

ORDINANCE NO. 596

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING SECTION 74-88. – “CERTIFIED RECOVERY RESIDENCES” OF DIVISION 3, ARTICLE II, CHAPTER 74 OF THE CODE OF ORDINANCES TO REVISE THE STANDARDS REGARDING THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has found that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment; and

WHEREAS, the Florida Legislature passed SB 954, which the Governor signed into law on June 26, 2025 thus creating Chapter 2025-182, amending Chapter 397, Florida Statutes, pertaining to the certification of recovery residences; and

WHEREAS, the new version of Florida Statute § 397.487(15)(a) provides the following:

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.

and

WHEREAS, on December 16, 2025, the Town Commission of the Town of Belleair adopted Ordinance No. 591, setting forth the procedures for the review and approval of certified recovery residences within the Town in accordance with SB 954 referenced above; and

WHEREAS, the clustering of certified recovery residences in a neighborhood undermines the ability of community residences to achieve normalization and community integration for their residents, which are two of the essential purposes of this form of housing for people with disabilities; and

WHEREAS, the clustering of certified recovery residences alters the residential character of a neighborhood; and

WHEREAS, the Town seeks to adopt additional standards for certified recovery residences within the Town to further the essential purposes of this form of housing for people with disabilities.

NOW, THEREFORE BE IT ORDAINED by the Town Commissioner of the Town of Belleair, Florida, that:

Section 1. That Section 74-88 of Division 3, Article II, Chapter 74, of the Code of Ordinances, Town of Belleair, Florida, is hereby amended to read as follows:

Sec. 74-88. – Certified Recovery Residences.

(a) *Purpose.* The purpose of this section is to implement a procedure for processing, reviewing, and approving certified recovery residences within the Town and requests for reasonable accommodations from any Town land use regulation that serves to prohibit the establishment of a certified recovery residence, as the same is defined by Chapter 397, Florida Statutes.

(b) *Standards.*

(1) A certified recovery residence shall not be located within 1,000 feet of another certified recovery residence, measured from the nearest property line of the proposed certified recovery residence to the nearest property line of the closest existing recovery residence.

(2) Each certified recovery residence shall be designed, maintained, located, and operated so as to be compatible with the surrounding uses and structures and should provide a style of life which is substantially similar to that of natural families living in the neighborhood.

~~(c)~~ *Application.*

(1) *Submittal.* A request by an applicant for the approval of a certified recovery residence, or for reasonable accommodations from any Town land use regulation that serves to prohibit the establishment of a certified recovery residence, shall be submitted by the applicant, in writing, to the Town's Administration Department on a form prescribed by the Town. Upon receipt of the application, the Town shall date-stamp the application and, if additional information is required, notify the applicant in writing within thirty (30) days after receipt of the application and allow the applicant at least thirty (30) days to respond.

(2) *Final Determination.* If the establishment of a certified recovery residence complies and is consistent with the Town's Code of Ordinances and other applicable law, approval of the application shall be rendered administratively by the Town Manager. In the event the applicant requests reasonable accommodation from any Town land use regulation, a final determination on the application shall be issued by the Board of Commissioners in accordance with the terms set forth in this Section. In either event, a final determination on the application shall be issued within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the Town agree, in writing, to a reasonable extension of time. The final determination shall:

- (i) Approve the request in whole or in part, with or without conditions; or
- (ii) Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

(3) *Application Contents.* An application submitted pursuant to this Section must include, at minimum, the following information:

- (i) The name and contact information of the applicant or the applicant's authorized representative;
- (ii) The property address and parcel identification number; and
- (iii) A description of the accommodation requested and the specific regulation or policy from which relief is sought.
- (iv) Any other information requested by the Town's Administration Department.

(4) *Findings for Reasonable Accommodations.* In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to establish:

- (i) The property that is the subject of the request for a reasonable accommodation will be used as a certified recovery residence pursuant to Chapter 397, Florida Statutes;
- (ii) The requested accommodation is necessary to establish the property as a certified recovery residence;
- (iii) The applicant agrees to adhere to the requirements set forth in Chapter 397, Florida Statutes, throughout the use of the property as a certified recovery residence; and

~~(d)~~ *Revocation of Reasonable Accommodations.* Any reasonable accommodation received shall be deemed revoked if the applicant or the property upon which the reasonable accommodation is granted is found, by a court of law or by the special magistrate, to have violated a condition of approval or if the certification or licensure required under Chapter 397, Florida Statutes, for the certified recovery residence lapses, is revoked, or otherwise fails to be maintained and the certification or licensure is not reinstated within 180 days of the date of lapse, revocation, or other means of expiration.

Section 2. 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 Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 3. The Codifier shall codify the substantive amendments to the Belleair Town 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 4. Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ___ day of _____, 2026, by the Town Commission of the Town of Belleair, Florida.

PUBLISHED on the _____ day of _____, 2026.

PASSED AND ADOPTED ON SECOND AND FINAL READING on the ___ day of _____, 2026, by the Town Commission of the Town of Belleair, Florida.

Mike Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC
Town Clerk