

ORDINANCE NO. 2025-14

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, CREATING A NEW SECTION 4-6 OF THE VILLAGE LAND DEVELOPMENT CODE REGARDING RECOVERY RESIDENCES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 397.487 addresses the voluntary certification of recovery residences; and

WHEREAS, in Chapter Law 2025-156, the Florida Legislature amended this statute to mandate that every city and county adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction, which ordinance must include a process for requesting reasonable accommodations from any city or county land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, the Village Council of the Village of Estero is therefore mandated to adopt this Ordinance containing the minimum requirements set forth in Florida Statutes § 397.487.

NOW, THEREFORE BE IT ORDAINED by the Village Council of the Village of Estero, Florida, that:

Section 1. A new Section 4-6 of the Village Land Development Code, entitled CERTIFIED RECOVERY RESIDENCES, is hereby created as follows:

SECTION 4-6. – CERTIFIED RECOVERY RESIDENCES

4-601. – Definition.

Pursuant to Florida Statutes § 297.311, a 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.

4-602. – Legislatively mandated requirements.

Pursuant to the requirements of Florida Statutes § 397.487:

- (A) Any zoning or land use decision the village may make related to certified recovery residences will 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.
- (B) The village manager shall establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be filed with the village clerk, to the attention of the director.
- (C) Any application for reasonable accommodation filed pursuant to subsection (B) above shall be date-stamped upon receipt. If additional information is required, the director must notify the applicant in writing within the first 30 days after receipt of the application and the applicant must be allowed at least 30 days to respond.
- (D) The director is required to issue a final written determination on the accommodation application within 60 days after receipt of a completed 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.
- (E) If a final written determination is not issued within 60 days after receipt of a completed application, the accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

(F) The application for accommodation shall include, at a minimum:

1. The name and contact information of the applicant or the applicant's authorized representative;
2. The property address and parcel identification number;
3. A sworn affidavit by the owner of the property or a corporate officer of the owner attesting on penalty of perjury that the owner is a certified recovery residence and that written evidence from the state has been provided to verify that status; and
4. A description of the accommodation requested and the specific regulation or policy from which relief is sought and a narrative of why the request is reasonable.

(G) To defray the cost of staff and legal review of certified recovery residence reasonable accommodation requests, an application shall be accompanied by a \$700 application fee.

(H) The village shall not require a public hearing beyond the minimum required by law to grant the requested accommodation.

(I) If the owner or operator of a certified recovery residence violates the conditions of approval of any requested accommodation, or if the certified recovery residence is declared a nuisance by a court, is convicted of any crime related to the operation of the certified recovery residence, or if a successor owner or operator fails to apply for a new accommodation as provided for in subsection (K) below, or if the owner or operator fails to maintain its certification or licensure required under Florida Statutes § 397.487 or such certification or licensure lapses, is revoked, if the certification or licensure is not reinstated within 180 days from the date it expires or is lost, then the accommodation granted by the village shall be revoked.

(J) The granting of an accommodation under this section does not create a property interest and a revocation of the accommodation occurring in accordance with subsection (I) above shall not result in a compensable taking of property.

(K) Accommodations granted pursuant to this section are not transferable. If the ownership of a certified recovery residence is transferred, the new owner shall file its own accommodation request within thirty days of becoming owner.

(L) The reasonableness of accommodation requests filed under this section shall be evaluated under the standards applied by the federal courts when applying the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 *et seq.*, and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*

Section 2. For purposes of codification of any existing section of the Estero Land Development Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Estero Village Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the **5th day of November, 2025**, by the Village Council of the Village of Estero, Florida.

ADOPTED ON SECOND AND FINAL READING on the **19th day of November, 2025**, by the Village Council of the Village of Estero, Florida.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Joanne Ribble, Mayor

By: _____
Carol Sacco, CMC, Village Clerk