



Meeting Date: October 7, 2025

☐ Consent Section

☒ Regular Section

☐ Public Hearing

Requires Chair Signature? ☐ Yes ☒ No

Includes a Technology Component? ☐ Yes ☒ No

Subject: Land Development Code Amendment for Implementation of Senate Bill 954 (Ch. 2025-182, Laws of Florida)

Department Name: County Attorney's Office

Contact Person: Johanna Lundgren Bailey

Contact Phone: 307-3115

Johanna Lundgren Bailey

Staff's Recommended Board Motion: Direct the scheduling of public hearings for November 13, 2025 at 6:00 PM and December 9, 2025 at 9:00 AM, for the adoption of a proposed amendment to the Land Development Code regarding certified recovery residences, in order to implement the requirements of Senate Bill 954 (Ch. 2025-182, Laws of Florida).

Background:

Chapter 2025-182 (Senate Bill 954), which took effect July 1, 2025, requires that local governments adopt ordinances to provide a codified process for review and approval of certified recovery residences. The adoption of this ordinance must occur by January 1, 2026.

“Certified recovery residence” is defined in Sec. 397.311, Florida Statutes as “a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.” A “recovery residence” is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer supported, alcohol-free, and drug-free living environment.” Sec. 397.311, Florida Statutes.

This legislation requires the County to adopt an ordinance that establishes procedures for the review and approval of certified recovery residences within its jurisdiction, including a procedure for consideration of requests for reasonable accommodations from land development regulations that would prohibit the establishment of a certified recovery residence. A reasonable accommodation is a waiver to a requirement or policy that allows disabled persons to use a residential dwelling. The reasonable accommodation requirement related to certified recovery residences is based in case law interpreting the Federal Fair Housing Amendments Act (42 U.S.C. ss. 3601, et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. ss. 12131, et seq.). These federal laws apply to certified recovery residences, which provide housing for individuals in recovery from substance addiction as these individuals are considered to be disabled under the law. Certified recovery residences are already considered to be permissible as residential dwelling units under the current Land Development Code, so this amendment will not result in a significant change to the county's regulation of the use.

The proposed text amendment to the Land Development Code is necessary in order to implement Chapter 2025-182 (Senate Bill 954).

List Attachments:

1. Proposed Land Development Code Amendment

**Implementation of the Requirements
of Senate Bill 954 for Certified Recovery Residences**

INTENT STATEMENT

Chapter 2025-182 (Senate Bill 954), which took effect July 1, 2025, requires that local governments adopt ordinances to provide a codified process for review and approval of certified recovery residences. The adoption of this ordinance must occur by January 1, 2026.

“Certified recovery residence” is defined in Sec. 397.311, Florida Statutes as “a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.” A “recovery residence” is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer supported, alcohol-free, and drug-free living environment.” Sec. 397.311, Florida Statutes.

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The proposed text amendment to the Land Development Code is necessary in order to implement Chapter 2025-182 (Senate Bill 954).

__ Procedures for the Review and Approval of Certified Recovery Residences

- A. This section implements Chapter 2025-182, Laws of Florida (Section 397.487 (15)(a), Florida Statutes), regarding certified recovery residences and the processing of requests for reasonable accommodation to the Land Development Code regarding such certified recovery residences, in accordance with the Federal Fair Housing Amendments Act (42 U.S.C. ss. 3601, et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. ss. 12131, et seq.).
- B. A certified recovery residence that requires a reasonable accommodation from a requirement of the Land Development Code that prohibits the establishment of a certified recovery residence shall be reviewed and processed in accordance with subsection C.
- C. The Administrator may approve a reasonable accommodation granting relief from the strict application of this Code to a certified recovery residence, subject to the following standards and process:
1. A request for reasonable accommodation under this section shall be on a form provided by the Administrator.
 2. Each application for reasonable accommodation shall be date-stamped by the Administrator upon receipt.
 3. Request for additional information.
 - a. If necessary to reach a determination on the request for reasonable accommodation, the Administrator may, within thirty (30) days of receipt of the application, request additional information from the applicant.
 - b. The applicant shall have thirty (30) days after the date of the request for additional information to provide the requested information. If the applicant fails to provide the requested additional information within the thirty (30) day period, the request for reasonable accommodation shall be deemed withdrawn and no further action with regard to the reasonable accommodation request shall be required.
 - c. In the event a request for additional information is made, the sixty (60) day period to issue a written determination provided in subsection (C)(4) shall no longer be applicable, and the Administrator shall issue a written determination within sixty (60) days after receipt of the additional information.
 4. The Administrator shall issue a written determination within sixty (60) days of the date of receipt of a completed application. The Administrator shall:
 - a. Approve the request in whole or in part, with or without conditions; or
 - b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.
 5. If a written determination is not issued by the Administrator within sixty (60) days after receipt of a completed application, the request is deemed approved unless the Administrator and the applicant agree in writing to a reasonable extension of time.

D. An application for reasonable accommodation pursuant to this section shall include, at a minimum:

1. The name and contact information of the property owner, applicant, and the applicant's authorized agent, if applicable;
2. The property address and parcel identification number;
3. Evidence of certification of the residence pursuant to Section 397.487, Florida Statutes; and
4. A description of the accommodation requested and the specific requirement(s) from which relief is sought.

E. The Administrator shall determine whether to approve a request for a reasonable accommodation from a requirement of the Land Development Code that serves to prohibit the establishment of a certified recovery residence. The Administrator shall confer with staff of the County Attorney's Office in the review of a request. The decision shall be based on a consideration of eligibility for a reasonable accommodation based on current law, including but not limited to the following criteria:

1. Whether the applicant has established that the requested accommodation from a regulation within the Land Development Code that prohibits the establishment of a certified recovery residence is reasonable and necessary to afford the certified recovery residence an equal opportunity to use and enjoy a residential dwelling; and
2. Whether the requested accommodation would impose an undue financial or administrative burden on the County; and
3. Whether the requested accommodation would require a fundamental alteration of a material nature in the County's land development regulations. The applicant shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the zoning scheme and other policies of the Land Development Code. Factors to be considered in determining whether the proposed accommodation would result in a fundamental alteration of a material nature in the zoning scheme include, but are not limited to, whether the accommodation is:
 - a. Compatible with surrounding uses and structures in the zoning district; and
 - b. Substantially similar to surrounding uses and structures expressly permitted in the zoning district.

An example of a request requiring a fundamental alteration of a material nature in the County's land development regulations would be a request to allow a certified recovery residence in a zoning district that prohibits all residential dwelling units.

F. Conditions. The Administrator may place conditions on the approval of a reasonable accommodation for establishment of a certified recovery residence.

G. Revocation. A reasonable accommodation for a certified recovery residence may be revoked for cause by the Administrator including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under section 397.487, Florida Statutes, if not reinstated within 180 days.

PART 12.01.00 - DEFINITIONS

Certified recovery residence: A dwelling unit that serves as a recovery residence, as defined in Section 397.311, Florida Statutes, holding a valid certificate of compliance pursuant to Section 397.487, Florida Statutes, and actively managed by a certified recovery residence administrator as such term may be defined in Chapter 397, Florida Statutes, as amended.

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Community Residential Home: Any building, buildings, section of a building, or distinct part of a building, residence, private home, boarding-house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food services, and one or more personal care services (as defined by this Code) to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the State Department of Health and Rehabilitative Services. Such facilities shall contain congregate kitchen, dining and living areas, with separate sleeping rooms and may contain independent kitchens as long as three full meals are provided by the required congregate kitchen. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Code, Community Residential Homes shall not be deemed to include boarding houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; certified recovery residences; or nursing, convalescent and extended care facilities. "Placed", as used in reference to Community Residential Homes in this Code, shall mean the persons placed, supported or sponsored by, or the residents of a facility licensed by the State of Florida Health and Rehabilitative Services.

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