

ORDINANCE No. 2025-42

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 74 “MICELLANEOUS AND SUPPLEMENTARY REGULATIONS” OF THE CITY’S CODE OF ORDINANCES, CREATING ARTICLE XIX “CERTIFIED RECOVERY RESIDENCES”, TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral (the "City") recognizes that periodic amendments to the adopted Code of Ordinances ("Code") are necessary to ensure consistency with the City's evolving planning objectives, regulatory framework, and to maintain alignment with applicable provisions of the Florida Statutes (F.S.); and

WHEREAS, the Florida Legislature enacted Senate Bill 954, now codified as Chapter 2025-182, Laws of Florida, which amends Section 397.487, Florida Statutes, to require that municipalities establish procedures for the review and approval of certified recovery residences; and

WHEREAS, the City’s Land Development Code (“LDC”) does not provide a process for the review or approval of certified recovery residences nor for requesting a reasonable accommodation from any local land use regulation that would prohibit the establishment of a such a certified recovery residence; and

WHEREAS, the City is committed to ensuring compliance with applicable federal civil rights laws, including the Fair Housing Amendments Act of 1988, codified at 42 U.S.C. §§ 3601 et seq., and Title II of the Americans with Disabilities Act of 1990 (ADA), codified at 42 U.S.C. §§ 12131 et seq.; and

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WHEREAS, the City recognizes the importance of providing supportive housing options for individuals in recovery from substance use disorders, in accordance with state and federal law, including the Fair Housing Act and Americans with Disabilities Act; and

WHEREAS, establishing a clear procedure for requesting reasonable accommodations to operate a certified recovery residence will support equal access to housing opportunities for persons with disabilities throughout the City, while maintaining the overall intent and integrity of the City's planning and land use regulations; and

WHEREAS, it is necessary to amend LDC Chapter 74, "Miscellaneous and Supplementary", to comply with Section 397.487(15)(a), Florida Statutes; and

WHEREAS, the City Council further finds that said amendments are consistent with the City of Doral Comprehensive Plan and support the goals of managed growth, compatibility, and sustainability.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Amendment to Chapter 74 of the City Code. That Chapter 74 "MICELLANEOUS AND SUPPLEMENTARY REGULATIONS", of the City of Doral Code of Ordinances is hereby amended by adding an article to be numbered Article XIX, titled "Certified Recovery Residences", which Article reads as follows:

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ARTICLE XIX. – CERTIFIED RECOVERY RESIDENCES

Section 74-905. Purpose and Intent.

The purpose of this Article is to establish procedures for the review and approval of certified recovery residences within the City, in accordance with Section 397.487, Florida Statutes, and in a manner 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.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131 et seq.), and Section 397.487, Florida Statutes (collectively referred to herein as “Applicable Laws”).

Section 74-906. Definitions.

For the purposes of this Article, the following definitions shall apply:

Certified Recovery Residence means a recovery residence that holds a valid certificate of compliance 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 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.

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Certified recovery residence administrator means a recovery residence administrator who holds a valid certificate of compliance.

Community Housing means a certified recovery residence offered, referred to, or provided by a licensed service provider to individuals who are required to reside at the residence while receiving intensive outpatient or higher levels of outpatient care. Such housing is classified as a Level IV recovery residence, consistent with the level of support defined in Section 397.311(5), Florida Statutes.

Credentialing Entity means an organization approved by DCF to issue and monitor recovery residence certifications under Section 397.487, Florida Statutes.

Department means the City of Doral Planning and Zoning Department.

Department Director means the City of Doral Planning and Zoning Department Director.

Licensed Service Provider means a public agency, private for-profit or not-for-profit agency, organization, physician, hospital, or other private practitioner that is licensed under Chapter 397, Florida Statutes, to provide substance abuse services through one or more licensed service components.

Section 74-906. Applicability.

This Article applies to all certified recovery residences within the corporate limits of the City. Nothing herein shall be construed to permit the establishment of uncertified recovery residences or to waive compliance with other applicable laws.

Sec. 74-907. Certification Requirement.

- (a) No recovery residence shall be established or operated within the City unless it is certified by a DCF-approved credentialing entity under Section 397.487, Florida Statutes.
- (b) Proof of current certification shall be provided at the time of business tax receipt application, zoning compliance review, or upon request by the City.
- (c) Failure to maintain certification shall be grounds for enforcement and may result in revocation of any previously granted reasonable accommodation.

Sec. 74-908. Review and Approval Procedures.

- (a) Certified recovery residences shall be treated as residential uses under applicable zoning classifications.

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- (b) Review shall ensure compliance with applicable building, fire, and life safety codes, and shall not impose spacing, occupancy, or operational restrictions that are inconsistent with other residential uses, except as allowed by law.
- (c) The Planning and Zoning Department shall be responsible for reviewing applications.

Sec. 74-909. Reasonable Accommodation Request Process.

- (a) Pursuant to Section 397.487(15)(b), Florida Statutes, an applicant may request reasonable accommodation from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.
- (b) Application. A request by an applicant for establishing a certified recovery residence under this section shall be submitted in writing to the Department on an application form approved by the City. 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:
 - 1. Name and contact information of the applicant or the applicant's authorized representative.
 - 2. Property address, parcel identification number, description of the property, and a survey of the property.
 - 3. Consent of the current owner of the subject property, if the applicant is not the owner of the subject property.
 - 4. A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications.
 - 5. Description of the accommodation requested and the specific regulation or policy from which relief is sought. Specific citation to the portion of the City Land Development Code from which the applicant seeks a reasonable accommodation and a statement of how the portion of the City's Land Development Code serves to prohibit the establishment of a certified recovery residence.
 - 6. Confirm the general location of off-street parking.
- (c) Submission and Processing. 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.
 - 1. The City shall date-stamp each application upon receipt.
 - 2. If additional information is required, the City shall notify the applicant in writing within 30 days of receipt of the application and allow at least 30 days for the applicant to respond.
 - 3. 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 and/or withdrawn. No further action by the City concerning said relief request shall be required.

(d) Final Determination. The City shall issue a final written determination within 60 days of receiving a complete application. The City's determination shall:

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.
3. If a final written determination is not issued within 60 days after receipt of a completed application, the request shall be deemed approved, unless the applicant and the City mutually agree in writing to a reasonable extension of time.
4. The City may establish additional procedures or submittal requirements consistent with federal and state law. Such procedures shall not conflict with Section 397.487, Florida Statutes, and shall not require public hearings beyond the minimum required by law.

Section 74-910. Criteria.

(a) The City shall apply the following criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

1. Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
2. 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.
3. Whether the requested accommodation would impose an undue financial or administrative burden on the City.
4. Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the City.
5. If applicable, whether alternative reasonable accommodation could provide an equivalent level of benefit.
6. Any other relevant criteria under applicable laws.
7. That 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.
8. That 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;
9. That the certified recovery residence operating as Community Housing, which residence is actively managed by a certified recovery residence administrator approved for 100 residents under pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider electing to manage up to 150 residents, shall maintain a service provider personnel-to-patient ratio of 1 to 8 and an onsite supervision at the residence during

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times when residents are at the residence with a personnel-to-resident ratio of 1 to 10, for a Level IV certified recovery residence;

10. That the certified recovery residence operating as Community Housing, which residence is 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 electing to manage up to 300 residents, 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.

Sec. 74-911. Revocation of Granted Accommodation.

- (a) The City may revoke a granted accommodation for cause, including but not limited to:

1. Violation of conditions of approval;
2. Lapse, revocation, or failure to maintain certification; or
3. Operation inconsistent with the representations made in the application.

- (b) A revoked accommodation may be reinstated if the cause for revocation is corrected within 180 days of the City's notice of revocation.

74-912. Nondiscrimination.

This Article does not relieve the City of 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.

Section 6. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this Ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 7. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Incorporation into the Code. It is the intent of the Mayor and City Council that the provisions of this Ordinance be incorporated into the Code of Ordinances

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of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to achieve such intent.

Section 9. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Digna Cabral	_____
Councilwoman Maureen Porras	_____
Councilman Rafael Pineyro	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 12 day of November, 2025.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

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