SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 16 "CITY OF SUNRISE LAND DEVELOPMENT CODE" BY AMENDING ARTICLE III "DEVELOPMENT REVIEW PROCEDURES" TO CREATE SECTION 16-53, "CERTIFIED RECOVERY RESIDENCES," TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES AND CREATE A PROCESS FOR REQUESTING A REASONABLE ACCOMMODATION FOR THE ESTABLISHMENT OF A CERTIFIED RECOVERY RESIDENCE OR OTHER FEDERALLY PROTECTED RESIDENCE IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City Commission of the City of Sunrise finds it necessary to amend its Code of Ordinances periodically in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the City of Sunrise is committed to ensuring compliance with federal civil rights laws, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

WHEREAS, in the early 1970s, the federal government enacted laws for states to develop a continuum of care for individuals and families affected by substance abuse; and

WHEREAS, in response to the federal laws, the Florida Legislature enacted Chapters 396 and 397, Florida Statutes, relating to alcohol and drug abuse, respectively; and

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WHEREAS, in 1993, the Florida Legislature adopted legislation combining Chapter 396 and 397 of the Florida Statutes into a single law, the “Hal S. Marchman Alcohol and Other Drug Services Act” (the “Marchman Act”), which encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider; and

WHEREAS, the Department of Children and Families (DCF) is responsible for administering substance abuse and mental health prevention, treatment, and recovery statewide consistent with the Marchman Act; and

WHEREAS, on June 25, 2025, the Governor signed into law Senate Bill 954, which amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”), and requires the City to enact an ordinance providing for procedures for review and approval of certified recovery residences, including 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, it is necessary to amend the City of Sunrise Land Development Code to comply with Section 387.487, Florida Statutes, as amended; and

WHEREAS, creating procedures to request a reasonable accommodation to establish a certified recovery residence or other kind of residence or group home protected by federal law will provide people with disabilities equal access to housing opportunities within the City while preserving the overall intent and purpose of the City’s planning and land use regulations; and

WHEREAS, on December 9, 2025, at a duly noticed public hearing, the City Commission, sitting as the Local Planning Agency, reviewed and recommended approval of the proposed Ordinance; and

WHEREAS, after conducting a public hearing and reviewing the Local Planning Agency’s recommendations, the recommendations of City staff, and comments from the public, the City Commission finds that the proposed amendments to its Code of Ordinances and Land Development Regulations are in compliance and consistent with Florida law and with its adopted Comprehensive Plan; and

WHEREAS, the City Commission held a public hearing, at which all members of the public so desiring had an opportunity to be heard; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Incorporation of Recitals. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amending Code. The Code of the City of Sunrise, Florida, is hereby amended to create Section 16-53 to read as follows:

Section 16-53. – ~~Reserved.~~ Certified Recovery Residences.

(a) *Purpose*. The purpose of this section is to formalize and establish procedures for the review and approval of requests for reasonable accommodations from the City's Land Development Code and related policies, practices, and procedures for the establishment of a certified recovery residence. These procedures may also be used to request a reasonable accommodation from the City's Code for other kinds of residences or group homes protected by federal law. The City shall process requests for the establishment of certified recovery residences in accordance with this section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act of 1988, 42 U.S.C. 3601, et seq. ("FHA"), Section 397.487(15)(a), Florida Statutes, and Title II of the Americans with Disabilities Act, 42 U.S.C. Section 12131, et seq. ("ADA").

(b) *Definitions*[1]. For the purpose of this section, the following words and terms shall have the meaning ascribed hereto, unless the context clearly indicates or requires a differing meaning.

"Certified recovery residence": A recovery residence that holds a valid certificate of compliance from the Florida Department of Children and Families or such agency's successor or designee and is actively managed by a certified recovery residence administrator.

(a) A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

(b) A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if

[1] Refer to Section 397.311, Florida Statutes, for a list of terms and definitions associated with the state substance abuse law.

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applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

(c) A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

(d) A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

"Certified recovery residence administrator" under this section means a recovery residence administrator who holds a valid certificate of compliance.

"Community housing" under this section means a certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. A certified recovery residence used by a licensed service provider that meets the definition of community housing shall be classified as a Level IV level of support, as described in Section 397.311(5), Florida Statutes.

"Licensed service provider" under this section means a public agency, a private for-profit or not-for profit agency, a physician or any other private practitioner licensed under Chapter 397 of the Florida Statutes, or a hospital that offers substance abuse services through one or more licensed service components.

"*Recovery":* A process of personal change through which individuals achieve abstinence from alcohol or drug use and improve health, wellness and quality of life.

"Recovery residence": 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

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including oral, written, electronic or other printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free and drug-free living environment.

"Recovery residence administrator": The person responsible for the overall management of the recovery residence, including, but not limited to, the supervision of residents and staff employed by, or volunteering for, the residence.

(c) Application for reasonable accommodation. A request by an applicant for establishing a certified recovery residence under this section shall be submitted in writing to the Community Development Department on the reasonable accommodation application form. The application shall contain such questions and requests for information as necessary for processing the certified recovery residence application request, including the following:

(1) The name and contact information of the applicant or the applicant's authorized representative;

(2) Information regarding the property which is the subject of the application, including the property address, parcel identification number, description of the property;

(3) Consent of the current owner(s) of the subject property, if the applicant is not the owner for the subject property;

(4) The specific ordinance, land development code section, or other regulation or policy from which a reasonable accommodation is sought;

(5) Identification of the existing zoning district of the property, including any previously approved conditions and modifications;

(6) A description of how the ordinance, land development code section, or other regulation or policy identified above serves as a prohibition to the establishment of the certified recovery residence;

(7) A description of the reasonable accommodation requested and the specific regulation from which relief is sought; and

(8) Other relevant information pertaining to the disability or property that may be needed by the city in order for it to be able to evaluate the request for reasonable accommodation;

(9) Signature of applicant;

(10) Date of application;

(11) If the certified recovery residence has or will have an on-site supervisor or manager, provide the name and contact information, including a telephone number and email address, for each supervisor or manager; and

(12) Disclosure of ownership interests of property.

(d) *Assistance.* The City will provide reasonable assistance to ensure that the process is accessible and that the applicant's request is documented on the reasonable accommodation application form. The applicant's request for assistance or a meeting shall be made in writing to the Community Development Department to ensure that resources and staff are available to assist the applicant through the review and approval process.

(e) *Fees.* No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application to the City Manager.

(f) Decision Process.

(1) Review of applications.

a. The City shall date-stamp each reasonable accommodation application upon receipt.

b. The Community Development Department Director, or his or her designee, shall have the authority to consider and act on requests for reasonable accommodation for the establishment of a certified recovery residence and any request for an amendment to an approved reasonable accommodation.

(2) Request for Additional Information.

a. If additional information is required, the Department must notify the applicant in writing within the first 30 calendar days after receipt of the application and allow the applicant at least 30 calendar days to respond .

b. If the applicant fails to respond to the request for additional information, the Community Development Department Director shall deny the request for relief upon the basis that it has been deemed abandoned and/or withdrawn. No further action by the City concerning said relief request shall be required.

(3) Written Decision.

a. Within sixty (60) calendar days after receipt of a completed application, the Department must issue a final written determination on such application. The determination must:

1. Approve the request in whole or in part, with or without conditions; or

2. Deny the request, stating with specificity the objective, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

b. If a final written determination is not issued within sixty (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.

(4) Criteria. The following criteria shall be applied in considering a reasonable accommodation request for establishing a certified recovery residence:

a. The applicant has established that the applicant, or the individual on whose behalf the application was submitted, is protected under applicable laws;

b. The requested accommodation is reasonable and necessary to afford the applicant or those being provided recovery services an equal opportunity to use and enjoy the residential dwelling that is the subject of the request;

c. The requested accommodation would impose an undue financial or administrative burden on the City;

d. The requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the City;

e. The requested accommodation is the minimum necessary to afford the applicant or those being provided recovery services an equal opportunity to use and enjoy the residential dwelling;

f. Whether alternative reasonable accommodations could provide an equivalent level of benefit;

g. The applicant adheres to all applicable state and federal laws relating to certified recovery residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a certified recovery residence;

h. The licensed service provider must have a paid certified employee on call during the time when individuals are at a community housing location, if applicable;

i. If the certified recovery residence is operating as community housing, which residence is actively managed by a certified recovery residence administrator approved for at least 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider electing to manage up to 150 residents, it shall maintain a service provider personnel-to-patient ratio of 1 to 8 and an onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 10, for a Level IV certified recovery residence;

j. If the certified recovery residence is operating as community housing, which residence is actively managed by a certified recovery residence administrator approved for at least 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider electing to manage up to 300 residents, it shall maintain a service provider personnel-to-patient ratio

of 1 to 8 and maintain onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6; and

k. Any other relevant criteria under applicable laws.

(5) The granting of a reasonable accommodation, in whole or in part, is specific to the applicant and shall not run with the subject property. The sale or transfer of ownership of the property shall result in the immediate expiration of any approved accommodations, unless the new owner can demonstrate that there will be no change in the operation of the recovery residence and that the same reasonable accommodation is still needed.

(6) Expiration of approval. Approval of a request for reasonable accommodation for the establishment of a certified recovery residence shall expire after one hundred eighty (180) days if the certified recovery residence has not been established. The applicant may seek an extension of time for good cause to implement the accommodation. In the event the applicant ceases to operate the property as a certified recovery residence, any approved accommodations shall immediately expire and the property shall thereafter be in compliance with the City Code.

(g) Appeal. An applicant aggrieved by a decision of the Community Development Department Director under this section may appeal the decision to the City Manager notwithstanding any other provisions of the City Code.

1. *Exhaustion required.* A request for relief under this section shall be required prior to any person filing a lawsuit. Completion of the relief procedures provided herein, including an appeal to the City Manager, shall constitute the exhaustion of all administrative remedies available from the City.

2. *Effect while pending.* While an application for relief or appeal of a decision of same is pending before the City, the City will not enforce the subject code, rules, policies, and procedures, except the City may seek injunctive relief if an imminent threat to the health, safety and welfare of the public exists.

(h) Public hearing. The Department may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(i) Revocation. The Department may revoke a granted accommodation of a certified recovery residence for cause, including, but not limited to, an uncured violation of the conditions of approval or the lapse, revocation, or failure to maintain licensure required under this section, if not reinstated within 180 calendar days.

(j) Compliance. The establishment of a reasonable accommodation process does not relieve the City from its obligations under the Fair Housing Amendments Act (42

U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation from which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(k) *Declarations.* 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.

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 9TH DAY OF DECEMBER, 2025.

PASSED AND ADOPTED upon this second reading this _____ DAY OF_____, 2026.

_____
Mayor Michael J. Ryan

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Authentication:

_____
Felicia M. Bravo
City Clerk

FIRST READING		SECOND READING	
MOTION:	SCUOTTO	MOTION:	_____
SECOND:	KERCH	SECOND:	_____
CLARKE:	YEA	CLARKE:	____
GUZMAN:	YEA	GUZMAN:	____
KERCH:	YEA	KERCH:	____
SCUOTTO:	YEA	SCUOTTO:	____
RYAN:	YEA	RYAN:	____

Approved by the City Attorney
as to Form and Legal Sufficiency

_____
Thomas P. Moss

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