



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

4/7/2026

Subject:

Legislative Intent and Permission to Advertise Amendments to Chapter 62, Brevard County Code of Ordinances, Re: Recovery Residences

Fiscal Impact:

None

Note: A business impact estimate will not be needed in this case; the ordinance is being adopted to comply with State law, which is an exemption pursuant to Section 125.66(3)(c).

Dept/Office:

Planning and Development

Requested Action:

The Planning and Development Department is requesting that the Board of County Commissioners grant approval of legislative intent and permission to advertise amendments to Chapter 62, Brevard County Code of Ordinances, specifically amending Sections 62-1102 ("Definitions and rules of construction") and 62-305 ("Reasonable accommodation standards and procedures"), as well as creating a new section of Brevard County Code, Section 62-305.1, entitled "Certified Recovery Residences", in order to comply with amendments to Section 397.487, Florida Statutes, regarding reasonable accommodation standards and procedures for applicability of certified recovery residences.

Summary Explanation and Background:

During the 2025 legislative session, Florida Legislature passed amendments to Section 397.487, Florida Statutes, that took effect on July 1, 2025. The legislation (Chapter 2025-182, Laws of Florida) requires all counties and municipalities in Florida to adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. Most crucially, the amendments to the statute state that:

"... the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence."

Section 397.487(15), Florida Statutes, is a recent addition to the Substance Abuse Services statute, aimed at regulating the zoning and placement of certified recovery residences (often referred to as "sober homes" or "sober living homes") by local governments. This change to the statute imposes additional requirements on the County to process requests for reasonable accommodations from any local land use regulations that

would otherwise serve to prohibit the establishment of a certified recovery residence. 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.” Section 397.311 (39), Florida Statutes.

Recovery residences are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and/or drugs. These residences offer no formal treatment and are, in some cases, self-funded through resident fees. With Chapter 2025-182, Laws of Florida, the local governments were directed to create a pathway forward for certified recovery residences where they might otherwise be prohibited based on local land development regulations. While the change to State law does not supersede any current or future declarations relating to condominiums, cooperatives, or homeowners’ associations, a written application process must be adopted by the County to review and approve or deny requests for reasonable accommodation to allow for the establishment of certified recovery residences. The statute requires local governments to develop a written application process that adheres to federal Fair Housing requirements, establishes a timeframe in which such review must be reviewed and processed, and outlines (generally) what type of information the County can request of applicants as part of their application process.

The County has had a process in place to handle reasonable accommodation requests. Specifically, on January 14, 2003, the Brevard County Board of County Commissioners approved Ordinance No. 2003-03, which created Section 62-305, Brevard County Code, to provide procedures and standards for the review of reasonable accommodations requests generally. In order for the County to comply with the requirements of Section 397.487(15), Florida Statutes, it is necessary for the County to create a new section of Code and amend existing sections of Code to distinguish between the procedures for existing general reasonable accommodations requests and requests pertaining to certified recovery residences. Therefore, staff is requesting legislative intent and permission to advertise amendments to identified provisions of Chapter 62, Brevard County Code, in order to comply with the requirements set forth in Section 397.487(15), Florida Statutes.

A draft Ordinance is attached for illustrative purposes. Should the Board approve legislative intent and permission to advertise, staff would finalize the Ordinance and seek a recommendation from the Planning and Zoning Board before bringing the final Ordinance back to the Board to consider approval at a Public Hearing.

Clerk to the Board Instructions:

None



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April 08, 2026

M E M O R A N D U M

TO: Billy Prasad, Planning and Development Director

RE: Item F.1., Legislative Intent and Permission to Advertise Amendments to Chapter 62, Brevard County Code of Ordinances, for Recovery Residences

The Board of County Commissioners, in regular session on April 07, 2026, granted legislative intent and permission to advertise amending Chapter 62 Brevard County Code of Ordinances, specifically amending Sections 62-1102 and 62-305, as well as creating a new section of Brevard County Code, section 62-305.1, entitled "Certified Recovery Residences", in order to comply with amendments to Section 397.487, Florida Statutes, regarding reasonable accommodation standards and procedures for applicability of Certified Recovery Residences.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ns

ORDINANCE NO. 2026 - __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, SETTING FORTH AMENDMENTS NECESSARY TO COMPLY WITH SECTION 397.487(15), FLORIDA STATUTES; AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, SPECIFICALLY REVISING SECTION 62-305, ENTITLED “REASONABLE ACCOMMODATION STANDARDS AND PROCEDURES”, TO CLARIFY APPLICABILITY TO REASONABLE ACCOMMODATIONS IN GENERAL; CREATING A NEW SECTION, SECTION 62-305.1, ENTITLED “CERTIFIED RECOVERY RESIDENCES”, TO PROVIDE FOR DEFINITIONS AND STANDARDS AND PROCEDURES FOR REASONABLE ACCOMMODATIONS FOR CERTIFIED RECOVERY RESIDENCES; REVISING SECTION 62-1102, ENTITLED “DEFINITIONS AND RULES OF CONSTRUCTION”, TO DISTINGUISH CERTIFIED RECOVERY RESIDENCES FROM TREATMENT AND RECOVERY FACILITIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 397.487, Florida Statutes, was amended effective July 1, 2025, pursuant to Chapter 2025-182, Laws of Florida, which, in part, added subsection (15); and

WHEREAS, Section 397.487(15), Florida Statutes, requires the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; and

WHEREAS, Section 397.487(15), Florida Statutes, requires that such an ordinance includes a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, Section 397.487(15), Florida Statutes, specifies criteria for the ordinance; and

WHEREAS, Section 397.487(15), Florida Statutes, provides that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests, requiring that such additional requirements be consistent with federal and State law; and

WHEREAS, Section 397.487(15), Florida Statutes, prohibits the reasonable accommodation process from requiring public hearings beyond the minimum required by law; and

WHEREAS, Section 397.487(15), Florida Statutes, provides that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; and

WHEREAS, on January 14, 2003, the Brevard County Board of County Commissioners approved Ordinance No. 2003-03, creating Section 62-305, Code of Ordinances of Brevard County, to provide for procedures and standards for the review of reasonable accommodations requests generally; and

WHEREAS, in order for the County to comply with the requirements of Section 397.487(15), Florida Statutes, it is necessary for the County to modify the Brevard County Code to distinguish between existing general reasonable accommodations request procedures and those pertaining to certified recovery residents; and

WHEREAS, on March 11, 2026, the Building and Construction Advisory Committee (BCAC) considered the proposed amendments to the Brevard County Code; and

WHEREAS, on March 16, 2026, the Planning and Zoning Board/Local Planning Agency reviewed the proposed amendments to the Brevard County Code and recommended the Brevard County Board of County Commissioners [adopt/reject] said amendments; and

WHEREAS, on April 2, 2026, the Brevard County Board of County Commissioners held a duly noticed public hearing and considered the recommendations of the BCAC and Planning and Zoning Board/Local Planning Agency, and finds such an amendment will serve the public interest and comply with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strikethrough indicates deletions.~~

SECTION 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. Section 62-305, Brevard County Code, entitled "*Reasonable accommodation standards and procedures*", is hereby retitled to read "*Reasonable accommodation standards and procedures* – generally", and amended to read as follows:

Reasonable accommodation. It is the policy of the County to provide equal access to housing for persons with disabilities and all other persons protected by the Federal Fair Housing Act as amended and the Florida Fair Housing Act Florida Statute 760.20 as amended, including providing reasonable accommodation in the application of the zoning regulations governing residential uses pursuant to federal and state law. The provisions and requirements of this section shall apply to requests for reasonable accommodation generally, except that reasonable accommodation requests pertaining to a certified recovery residence shall follow the provisions and requirements of Section 62-305.1, Brevard County Code.

(1) The persons requesting relief must demonstrate that the requested accommodation is appropriate and that, without the accommodation, they would be denied the opportunity to enjoy housing of their choice in the community of their choice. Once this standard is met, the burden shifts to the County to determine whether the requested accommodation is unreasonable.

(2) In making a determination as to whether a requested accommodation is reasonable, the following standards shall be applied:

- a. Whether the requested accommodation imposes an undue financial or administrative burden on County services, such as but not limited to, law enforcement, utilities, public works, traffic safety, public safety and public transportation; or
- b. Whether the requested accommodation requires a fundamental alteration of the ordinance, zoning regulations, comprehensive plan and the neighborhood; or
- c. Whether the requested accommodation undermines legitimate purposes and effects of existing zoning.

(3) The following factors shall be weighed in considering reasonable accommodation:

- a. Needs of the person with a disability;
- b. Potential benefit that can be accomplished by the requested modification, which may include:
 1. Opportunity to enjoy support, security, location, services, proximity to work or friends provided in a group home in the community of choice;

2. Opportunity to plan a residential community with amenities that assist persons with disabilities;
 - c. Potential impact on surrounding uses;
 - d. Physical attributes of the property and structures thereon;
 - e. Choice of alternative accommodations which may provide an equivalent level of benefit; and
 - f. Whether, in the case of a determination involving a single family dwelling, the household would be considered a single housekeeping unit if it were not using services that are required because the resident has disabilities; and
 - g. Other considerations when evaluating requests for reasonable accommodation:
 1. Character of the neighborhood and zoning classification (residential or non-residential);
 2. Residential character of the house (consistency of interior and exterior with single-family usage); and
 3. Parking needs of residents.
- (4) Procedures for evaluating reasonable accommodation.
- a. Requests for reasonable accommodation shall follow the application and public hearing procedure set forth in Article II, Division 6 of this chapter.
 - b. In the event that a request for reasonable accommodation is not decided within 60 days of the date of application, the request shall be automatically granted. This time period may be extended upon agreement of both parties.

SECTION 3. Section 62-305.1, Brevard County Code, entitled "*Certified recovery residences*", is hereby created and shall read as follows:

(1) Purpose. The purpose of this section is to establish a procedure for the receipt, review and approval of requests for reasonable accommodation to the Brevard County land development regulations that would otherwise serve to prohibit the establishment of a certified recovery residence. Any person with a disability requiring a certified recovery residence, or a provider of services to persons with disabilities

requiring a certified recovery residence, may request reasonable accommodation for the establishment of a certified recovery residence pursuant to this section.

(2) Applicability. This section shall apply exclusively to the reasonable accommodation request process for a certified recovery residence to be located or operated within the jurisdiction of unincorporated Brevard County. Reasonable accommodations for persons with disabilities unrelated to a certified recovery residence, as defined in this section, shall be subject to the standards and procedures set forth in Section 62-305, Brevard County Code. Nothing in this section shall prohibit ordinary residential use by unrelated persons in compliance with applicable occupancy limits.

(3) Definitions. The following terms as used throughout this section shall be defined as follows:

Certified recovery residence. A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator, as defined in § 397.311, F.S.

Disabled. An individual that qualifies as disabled under the Federal Fair Housing Amendments Act (42 U.S.C. sections 3601, et seq.) ("FHA") and/or Title II of the Americans with Disabilities Act (42 U.S.C. sections 12131, et seq.) ("ADA").

Reasonable accommodation. A specific modification or exception to the Brevard County land development regulations that represents the minimum modification or exception necessary to afford a person with a disability equal opportunity to use and enjoy housing of their choice in the community of their choice. A fundamental alteration of the Brevard County land development regulations or comprehensive plan shall not be considered reasonable accommodation. Furthermore, the County shall not be required to grant a modification or exception to the Brevard County land development regulations if said modification or exception would impose an undue financial and administrative burden on the County.

(4) Exceptions. The application of this section shall not supersede the following:

a. Any current or future condominium declaration adopted pursuant to ch. 718, F.S.;

b. Any cooperative document adopted pursuant to ch. 719, F.S.; or

c. Any declaration or declaration of covenants adopted pursuant to ch. 720, F.S.

(5) Application requirements.

a. A person with a disability or a provider of services to persons with disability requesting reasonable accommodation(s) to the Brevard County land development regulations to establish a certified recovery residence, collectively referred to as "Applicant", must complete and submit a signed certified recovery residence application to the County zoning official, or designee.

b. The Applicant may apply for reasonable accommodation on their own behalf or may be represented at all stages of the process by an attorney, legally appointed guardian, or other person designated by the Applicant as a power of attorney.

c. The certified recovery residence application shall include:

1. Name and contact information of the Applicant or the Applicant's authorized representative. If the Applicant is not the owner of the property, then the name and contact information of the property owner and a signed owner's authorization form shall also be required.

2. Property address and parcel identification number of the location at which the reasonable accommodation is being requested.

3. A verification of disability status form executed by someone with personal knowledge of the Applicant's disability, such as a medical or social services professional.

4. A description of the reasonable accommodation requested, identifying specifically the ordinance(s), rule(s), regulation(s) or policy(ies) from which the Applicant is requesting reasonable accommodation and why the requested accommodation is needed. The Applicant shall demonstrate that the requested reasonable accommodation is therapeutically necessary and constitutes the minimum necessary accommodation to alleviate the effect of the disability.

5. Proof of current certification of the certified recovery residence under § 397.487, F.S.

6. Proof of certification, if any, by the Florida Association of Recovery Residences, the National Alliance for Recovery Residences, or other similar nationally recognized accrediting agency for recovery residences.

7. Name and current valid certificate of compliance for the certified recovery residence administrator.

8. Contact information for the operator of the certified recovery residence.

9. A notarized certification signed by the Applicant stating: "I CERTIFY UNDER PENALTY OF PERJURY THAT ANY AND ALL RESIDENTS PLACED UNDER THE REQUESTED REASONABLE ACCOMMODATION ARE NOT CURRENT ILLEGAL USERS OF A CONTROLLED SUBSTANCE, AND THAT IF ANY RESIDENT FAILS, AT ANY TIME, TO MEET THIS REQUIREMENT THEY WILL BE REMOVED FROM THE PROPERTY."

10. A notarized certification signed by the Applicant stating: "I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID AND I MAY BE SUBJECT TO CRIMINAL AND/OR CIVIL PENALTIES."

11. Any additional information or documentation the Applicant feels is necessary to supplement the request for reasonable accommodation.

12. Other information as may be deemed necessary by the County to evaluate the plan for compliance with the Brevard County land development regulations.

(6) Procedural and notification requirements.

a. The County zoning official, or designee, shall date-stamp the application upon receipt and notify the applicant, in writing, within thirty (30) days if additional information is required. Failure of the Applicant to provide a response within thirty (30) days to such a notification from the County requesting additional information shall result in the application being denied, unless the Applicant timely requests an extension of time in writing that is approved by the County.

b. The County zoning official, or designee, shall evaluate the application according to the following objective criteria:

1. Has the Applicant established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services are disabled, as defined in the FHA and/or ADA? To do this, the following must be shown:

i. has a physical or mental impairment that substantially limits one or more major life activities;

ii. has a history or record of such an impairment and

iii. is perceived by other as having such an impairment.

2. Has the Applicant established that the requested reasonable accommodation is necessary and constitutes the minimum accommodation necessary to achieve the stated purpose?

3. Is the recovery residence certified and actively managed by a certified administrator? A reasonable accommodation shall not be granted for a recovery residence that is not certified pursuant to Chapter 397, F.S.

4. Does the requested accommodation impose any undue financial and administrative burden on the County?

5. Does the requested accommodation require a fundamental alteration to the County land development regulations or comprehensive plan? Examples of such fundamental alterations shall include, but not be limited to:

i. A requested increase in density beyond established comprehensive plan limits.

ii. A requested multifamily development on land zoned for exclusively single-family development.

c. When conducting the review, the County zoning official, or designee, may make a site visit to the property where the reasonable accommodation is being requested.

d. The County shall not impose spacing, occupancy or location restrictions that treat a certified recovery residence less favorably than other residential uses, except as expressly allowed under federal or State law.

e. The County shall not require public hearings beyond the minimum required by law to grant the requested accommodation.

f. If the County zoning official, or designee, finds that the requested accommodation will impose an undue financial or administrative burden on the County, or will require a fundamental alteration to the Brevard County land development regulations or comprehensive plan, they may consider whether an alternative reasonable accommodation exists that would effectively meet the person with a disability-related need. An "alternative reasonable accommodation" may constitute an approval of the requested accommodation, in whole or in part, with conditions.

g. Within sixty (60) days of receipt of a complete application, the County zoning official, or designee, shall provide a written decision to:

1. Approve the application, in whole or in part;
2. Approve the application, in whole or in part, with conditions; or
3. Deny the application stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

h. If the written decision is not issued within sixty (60) days after receipt of the completed application, the reasonable accommodation request shall be deemed approved unless the parties agree in writing to a reasonable extension of time.

i. In the event a reasonable accommodation is granted, the Applicant shall continue to comply with any and all other applicable regulations in the County Code of Ordinances, including, but not limited to, other land development regulations, building permit requirements, and engineering permitting processes, as well as all other federal, State and local laws.

j. A granted reasonable accommodation shall be specific to the Applicant and shall not run with the subject property.

k. In the event the certified recovery residence's certification under § 397.487, F.S., is lapsed, suspended or revoked, the certified recovery

residence must notify the County zoning official or designee within three (3) days of said lapse, suspension or revocation. The Applicant shall notify the County in writing once the recovery residence's certification is reactivated.

(7) Appeals. Appeals of an administrative decision to approve, approve with conditions, or deny a request for reasonable accommodation for a certified recovery residence shall follow the application and public hearing procedure set forth in Article II, Division 6 of this chapter.

(8) Revocation. The granted accommodation(s) for the certified recovery residence may be revoked if: (i) the Applicant fails to comply with the conditions of approval; or (ii) the certification or licensure required under Florida law lapses, is revoked, or fails to be maintained, and is not reinstated within one-hundred eighty (180) days.

SECTION 4. Section 62-1102 – *Definitions and rules of construction*, is hereby amended specifically at the definition of *Treatment and recovery facility* to read as follows:

Treatment and recovery facility means a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders. Such facility shall be licensed by the state department of health and rehabilitative services as a treatment and recovery facility. If such facility is not licensed by the state department of health and rehabilitative services, it must be approved by the County division of health and social services. This definition shall not apply to nor encompass a "certified recovery residence", which is defined and regulated pursuant to Section 62-305.1.

SECTION 5. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code, or regulation, the more restrictive shall apply.

SECTION 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid

provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or relettered and that the word “ordinance” may be changed to “section”, “article” or other such appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Effective Date. A certified copy of this ordinance shall be filed with the office of the Secretary of State, State of Florida within ten (10) days of enactment. This Ordinance shall take effect upon adoption and filing, as required by law.

DONE, ORDERED, AND ADOPTED in regular session this ____ day of _____ 2026.

[insert signature block]

The 2025 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 397](#)
SUBSTANCE ABUSE SERVICES

[View Entire Chapter](#)

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

(2) The department shall approve at least one credentialing entity by December 1, 2015, for the purpose of developing and administering a voluntary certification program for recovery residences. The approved credentialing entity shall:

- (a) Establish recovery residence certification requirements.
- (b) Establish procedures to:
 - 1. Administer the application, certification, recertification, and disciplinary processes.
 - 2. Monitor and inspect a recovery residence and its staff to ensure compliance with certification requirements.
 - 3. Interview and evaluate residents, employees, and volunteer staff on their knowledge and application of certification requirements.
- (c) Provide training for owners, managers, and staff.
- (d) Develop a code of ethics.
- (e) Establish application, inspection, and annual certification renewal fees. The application fee may not exceed \$100. Any onsite inspection fee shall reflect actual costs for inspections. The annual certification renewal fee may not exceed \$100.

(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

- (a) A policy and procedures manual containing:
 - 1. Job descriptions for all staff positions.
 - 2. Drug-testing procedures and requirements.
 - 3. A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. [381.986](#).
- 4. Policies to support a resident’s recovery efforts.
- 5. A good neighbor policy to address neighborhood concerns and complaints.
- (b) Rules for residents.
- (c) Copies of all forms provided to residents.
- (d) Intake procedures.
- (e) Sexual predator and sexual offender registry compliance policy.
- (f) Relapse policy.
- (g) Fee schedule.
- (h) Refund policy.

- (i) Eviction procedures and policy.
- (j) Code of ethics.
- (k) Proof of insurance.
- (l) Proof of background screening.
- (m) Proof of satisfactory fire, safety, and health inspections.

(4) A certified recovery residence must be actively managed by a certified recovery residence administrator. All applications for certification must include the name of the certified recovery residence administrator who will be actively managing the applicant recovery residence.

(5) Upon receiving a complete application, a credentialing entity shall conduct an onsite inspection of the recovery residence.

(6) All owners, directors, and chief financial officers of an applicant recovery residence are subject to level 2 background screening as provided under s. 408.809 and chapter 435. A recovery residence is ineligible for certification, and a credentialing entity shall deny a recovery residence's application, if any owner, director, or chief financial officer has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809(4) or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of an owner's, director's, or chief financial officer's eligibility based on the results of his or her background screening.

(7) A credentialing entity shall issue a certificate of compliance upon approval of the recovery residence's application and inspection. The certification shall automatically terminate 1 year after issuance if not renewed.

(8) Onsite followup monitoring of a certified recovery residence may be conducted by the credentialing entity to determine continuing compliance with certification requirements. The credentialing entity shall inspect each certified recovery residence at least annually to ensure compliance.

(a) A credentialing entity may suspend or revoke a certification if the recovery residence is not in compliance with any provision of this section or has failed to remedy any deficiency identified by the credentialing entity within the time period specified.

(b) A certified recovery residence must notify the credentialing entity within 3 business days after the removal of the recovery residence's certified recovery residence administrator due to termination, resignation, or any other reason. The certified recovery residence has 90 days to retain a certified recovery residence administrator. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(c) If a certified recovery residence's administrator has been removed due to termination, resignation, or any other reason and had been previously approved to actively manage more than 50 residents pursuant to s. 397.4871(8)(b), the certified recovery residence has 90 days to retain another certified recovery residence administrator pursuant to s. 397.4871. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(d) If any owner, director, or chief financial officer of a certified recovery residence is arrested and awaiting disposition for or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any offense listed in s. 435.04(2) while acting in that capacity, the certified recovery residence must immediately remove the person from that position and notify the credentialing entity within 3 business days after such removal. The credentialing entity must revoke the certificate of compliance of a certified recovery residence that fails to meet these requirements.

(e) A credentialing entity shall revoke a certified recovery residence's certificate of compliance if the certified recovery residence provides false or misleading information to the credentialing entity at any time.

(f) Any decision by a department-recognized credentialing entity to deny, revoke, or suspend a certification, or otherwise impose sanctions on a certified recovery residence, is reviewable by the department. Upon receiving an adverse determination, the certified recovery residence may request an administrative hearing pursuant to ss.

120.569 and 120.57(1) within 30 days after completing any appeals process offered by the credentialing entity or the department, as applicable.

(9) A person may not advertise to the public, in any way or by any medium whatsoever, any recovery residence as a “certified recovery residence” unless such recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10)(a) A certified recovery residence may allow a minor child to visit a parent who is a resident of the recovery residence, provided that a minor child may not visit or remain in the recovery residence between the hours of 9 p.m. and 7 a.m. unless:

1. A court makes a specific finding that such visitation is in the best interest of the minor child; or
2. The recovery residence is a specialized residence for pregnant women or parents whose children reside with them. Such recovery residences may allow children to visit or reside in the residence if the parent does not yet have a time-sharing plan pursuant to s. 61.13, provided that the parent files with the court for establishment of a plan within 14 days of moving into the residence.

(b) A certified recovery residence may not allow a minor child to visit a parent who is a resident of the recovery residence at any time if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

(11) Notwithstanding any landlord and tenant rights and obligations under chapter 83, a recovery residence that is certified under this section and has a discharge policy approved by a department-recognized credentialing entity may immediately discharge or transfer a resident in accordance with that policy under any of the following circumstances:

- (a) The discharge or transfer is necessary for the resident’s welfare.
- (b) The resident’s needs cannot be met at the recovery residence.
- (c) The health and safety of other residents or recovery residence employees is at risk or would be at risk if the resident continues to live at the recovery residence.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Beginning January 1, 2025, a certified recovery residence may not deny an individual access to housing solely on the basis that he or she has been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, a physician’s assistant, or an advanced practice registered nurse registered under s. 464.0123.

(14) A local ordinance or regulation may not further regulate the duration or frequency of a resident’s stay in a certified recovery residence located within a multifamily zoning district after June 30, 2024. This provision shall expire July 1, 2026.

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 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.
2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.
3. Require the local government to date stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

- 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. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

- a. The name and contact information of the applicant or the applicant's authorized representative;
- b. The property address and parcel identification number; and
- c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, 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 this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 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. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

History.—s. 2, ch. 2015-100; s. 2, ch. 2017-80; s. 7, ch. 2019-159; s. 2, ch. 2020-38; s. 3, ch. 2021-128; s. 10, ch. 2021-156; s. 4, ch. 2023-298; s. 15, ch. 2024-71; s. 3, ch. 2024-176; s. 27, ch. 2025-156; s. 1, ch. 2025-182.