

# BAL HARBOUR

- V I L L A G E -

Mayor Seth E. Salver  
Vice Mayor David Wolf  
Councilman Jeffrey P. Freemark  
Councilman Alejandro Levy  
Councilman Buzzy Sklar

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## Bal Harbour Village Local Planning Agency

Regular Meeting Agenda

January 20, 2026

At 6:30 PM

Bal Harbour Village Hall • Council Chamber • 655 96th Street • Bal Harbour • Florida 33154

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*This meeting will be conducted in person. The meeting will also be broadcast on our website at <https://balharbourfl.gov/government/village-clerk/minutes-and-agendas/>. Members of the public are also encouraged to participate by email ([meetings@balharbourfl.gov](mailto:meetings@balharbourfl.gov)) or by telephone at 305-865-6449.*

*BHV Who We Are, Vision, Mission, Values / The Bal Harbour Experience  
[The Bal Harbour Experience.pdf](#)*

### 1. ROLL CALL / CALL TO ORDER

### 2. APPROVAL OF MINUTES

#### 2.1 April 29, 2025 Local Planning Agency Meeting Minutes

[BalHarbourVillage-LocalPlanningAgencyMeetingMinutes April29 2025 Short.pdf](#)

### 3. HEARING

#### 3.1 Ordinance Establishing Procedures for Certified Recovery Residences in Accordance with State Law

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

[Item Summary - Certified Recovery Residences Compliance Ordinance LPA ADA.pdf](#)

[Memorandum - Certified Recovery Residences Compliance Ordinance LPA ADA.pdf](#)

[Ordinance - Certified Recovery Residences Compliance Ordinance LPA ADA.pdf](#)

[Attachment - SB954.2025 ADA.pdf](#)

[Business Impact Statement - Certified Recovery Residences Compliance Ordinance ADA.pdf](#)

### 4. ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees. The New Business and Council Discussion Section includes a section for Public Comment. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

All persons who need assistance or special accommodations to participate in virtual meetings please contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding. All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.

# BAL HARBOUR

- V I L L A G E -

Mayor Jeffrey P. Freimark  
Vice Mayor Seth E. Salver  
Councilman Alejandro Levy  
Councilman Buzzy Sklar  
Councilman David Wolf

Village Manager Jorge M. Gonzalez  
Village Clerk Dwight S. Danie  
Village Attorneys Weiss Serota  
Helfman Cole & Bierman, P.L.

## Local Planning Agency

Regular Meeting Minutes

April 29, 2025

At 6:30 AM

Bal Harbour Village Hall • 655 - 96th Street • Bal Harbour • Florida 33154

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### 1 **CALL TO ORDER / ROLL CALL**– Vice Mayor Seth Salver called the meeting to order at 6:33.

The following were present:

Vice Mayor Seth E. Salver  
Councilman Alejandro Levy  
Councilman Buzzy Sklar  
Councilman David Wolf

The following were not present

Mayor Jeffrey P. Freimark

Also present:

Jorge M. Gonzalez, Village Manager  
Dwight S. Danie, Village Clerk  
Susan Trevarthen, Village Attorney

The Pledge of Allegiance was led by Vice Mayor Salver.

### 2 **APPROVAL OF MINUTES**

**2.1** September 17, 2024 Local Planning Agency Meeting Minutes

**MOTION: A motion to approve the minutes was moved by Councilman Buzzy Skar and seconded by Councilman David Wolf**

**VOTE: The motion passed by unanimous voice vote (4-0)**

### 3 **HEARING**

**3.1** AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 8.5 "FLOOD DAMAGE PREVENTION",

SECTION 8.5-2 "DEFINITIONS" OF THE CODE OF ORDINANCES;  
AMENDING CHAPTER 21 "ZONING", ARTICLES I - III TO AMEND  
DEFINITIONS, PROCEDURES, AND REGULATIONS RELATED TO HEIGHT;  
PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE,  
AND FOR AN EFFECTIVE DATE.

Mr. Gonzalez introduced the item saying that the ordinance was a direct response to recent preemption by the Florida Legislature, which invalidated the Village's charter-based referendum requirement on zoning changes such as height increases.

He said that the ordinance was crafted to provide a meaningful safeguard for residents while aligning the method of height measurement with FEMA base flood elevation standards and treating all zoning areas consistently. He said that it also establishes a specific height limit for municipal buildings and, crucially, lays out procedures for any future changes to height regulations that included additional public hearings and requiring a supermajority vote in both the first and second readings. He added that the Local Planning Agency had reviewed and unanimously recommended the ordinance earlier in the evening.

Ms. Trevarthen also reaffirmed her prior legal analysis, emphasizing that the Village's referendum provision had been effectively preempted by a 2023 state law. She confirmed the ordinance was properly structured to comply with the new legal framework and was ready for approval.

Babak Raheb, 128 Balfour Drive, suggested requiring a unanimous Council vote for height changes noting past experiences in Bal Harbour, suggesting that powerful interests could easily secure that level of support to alter building heights. Mr. Gonzalez said that the proposed supermajority procedure was more stringent than a simple majority and included additional layers of public engagement. He said that requiring unanimous approval could be overly restrictive and was not standard practice, whereas a supermajority represented a well-accepted balance of rigor and practicality.

Vice Mayor Salver reiterated that the supermajority threshold would apply to both readings of any future ordinance seeking a height change.

**MOTION: A motion to approve the ordinance on second reading was moved by Councilman Buzzy Sklar and seconded by Councilman David Wolf.**

ROLL CALL	VOTE
Mayor Jeffrey P. Freimark	---
Vice Mayor Seth E. Salver	<b>Yes</b>
Councilman Alejandro Levy	<b>Yes</b>
Councilman Buzzy Sklar	<b>Yes</b>
Councilman David Wolf	<b>Yes</b>

**VOTE: The Motion passed by unanimous roll call vote (4-0).**

**4 MOTION TO ADJOURN - The meeting was adjourned at 6:41 P.M.**

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Mayor Seth E. Salver



Attest:

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Dwight S. Danie, Village Clerk



# BAL HARBOUR

- VILLAGE -

## LOCAL PLANNING AGENCY SUMMARY

### Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW.

### Issue:

Should the Local Planning Agency recommend that the Village Council approve this Ordinance that establishes a procedure for the review and approval of certified recovery residences, and any related reasonable accommodations, as required by Florida Statute.

### The Bal Harbour Experience:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Beautiful Environment                          | <input type="checkbox"/> Safety           | <input type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input type="checkbox"/> Destination & Amenities                        | <input type="checkbox"/> Unique & Elegant | <input type="checkbox"/> Resiliency & Sustainable Community          |
| <input checked="" type="checkbox"/> Other: <u>Statutory Requirement</u> |   |  |

### Item Summary / Recommendation:


This item proposes an Ordinance establishing an administrative procedure for the review and approval of certified recovery residences, and any related reasonable accommodations, as required by Florida Statute. The rights of these residences and their ability to locate in the Village are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

**THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.**

### Financial Information:

	Amount	Account	Account #
	X	X	X

### Sign off:

		Village Manager
		Jorge M. Gonzalez
		

# BAL HARBOUR

- V I L L A G E -

## LOCAL PLANNING AGENCY MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: January 20, 2026

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

I recommend that the Local Planning Agency advise the Village Council to approve the ordinance as required by Chapter 2025-182, Laws of Florida.

### **BACKGROUND**

This statute requires local government to adopt an ordinance, subject to certain restrictions, to formalize and streamline the local government permitting process for applicants seeking reasonable accommodations from land use regulations to open a certified recovery residence. Recovery residences are residential units that serve persons recovering from addictions, which are a form of disability protected by state and federal law. The rights of these residences and their ability to locate in the Village are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

#### **Florida Substance Abuse Program:**

In the 1960s and 1970s, the federal government enacted a series of laws for state to follow to address the care for individuals and families affected by substance abuse, and funding requirements for alcoholism and drug abuse. Thereafter, in response to the federal government's early initiatives, the State of Florida enacted Chs. 396 and 397, F.S. relating to alcohol and drug abuse.

In 1993, the two chapters were combined into a single law entitled the "Hal S. Marchman Alcohol and Other Drug Substance Services Act" ("Marchman Act"), which is currently codified in Ch. 397, Florida Statutes. The purpose of the Marchman Act is to administer the substance abuse services in the State of Florida. It provides the legal process for individual citizens, affected by substance abuse or addiction, to receive proper medical attention, stabilization,



and treatment. The Florida Department of Children and Family ("DCF") is responsible for the implementation and oversight of the Marchman Act.

DCF's responsibilities under the Marchman Act include but are not limited to:

- Licensing and regulations
- Developing standards
- Coordinating with courts and community-based organizations
- Maintaining data
- Providing training and technical assistance to professionals responsible for implementing the Marchman Act

DCF is also responsible for implementing federal programs and policies related to substance abuse and mental health, as well as the programs funded through the Substance Abuse and Mental Health Services Administration.

In 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking reasonable accommodation from local land use regulations to establish a "certified recovery residence". To ensure consistency with the "certified recovery residence" requirements in Chapter 2025-182 Laws of Florida and Section 397.487(15)(a), F.S., the Village desires to amend Chapter 21 of the Village Code to create Section 21-367.

The Village Council, sitting as the Land Planning Agency (LPA), will review the Ordinance prior to first reading.

### **ANALYSIS**

The Village Attorney advised that the Village Council must adopt this Ordinance to comply with state law. The proposed Ordinance meets the minimum requirements of the new state statute, and is also drafted to comply with the background requirements of federal and state statutes and the caselaw interpreting them.

The application processes under the proposed Ordinance will be administered against the backdrop of the existing Village zoning and land use laws, and will not change those requirements. Given the highly constrained scope of review, and consistent with best practices and with legal recommendation, the proposed Ordinance provides that applications will be administratively approved.

Consistent with the recommendations of the Village Attorney based on the body of state and federal law constraining these decision-making processes, the proposed Ordinance provides for administrative approval of applications, and of appeals from decisions on those applications. Therefore, the proposed Ordinance provides that applications for certified recovery residences will be reviewed and approved by the Building Official as the

person designated by Section 21-31 of the Village Code of Ordinances to enforce zoning in the Village. Any appeals of the Building Official's determination are also administrative under the proposed Ordinance, to be decided by the Village Manager.

Based upon appropriate documentation, the application process may also involve the Building Official being asked to grant a reasonable accommodation from strict compliance with the Village's laws. Such a request must be granted only to the extent such accommodation is demonstrated to be required by federal and state statutes and caselaw. Applications for reasonable accommodation will also be administratively approved and subject to administrative appeal to the Village Manager in a similar manner, under the proposed Ordinance.

Any suggested changes to the approval process, or other aspects of the proposed Ordinance, will need to be analyzed legally and addressed on second reading.

### **THE BAL HARBOUR EXPERIENCE**

This item is required by Florida Statute.

### **CONCLUSION**

In conclusion, I recommend approved the proposed Ordinance "Certified Recovery Residences" to ensure compliance with the requirements set forth in SB 954, Chapter 2025-182, Laws of Florida and amended sec. 397.487. F.S.

### **Attachments:**

1. Ordinance
2. Senate Bill 954, Chapter 2025-182

ORDINANCE NO. 2026-\_\_\_\_

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE 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**, Bal Harbour Village, Florida (the "Village") finds it periodically necessary to amend its Code of Ordinances ("Code") 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 Village 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, F.S., relating to alcohol and drug abuse, respectively; and

**WHEREAS**, in 1993, the Florida Legislature adopted legislation combining Chapters 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 Village 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 Village's Unified Land Development Regulations in the Code to comply with Section 397.487, Florida Statutes, as amended; and

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

**WHEREAS**, on January 20, 2026, at a duly noticed public hearing in accordance with law, the Village Council, sitting as the Local Planning Agency reviewed and recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

**WHEREAS**, after conducting a public hearing and reviewing the Local Planning Agency's recommendations, the recommendations of Village staff, and comments from the public, the Village Council finds that the proposed amendments to its Code are in compliance and consistent with Florida law and with its adopted Comprehensive Plan; and

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

**WHEREAS**, the Village Council finds that this Ordinance is in the best interest and welfare of the residents of the Village.

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

**Section 1. Recitals.** That the above stated recitals are true and correct and hereby adopted.

**Section 2. Amending the Village Code.** That Chapter 21 "Zoning", Article IV "Supplementary District Regulations" of the Code is hereby amended to create Section 21-367 "Certified Recovery Residences" to read as follows:

## Chapter 21.—ZONING

\* \* \*

### Article IV—SUPPLEMENTARY DISTRICT REGULATIONS

\* \* \*

#### **Sec. 21-367. Certified Recovery Residences**

(a) Purpose and applicability. This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Village Code, and related policies, practices, and procedures to open a certified recovery residence. The Village 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 (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 Section 397.487(15)(a), Florida Statutes (collectively, "Applicable Laws").

(b) Definitions.<sup>2</sup> As used in this section, the following words and phrases shall have the following meanings:

Certified recovery residence. A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

- (1) 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.
- (2) 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

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<sup>2</sup> Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

- (3) 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.
- (4) 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. A recovery residence administrator who holds a valid certificate of compliance.

Community housing. 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 ss.397.311(5), Florida Statutes.

Department. The Village's building department.

Department director. The Village's Building Official.

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

(c) Procedure for Certified Recovery Residence Request.

- (1) Application. A request by an applicant for establishing a certified recovery residence under this division shall be submitted in writing to the department on an application form approved by the Village. This form will be maintained by the department, as amended from time to time. The application shall contain such questions and requests for information as necessary for processing the certified recovery residence application request, including the following:
  - a. Name and contact information of the applicant or the applicant's authorized representative;
  - b. Property address, parcel identification number, description of the property, and a survey of the property;
  - c. Consent of the current owner of the subject property, if the applicant is not the owner of the subject property;
  - d. A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications; and
  - e. Confirm the general location of off-street parking.
- (2) Assistance. The Village will provide reasonable assistance to ensure that the process is accessible and that the applicant's request is documented on the form provided by the Village. The applicant's request for assistance or meeting shall be made in writing to the department to ensure that resources and staff are available to guide the applicant through the review and approval process.
- (3) Fees. No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application.
- (4) Application completeness and accuracy. The Village shall date-stamp each certified recovery residence application upon receipt. Within five (5) calendar days after receiving such an application, the department shall confirm receipt of the application using the contact information provided by the applicant. An application will be considered complete by the department if it is submitted in the required form with all mandatory information and material. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.

(d) Decision Process for Certified Recovery Residence.

- (1) Review. The Village must notify the applicant in writing within the first 30 calendar days after receipt of an application, whether additional information is required, and allow the applicant at least thirty (30) calendar days to respond.

(2) Request for Additional Information.

- a. If necessary, within the first 30 calendar days after receipt of the application, the department director may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least 30 calendar days after the date the information is requested to respond.
- b. If the applicant fails to respond to the request for additional information, the department director shall deny the request for relief upon the basis that it has been deemed abandoned or withdrawn. No further action by the Village 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:
  - 1. The determination may be approved in whole or in part, with or without conditions; or
  - 2. The determination may 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 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) 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 not implemented. 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 be in compliance with the Village Code.

(e) Reasonable Accommodations for Certified Recovery Residences. The Village shall apply the following procedures and criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

(1) Procedures for requesting a reasonable accommodation.

- a. Application. A request by an applicant for reasonable accommodation under this section shall be made in writing to the department on a



"reasonable accommodation request application form," which form is maintained by the Village. The application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:

1. Name, address, and telephone number of applicant.
2. Address of subject property and parcel identification number.
3. Consent of the owner of the subject property.
4. Current use of the property.
5. Basis for the claim that the applicant is protected under applicable law(s).
6. The Village's regulation(s) from which reasonable accommodation is being requested.
7. Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.

b. Assistance. If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the Village will provide reasonable assistance to ensure that the process is accessible, and that the applicant's request is documented on the form provided by the Village.

(2) Criteria for determining reasonable accommodations. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

- a. Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
- b. Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
- c. Whether the requested accommodation would impose an undue financial or administrative burden on the Village.
- d. Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Village.
- e. Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.

f. Whether 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.

g. Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.

h. Any other relevant criteria under applicable laws.

i. For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:

(A) If electing to manage up to 150 residents: whether the residence 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 10; and

(B) If electing to manage up to 300 residents: whether the residence 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.

(f) Appeal. An applicant aggrieved by a decision of the Department director under this section may appeal the decision to the Village Manager.

(1) Exhaustion required. A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Village.

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

(g) Revocation. The Department may revoke 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 licensure required under this section, if not reinstated within 180 calendar days.

(h) *Compliance.* The establishment of a reasonable accommodation process does not relieve the Village 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 for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(i) *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.

**Sec. 21-3678--21-380 - Reserved.**

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**Section 3.**     **Conflicts.** That all prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

**Section 4.**     **Severability.** That the provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.**     **Inclusion in the Code.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Bal Harbour Village, Florida; that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

**Section 6.**    **Effective Date.** That this Ordinance shall take effect immediately upon the adoption hereof on Second and Final Reading.

Passed on the first reading, this 20<sup>th</sup> day of January, 2026.

Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2026.



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Mayor Seth E. Salver

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Village Attorney  
Weiss Serota Helfman Cole & Bierman P.L.

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1  
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.

# BAL HARBOUR

- V I L L A G E -

## BUSINESS IMPACT STATEMENT

### Proposed Ordinance Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES TO CREATE SECTION 21-367 TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES OR OTHER FEDERALLY PROTECTED RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Exempt - Ordinance required for compliance with federal or state law or regulation.

### Summary of Proposed Ordinance and Statement of Purpose to be Served:

The proposed ordinance establishes procedures for the review, approval, and reasonable accommodation of Certified Recovery Residences, as required by Section 397.487, Florida Statutes, and applicable federal civil rights laws.

### Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. **Estimate of Direct Business Compliance Costs:** Exempt.
- b. **New Charges/Fees on Business Impacted:** Exempt.
- c. **Estimate of Regulatory Cost:** Exempt.

### Good Faith Estimate of Number of Businesses Likely Impacted:

Exempt - Ordinance required for compliance with federal or state law or regulation.