 50 occupants

## Subject Outline

- (e) Spacing distance for 51 to 100 occupants
- (f) Spacing distance for more than 100 occupants

Note: Since the State of Florida offers certification (which at some future date could be changed to licensing) for recovery communities, there is no need to offer them a reasonable accommodation for when there is no certification available — unlike the situation for community residences where there are some for the State of Florida does not offer licensing or certification.

- (2) How to measure spacing distances
- (3) Revocation and relocation of residents; notification to local government
- (4) This legislation does not affect a recovery community as a legal nonconforming use that was lawfully in place before January 1, 2027.
- (5) This legislation does not affect authority of a recovery community lawfully established before January 1, 2027.
- (6) Prohibits residents who pose direct threat (The Fair Housing Act includes this exemption to its coverage.).
- (7) Legislation does not require adoption of new ordinance if existing ordinance covering recovery communities that meet the criteria of this section and s. 419.006 . Localities may adopt less restrictive zoning regulations.

### Section 6 creates:

#### 419.006 Recovery communities as reasonable accommodation. – (Page 23)

**This section sets forth the standards to receive a reasonable accommodation when the standards in s. 419.005 are not met.**

- (1) Recovery community can seek reasonable accommodation to locate within the applicable spacing distance according to the standards published here

### Section 7 creates:

#### 419.007 Community residences, recovery communities, and congregate living facilities; applicable spacing distance, assistance. – (Page 20)

**This section requires local governments to provide to an applicant seeking to locate within a spacing distance all the information the applicant needs to show it complies with the applicable standards to be issued the reasonable accommodation.**

- (1) When a locality determines a proposed community residence, recovery community, or congregate living facility would be located within the applicable spacing distance, the jurisdiction must provide to the applicant the actual distance between its proposed use and the closest existing community residence, recovery community, or congregate living facility..

## Section 8 Sets Effective Date (Page 25)

**This section sets the effect date of this legislation**

This act goes into effect on July 1, 2026..

1 A Bill To Be Entitled

2 An act relating to community residence and recovery communities,  
3 replacing Chapter 419.001...

4 Chapter 419, Florida Statutes, is stricken and replaced to read:

5 ~~CHAPTER 419 COMMUNITY RESIDENTIAL HOMES~~

6 ~~419.001. Site selection of community residential homes~~

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

8 ~~(a) "Community residential home" means a dwelling unit~~  
9 ~~licensed to serve residents who are clients of the Department of~~  
10 ~~Elderly Affairs, the Agency for Persons with Disabilities, the~~  
11 ~~Department of Juvenile Justice, or the Department of Children~~  
12 ~~and Families or licensed by the Agency for Health Care~~  
13 ~~Administration which provides a living environment for 7 to 14~~  
14 ~~unrelated residents who operate as the functional equivalent of~~  
15 ~~a family, including such supervision and care by supportive~~  
16 ~~staff as may be necessary to meet the physical, emotional, and~~  
17 ~~social needs of the residents.~~

18 ~~(b) "Licensing entity" or "licensing entities" means the~~  
19 ~~Department of Elderly Affairs, the Agency for Persons with~~  
20 ~~Disabilities, the Department of Juvenile Justice, the Department~~  
21 ~~of Children and Families, or the Agency for Health Care~~  
22 ~~Administration, all of which are authorized to license a~~  
23 ~~community residential home to serve residents.~~

24 ~~(c) "Local government" means a county as set forth in chapter 7~~  
25 ~~or a municipality incorporated under the provisions of chapter~~  
26 ~~165.~~

27 ~~(d) "Planned residential community" means a local government-~~  
28 ~~approved, planned unit development that is under unified~~  
29 ~~control, is planned and developed as a whole, has a minimum~~  
30 ~~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 not be located within a 10-mile radius of any other planned residential community.~~

~~(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(3)(a); a person who has a developmental disability as defined in s. 393.063; a non-dangerous person who has a mental illness as defined in s. 394.455; or a child who is found to be dependent as defined in s. 39.01 or s. 984.03, or a child in need of services as defined in s. 984.03 or s. 985.03.~~

~~(f) "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.~~

~~(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 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.~~

~~(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.~~

~~(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~~

152 ~~that person is entitled to such a determination under~~  
153 ~~statutory or common law.~~

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

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

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

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

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

180 ~~(12) Nothing in this section requires any local government~~  
181 ~~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 1. Section 419.001 Florida Statutes, is created to read:

Section 419.001. Definitions. For the purposes of this chapter, the term:

(1) "Community residence" means a residential living arrangement, with the exceptions established in s.419.002(1), (2), and (3), for unrelated individuals with disabilities living as a single functional family in a dwelling unit, town home, 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. 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 emulates a biological 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 inter-relationships 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. Community residences include, but are not limited to, those residences licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the

Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and Recovery Residences certified by the state's designated credentialing entity established under s.397.487, and recovery residences democratically operated by their residents pursuant to a charter from an entity recognized or sanctioned by Congress. A community residence shall be considered a residential use of property for purposes of all local government land-use and zoning codes.

(2) "Congregate living facility" means a group living arrangement that provides long-term care, accommodations, food service, and one or more personal care services to people without disabilities and not related to the owner or administrator by blood or marriage. A congregate living facility may be a group living arrangement too large to emulate a family; a group living arrangement in which normalization and community integration and the use of neighbors without the condition of the residents of the congregate living facility as role models are not integral elements; an intermediate care or assisted living facility that does not emulate a family; a group living arrangement that is an alternative to incarceration for people who pose a direct threat to the health or safety of others; a group living arrangement for people undergoing treatment in a program at the same site; or a facility for the treatment of substance use disorder where treatment is the primary purpose and use, whether it provides only services or includes a residential component on site. A congregate living facility is not a community residence or a recovery community. residence or a recovery community.

(3) "Disability" means a physical or mental impairment that substantially limits one or more of an individual's major

244 life activities, impairs an individual's ability to live  
245 independently, having a record of such an impairment, or being  
246 regarded as having such an impairment as defined in the Federal  
247 Fair Housing Act and Americans With Disabilities Act. People  
248 with disabilities do not include individuals who are currently  
249 using alcohol, illegal drugs, or using legal drugs to which they  
250 are addicted, nor individuals who constitute a direct threat to  
251 the health and safety of others. People with disabilities  
252 include, but are not limited to:

253 (a) An elderly person with disabilities as defined in  
254 s.429.65(9),

255 (b) A person with physical disabilities as defined in  
256 s.760.22(3),

257 (c) A person with development disabilities as defined in  
258 s.393.063 (11),

259 (d) A person with mental illness as defined in s.394.455  
260 (29), and

261 (e) A person in recovery from substance abuse, as defined  
262 in s.397.311(48).

263 (4) "Family community residence" means a community  
264 residence that provides a relatively permanent living  
265 arrangement and does not limit how long a resident may live  
266 there. The intent is for residents to live in the family  
267 community residence on a long-term basis of at least six months.  
268 Typical uses may include, but are not limited to, the following:

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

(b) Group homes for people with disabilities that emulate a family, including, but not limited to, people with mental illness, substance use disorder, or physical disabilities.

(c) An assisted living facility for the elderly or other people with disabilities licensed under s.429.07.

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

(e) A community residential home 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 residents who operate as the functional equivalent of a family.

(f) An intermediate care facility for people with developmental disabilities licensed under s.400.962.

(g) Housing licensed under ch.394.

(h) Recovery residences certified under s.397.487, certified recovery residences, as defined in s. 397.311(5), where residency is typically at least six months.

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

(5) "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 certifying or licensing entity as determined by the Department of Children and Families, or the Agency for Health Care Administration.

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

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

(8) "Recovery community" means multiple dwelling units including adjacent multifamily structures, duplexes, triplexes, and quadraplexes; attached single-family dwellings; a series of adjacent single-family detached dwellings; or a group of these types of adjacent dwellings that are not held out to the general public for rent or occupancy and that provide a mutually supportive drug-free and alcohol-free living arrangement for people in recovery from substance use disorder which, taken together, do not emulate a single family unit and are under the auspices of a single sponsoring entity or group of related sponsoring entities. Recovery communities include land uses for which the operator is eligible to apply for certification pursuant to s. 397.487. The term does not include any other group living arrangements for people who are not disabled nor any community residence, congregate living facility, institutional or medical use, shelter, lodging or boarding house, extended stay hotel, nursing home, vacation rental, or other like use.

(9) "Recovery residence" has the same meaning as in s. 397.311(39).



(10) "Resident" means any of the following, including, but not limited to: a frail elder as defined in s. 429.65; a person who has a disability as defined in s. 760.22(3); a person who has a developmental disability as defined in s. 393.063; a non-dangerous person who has a mental illness as defined in s. 394.455; a person in recovery from a substance use disorder; and live-in-staff.

(11) "Sponsoring entity" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residence, recovery community, or congregate living facility.

(12) "Transitional community residence" means a community residence that provides a relatively temporary living arrangement of less than 6 months for unrelated people with disabilities. Typical uses may include, but are not limited to, the following:

(a) A group home for individuals with a disability which emulates a family unit.

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

(c) Housing connected to outpatient treatment licensed under ch.394.

(d) A community residential home 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) Certified recovery residences as defined in s.397.311(5), where residency is typically less than 6 months.

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

Section 2. Section 419.002 Florida Statutes, is created to read:

419.002. Restrictions on site selection of community residences; exemptions.

(1) The purpose of the community residence is to:

(a) Provide safe and accommodating shelter for people with disabilities.

(b) Emulate a family unit by providing the opportunity for residents to form supportive interrelationships with each other within a family-like relational structure.

(c) Foster the normalization of residents, integration into the surrounding community, and, when the residents are capable, the use of neighbors without disabilities as role models.

(d) Support the physical, emotional, and social needs of the residents in a mutually supportive, family-like environment.

(e) Provide a safe and nurturing space for residents to gain and practice life skills.

(2) A community residence constitutes a "family" and is not subject to this chapter when:

389       (a) A community residence is occupied by no more than the  
390 maximum number of unrelated individuals, as determined by the  
391 definition of family, family unit, household, or similar term in  
392 the appropriate local government land use code, ordinance, or  
393 regulation.

394       (b) A local government's land use code, ordinance, or  
395 regulation does not stipulate a specific number of unrelated  
396 people that constitutes a family, family unit, household, or  
397 similar term.

398       (c) A local government's land use code, ordinance, or  
399 regulation does not define family, family unit, household, or a  
400 similar term.

401       (3) A community residence that is subject to s.419.002(a),  
402 (b), or (c) may not be used in the calculation of spacing  
403 distances under this chapter.

404       (4) Spacing distance requirements in this chapter must be  
405 measured from the nearest lot line of the existing community  
406 residence, recovery community, or congregate living facility to  
407 the nearest lot line of the proposed community residence or  
408 recovery community. Each street and alley within the specified  
409 spacing distance requirement shall count as one parcel lot.

410       (5) A local government may revoke siting approval of a  
411 community residence or recovery community when:

412       (a) The operator of the community residence or recovery  
413 community fails to provide evidence of permanent licensure or  
414 certification.

415       (b) The community residence is not operated pursuant to a  
416 charter from an entity recognized or sanctioned by the Congress  
417 of the United States.

418       (6) The operator of a community residence or recovery  
419 community that fails to obtain licensure, certification, or  
420 charter available in this state may not operate without an  
421 accommodation in accordance with s. 419.004 of this chapter, and  
422 any zoning approval received is deemed null and void

423       (7) The operator of a community residence or recovery  
424 community whose license or certification has been denied or  
425 revoked may not operate in this state, and zoning approval is  
426 deemed null and void upon termination of such license,  
427 certification, or charter, or when denial or revocation is  
428 appealed, upon final disposition of the appeal of the denial or  
429 revocation.

430       (8) A community residence operator must notify the  
431 designated local government official or applicable entity that  
432 his or her license, certification, or charter has been denied or  
433 revoked within 5 calendar days after the notification of the  
434 denial or revocation is issued. Such operator must cease  
435 operation within 60 calendar days after the date of the denial or  
436 revocation, except that the local government may require  
437 operations to cease when continued operation poses a threat to  
438 the health and safety of the residents or the community  
439 residence. The community residence operator must also coordinate  
440 the reunion of the residents with their families or relocate the  
441 residents to safe and secure living environments. Enforcement of  
442 a denial or revocation shall be stayed pending the outcome of an  
443 appeal unless the continued operation poses a threat to the  
444 health and safety of the residents of the community residence.

445       (9) For purposes of local land use and zoning  
446 determinations, this subsection does not affect the legal  
447 nonconforming use status of any community residence lawfully  
448 permitted and operating prior to January 1, 2027.

449       (10) This section does not affect the authority of any  
450 community residence lawfully established prior to January 1,  
451 2027 to continue to operate.

452       (11) This section does not permit persons to occupy a  
453 community residence or recovery community who would constitute a  
454 direct threat to the health and safety of other persons or whose  
455 residency would result in substantial physical damage to the  
456 property of others.

457       (12) This section does not require a local government to  
458 adopt a new ordinance if it has in place an ordinance governing  
459 the placement of community residences that meet the criteria of  
460 s. 419.003 and S.419.004. Nothing in this section prohibits a  
461 local government from adopting less restrictive zoning for siting  
462 community residences.

463       Section 3. Section 419.003, Florida Statutes, is created to  
464 read:

465       419.003 Community residences; permitted use.

466       (1) A family community residence constitutes a residential  
467 use allowed as of right in all zoning districts where residences  
468 are allowed as of right, provided that it complies with  
469 subsections 419.003(3), 419.003(4), and 419.003 (5).

470       (2) A transitional community residence constitutes a  
471 residential use allowed as of right in all zoning districts  
472 where multifamily dwellings, duplexes, triplexes, or other forms  
473 of multi-family structures are allowed as of right, provided  
474 that it complies with subsections 419.003(3) and 419.003(4).

475       (3) Family and transitional community residences  
476 referenced in subsections 419.003(1) and 419.003(2) of this  
477 section shall be allowed as of right as permitted uses only when  
478 in compliance with the following requirements:

479       (a) The proposed community residence will be located at  
480 least 660 feet or 7 consecutive parcel lots, including each  
481 street and alley as one parcel lot, whichever is a greater  
482 distance, from the closest existing community residence,  
483 recovery community, or congregate living facility; and

484       (b) The proposed community residence has been issued and  
485 maintains:

486       (i) The license, certification or charter required to  
487 operate the proposed family community residence; or

488       (ii) A provisional or conditional license, certification or  
489 charter during an application process as determined by the  
490 designated licensing, certifying or chartering entity.

491       (c) No more than 12 individuals occupy the proposed  
492 community residence subject to the local government's standard  
493 housing, building, or property maintenance code's provisions  
494 related to overcrowding.

495       Section 4. Section 419.004, Florida Statutes, is created to  
496 read:

497       419.004 Community residences; reasonable accommodation.

498       (1) A proposed community residence that does not comply  
499 with standards required in s. 419.003(3) shall be allowed as a  
500 reasonable accommodation from the respective local government  
501 when the applicant has demonstrated that:

502       (a) The proposed community residence will not interfere  
503 with the normalization and community integration, and, where  
504 practical, the use of neighbors without disabilities as role  
505 models, of the residents of the closest existing community  
506 residence or recovery community and that the closest community  
507 residence, recovery community, or congregate living facility

508 will not interfere with the normalization and community  
509 integration of the residents of the proposed community  
510 residence. Primary factors when determining compliance with this  
511 provision include:

512 (i) The linear distance along the pedestrian right of way  
513 between the two uses.

514 (ii) The likelihood of residents of each site interacting  
515 with residents of the other site.

516 (iii) Whether the residents of both sites have different  
517 disabilities or no disability, and

518 (iv) The proposed community residence in combination with  
519 any existing community residences, recovery communities, and/or  
520 congregate living facilities will not alter the residential  
521 character of the surrounding neighborhood by creating an  
522 institutional atmosphere or by creating or intensifying an  
523 institutional atmosphere or de facto social service district by  
524 clustering community residences, recovery communities, or  
525 congregate living facilities on a block face or concentrating  
526 them in a neighborhood.

527 (2) When the state does not offer a license or  
528 certification for the type of community residence proposed and  
529 the population it would house, or the community residence  
530 proposed is not eligible for a recovery residence  
531 democratically operated by its residents from an entity  
532 recognized or sanctioned by the Congress of the United States, as  
533 required in s. 419.003(4), the local government must authorize a  
534 reasonable accommodation for the proposed community residence when  
535 the applicant has demonstrated that:

536       (a) The proposed community residence will be operated in a  
537 manner effectively similar to that of a licensed, certified, or  
538 chartered community residence; and

539       (b) Staff who reside or work in the community residence  
540 are adequately trained in accordance with standards typically  
541 required by licensing or state certification for a community  
542 residence; and

543       (c) The community residence emulates a family unit and  
544 operates to achieve normalization, community integration, and,  
545 when the residents are capable, the use of neighbors without  
546 disabilities as role models; and

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

552       (3) When a proposed community residence would house more  
553 than 12 unrelated people as required in s. 419.003(4), the local  
554 government must authorize a reasonable accommodation for the  
555 proposed community residence when the applicant has demonstrated  
556 that:

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

560       (b) The primary function of the proposed community  
561 residence is residential where any medical treatment is merely  
562 incidental to the residential use of the property;

563       (c) The proposed community residence will emulate a family  
564 unit rather than as a boarding or rooming house; nursing home;  
565 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 existing community residence or recovery community or, when the residents are capable, the use of neighbors without disabilities as role models.

(4) A transitional community residence must be allowed to obtain a reasonable accommodation to be sited in a single-family zone where single-family detached dwellings are the only dwellings allowed as permitted uses provided that the applicant demonstrates that:

(a) The proposed transitional community residence complies with s. 419.003 and, when applicable s. 419.004, 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 419.005 Florida Statutes is created to read:

419.005 Recovery communities as a permitted use.

(1) A recovery community constitutes a residential use allowed as of right in all zoning districts where townhouses, duplexes, triplexes, or other forms of multifamily structures are allowed as permitted uses, provided that:

594        (a) The operator or applicant has received and maintains  
595 provisional and then permanent certification from the designated  
596 certifying entity as established by s. 397.487; and

597        (b) A proposed recovery community housing up to 16  
598 occupants is located at least 660 feet or 7 consecutive parcel  
599 lots including each street and alley as one parcel lot,  
600 whichever is greater, from the closest recovery community,  
601 community residence, or congregate living facility.

602        (c) A proposed recovery community housing 17 to 30  
603 occupants is located at least 900 feet or 9 consecutive parcel  
604 lots including each street and alley as one parcel lot,  
605 whichever is greater, from the closest recovery community,  
606 community residence, or congregate living facility.

607        (d) A proposed recovery community housing 31 to 50  
608 occupants is located at least 1,300 feet or 13 consecutive  
609 parcel lots including each street and alley as one parcel lot,  
610 whichever is greater, from the closest recovery community,  
611 community residence, or congregate living facility.

612        (e) A proposed recovery community housing 51 to 100  
613 occupants is located at least 1,400 feet or 14 consecutive  
614 parcel lots including each street and alley as one parcel lot,  
615 whichever is greater, from the closest recovery community,  
616 community residence, or congregate living facility; and

617        (f) A proposed recovery community housing more than 100  
618 occupants is located at least 1,500 feet or 15 consecutive  
619 parcel lots including each street and alley as one parcel lot,  
620 whichever is greater from the closest recovery community,  
621 community residence, or congregate living facility.

622        (2) All distance requirements must be measured from the  
623 lot line of the existing community residence, recovery

community, or congregate living facility nearest to the proposed recovery community to the lot line of the proposed recovery community nearest to the closest existing community residence, recovery community, or congregate living facility. Each street and alley within the specified spacing distance requirement shall count as one parcel lot.

(3) An operator of a recovery community must notify the designated local government official or applicable entity that his or her license or certification has been denied or revoked within 5 calendar days after the notification of the denial or revocation is issued. An operator of a recovery community which has not received certification or license, or where certification or license was denied or revoked, may not operate a recovery community in this state, and any zoning approval is deemed null and void upon termination of such certification, or when denial or revocation is appealed, upon final disposition of the appeal of the denial or revocation is issued. Such operator must cease operation within 60 calendar days after the date of the denial or revocation, except that the local government may require operations to cease when continued operation poses a threat to the health and safety of the residents or the recovery community. The recovery community operator must also coordinate the reunion of the residents with their families or relocate the residents to safe and secure living environments. Enforcement of a denial or revocation shall be stayed pending the outcome of an appeal unless the continued operation poses athreat to the health and safety of the residents of the recovery community.

(4) For purposes of local land use and zoning determinations, this section does not affect the legal nonconforming use status of any recovery community lawfully permitted and operating as of January 1, 2027.

655       (5) This section does not affect the authority of any  
656 recovery community lawfully established prior to January 1,  
657 2027, to continue to operate.

658       (6) This section does not permit persons to occupy a  
659 recovery community who would constitute a direct threat to the  
660 health and safety of other persons or whose residency would  
661 result in substantial physical damage to the property of others.

662       (7) This section does not require a local government to  
663 adopt a new ordinance if it has in place an ordinance governing  
664 the placement of recovery communities that meet the criteria of  
665 s. 419.005 and s. 419.006. Nothing in this section prohibits a  
666 local government from adopting less restrictive zoning for  
667 siting recovery communities.

668       Section 6. Section 419.006 Florida Statutes is created to  
669 read:

670       419.006 Recovery communities as reasonable accommodation.

671       (1) A recovery community proposed to be located within the  
672 spacing distances specified in s. 419.005(1) from the closest  
673 existing community residence, recovery community, or congregate  
674 living facility shall be allowed as a reasonable accommodation  
675 when the applicant has demonstrated that:

676       (a) The proposed recovery community will not interfere  
677 with the normalization and community integration of the  
678 residents of the closest existing community residence or  
679 recovery community and that the closest existing community  
680 residence, recovery community or congregate living facility will  
681 not interfere with the normalization community integration, or,  
682 when the residents are capable, the use of neighbors without  
683 disabilities as role models. Primary factors when determining  
684 compliance with this provision include:

685        (i) The linear distance along the pedestrian right of way  
686 between the two uses.

687        (ii) The likelihood of residents of each site interacting  
688 with residents of the other site.

689        (iii) Whether the residents of both sites have different  
690 disabilities or no disability.

691        (b) The proposed recovery community in combination with  
692 any existing community residences, recovery communities, or  
693 congregate living facilities will not alter the residential  
694 character of the surrounding neighborhood by creating an  
695 institutional atmosphere or by creating or intensifying an  
696 institutional atmosphere or de facto social service district by  
697 clustering recovery communities, community residences, or  
698 congregate living facilities on a block face or concentrating  
699 them in a neighborhood.

700        Section 7. Section 419.007 Florida Statutes is created to  
701 read:

702        419.007 Community residences and recovery communities:  
703 applicable spacing distance, assistance.

704        (1) A local government shall respond in writing within 10  
705 business days to a request from a housing provider as to whether  
706 a proposed site for a community residence or recovery community  
707 is within the applicable spacing distance established by this  
708 chapter from the closest existing community residence or  
709 recovery community. The response shall include the calculated  
710 distance relied upon to deny an otherwise permitted use.

711        (a) If a proposed community residence or recovery  
712 community is within the applicable spacing distance specified in  
713 subsections. 419.003 and 419.005, the local government must,

714 upon request by the applicant, provide to the applicant at no  
715 charge in writing within 20 business days of receiving this  
716 request the following information:

717 (i) The address of the existing community residence,  
718 recovery community, or congregate living facility within whose  
719 spacing distance the proposed site is located;

720 (ii) The exact distance of the proposed site from the  
721 closest existing community residence, recovery community, or  
722 congregate living facility;

723 (iii) The general nature of the disabilities of the  
724 residents of the closest existing community residence or  
725 recovery community, or nature of the population served by the  
726 existing congregate living facility; and

727 (iv) The addresses and general nature of the residents'  
728 disabilities in any additional existing community residences and  
729 recovery communities as well as the nature of the population  
730 served at any congregate living facilities within a one-half  
731 mile radius of the proposed site.

732 Section 8. This act shall take effect July 1, 2026.