



MEMORANDUM

Date: 10-21-25

To: Honorable Board of County Commissioners (BCC)

From: Jaden Keech, Planner & Jie Shao, AICP, MCP, Planner, Principal through the Community Development Department

Subject: Revisions to Sections 3-9-2: Rules of Construction; Definitions & Creation of New Section 3-9-62.1: Certified Recovery Residences, TLDR-25-04

Request

A publicly initiated request to amend Sections 3-9-2: Rules of Construction; Definitions and to create New Section 3-9-62.1: Certified Recovery Residences.

Applicant

Charlotte County Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948

Purpose of this Text Amendment

Senate Bill (SB) 954: Certified Recovery Residences was approved by the Governor on June 25, 2025. The bill specifically states that: *“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.”*

“Recovery residences” are similar to “Assisted Living Facilities.” The County code **Section 3-9-2: Rules of Construction; Definitions** defines “Adult Congregate Living Facility”, which is an outdated term of “Assisted Living Facility”; therefore, staff is proposing to update this term by changing the name of “Adult Congregate Living Facility” to “Assisted Living Facility”, and revising the definition of “Assisted Living Facility” to clearly define “Certified Recovery Residences” to be consistent and aligned with the definition as established by State Statutes. The proposed changes are as follows:

Assisted ~~Adult congregat~~e Living Facility (ALF) shall mean any appropriate Florida department or agency, such as Agency for Health Care Administration (AHCA), of health and rehabilitative services licensed building or buildings, section of a building, or distinct portion of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which provides full-time residential arrangements in the least restrictive and most home-like setting, for



~~seniors and adults who need assistance with activities of daily living undertakes through its ownership or management to provide, for a period exceeding twenty four (24) hours, housing, food service, and one (1) or more personal services for adult resident clients, not related to the owner or administrator by blood or marriage, who require such services. Recovery residences and certified recovery residences are defined in Florida Statutes, as may be amended. The type of uses includes, but not limited to, detox center and substance abuse center and transitional/halfway housing. The procedures for the review and approval of such uses are established in Section 3-9-62.1, as may be amended.~~

In addition, staff is proposing new **Section 3-9-62.1: Certified Recovery Residences** to establish the process of an application and additional requirements for the review or approval of reasonable accommodation requests for such uses. The proposed new section is as follows:

Section 3-9-62.1: Certified Recovery Residences

This section provides procedures for the review and approval of a certified recovery residence and establishes requirements for such use.

1. A zoning determination request shall be required in order to determine the specific use and development standards.
2. It is required to demonstrate the compatibility with surrounding existing single-family homes.
3. No certified recovery residence use in a single-family residential zoning district shall be located less than 1,000 feet from an existing such use in a single-family residential zone or established single-family.
4. The requirements and standards of the appropriate state department or agency shall be met, and evidence of current appropriate state or agency licenses must be shown.
5. The requirements of county occupational licenses shall apply.

Staff Summary

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. **TLDR-25-04**) is generally consistent with the Charlotte County's Comprehensive Plan, Florida Statutes, SB 954 and other applicable guidelines.

The Planning and Zoning Board recommendation on October 13, 2025

*A motion to forward application TLDR-25-04 to the Board of County Commissioners with a recommendation of **Approval with a 4-0 vote**, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated September 24, 2025, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

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2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

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effective date.

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

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(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

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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

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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.

Section 2. Paragraph (c) of subsection (8) of section
397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified
recovery residence operating as community housing as defined in
s. 397.311(9), which residence is actively managed by a
certified recovery residence administrator approved for 100
residents under this section and is wholly owned or controlled
by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-
to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at
the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been
removed by a certified recovery residence due to termination,
resignation, or any other reason may not continue to actively
manage more than 50 residents for another service provider or
certified recovery residence without being approved by the
credentialing entity.

Section 3. This act shall take effect July 1, 2025.