

ORDINANCE NO. 2025-_____

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; AMENDING CHAPTER 2 (DEFINITIONS) TO ADD A DEFINITION FOR CERTIFIED RECOVERY RESIDENCE; AMENDING CHAPTER 30 (ZONING REGULATIONS) TO ADD SECTION 30.6.10.4 ESTABLISHING A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 954 adopted during the 2025 legislative session (“Bill”), requires that by January 1, 2026, the governing body of each county adopt an ordinance establishing procedures for review and approval of certified recovery residences; and

WHEREAS, the Bill also requires the ordinance to include a process for requesting reasonable accommodations from any local land use regulation that prohibits the establishment of certified recovery residences; and

WHEREAS, creating a procedure to request a reasonable accommodation to establish a certified recovery residence will provide people with disabilities equal access to housing opportunities in all areas of Seminole County while preserving the overall intent and purpose of the County’s planning and zoning regulations; and

WHEREAS, the Seminole County Local Planning Agency held a public hearing, with all required public notice, on _____ to provide recommendations to the Board of County Commissioners on this Ordinance to amend the Land Development Code and recommended that the Board of County Commissioners adopt the Ordinance; and

28 **WHEREAS**, adoption of this Ordinance ensures that Seminole County complies with
Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and
30 welfare is served.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
32 **COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by
34 reference and form an integral part of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as the “Reasonable
36 Accommodation Process for Certified Recovery Residences Land Development Code
Amendment”.

38 **Section 3. Intent and Purpose.** The intent and purpose of this Ordinance is to amend the
Seminole County Land Development Code to include a definition for “certified recovery
40 residence” and to add new section 30.6.10.4. creating a reasonable accommodation request process
for certified recovery residence in compliance with section 397.487, Florida Statutes.

42 **Section 4.** Chapter 2 (Definitions) of the Land Development Code of Seminole County is
hereby amended to read as follows:

44 * * *

Certified recovery residence: As defined in section 397.311 Florida Statutes, as this
46 statute may be amended from time to time.

Section 5. Chapter 30 (Zoning Regulations) of the Land Development Code of Seminole
48 County is hereby amended to read as follows:

 * * *

Sec. 30.6.10. Community residential homes, ~~and~~ assisted living facilities, and certified recovery residences.

* * *

30.6.10.4 Certified recovery residences

(a) Purpose and applicability. The purpose of this subsection is to establish procedures for review and approval of reasonable accommodation requests to County land use and zoning ordinances, rules, regulations, policies, and procedures that may prohibit establishment of certified recovery residences pursuant to section 397.487, Florida Statutes. Facilitating reasonable accommodation requests ensures that individuals with a disability and/or handicap have equal opportunity to use and enjoy dwellings, buildings or structures, or to provide accessibility in another manner, as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this procedure, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, may request a reasonable accommodation allowing for the establishment of a certified recovery residence pursuant to the procedures set forth herein.

(b) Applicant. Any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, collectively referred to as "Applicant" in this subsection, may request a reasonable accommodation to the County's land use and zoning ordinances, rules, regulations, policies, and procedures that prohibit establishment of certified recovery residences. It is the responsibility of the Applicant to establish that they, or those who are being provided recovery services, are protected individuals under the FHA and/or ADA by

demonstrating that the proposed accommodation is reasonable and necessary to afford the
74 Applicant, or those who are being provided services, an equal opportunity to use and enjoy a
residential dwelling.

76 (c) Application Procedure. A request for reasonable accommodation shall be made to the
Planning and Development Division by an Applicant. An application for reasonable
78 accommodation must, at a minimum, provide the following:

(1) Name and contact information of the Applicant or the Applicant's authorized
80 representative;

(2) Property address and parcel identification number of where the reasonable
82 accommodation is being requested. If the Applicant is not the owner of the property, then the
contact information for the owner and an owner's authorization form is also required;

84 (3) A description of the accommodation needed, identifying the ordinances, rules,
regulations or policies from which the Applicant is requesting a reasonable accommodation and
86 why the requested accommodation is necessary;

(4) A certification signed by the Applicant stating; I CERTIFY UNDER
88 PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS
TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE
90 INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND
VOID;

92 (5) Signature of the Applicant and date;

(6) A verification of disability status form executed by someone with personal knowledge of the Applicant's, or those who are being provided services', disability, such as a medical or social services professional;

(7) Any additional information or documents the Applicant feels is necessary to supplement the request for reasonable accommodation.

The Planning and Development Division will date-stamp the application upon receipt and notify the applicant, in writing, within 30 days if additional information is required. The Applicant must provide the additional information within 30 days. Failure of the Applicant to provide a response within 30 days will result in the application being denied, unless the applicant requests an extension of time in writing.

(d) Review. Within 60 days of receiving a completed application, the Development Services Director, or designee, shall review the request for reasonable accommodation and make a determination consistent with the FHA and/or ADA, after considering all of the following:

(1) Whether the Applicant has established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services, are handicapped or disabled, as defined in the FHA and/or ADA. To do this, the following must be shown:

a. A physical or mental impairment which substantially limits one (1) or more major life activities;

b. That they are regarded as having such impairment; and

c. A record of having such impairment.

114 (2) Whether the requested accommodation is reasonable and necessary to afford the
Applicant an equal opportunity to use and enjoy the dwelling, building or structure, or provides
116 accessibility in another manner.

(3) Whether the requested accommodation would impose an undue financial or
118 administrative burden on the County.

(4) Whether the requested accommodation would require a fundamental alteration
120 in the nature of the land use and zoning regulations of the County.

If the Development Services Director, or designee, finds that the requested
122 accommodation will impose an undue financial or administrative burden on the County or will
require a fundamental alteration in the nature of the County's land use and zoning regulation, they
124 may consider whether an alternative reasonable accommodation exists which would effectively
meet the disability-related need. An alternative reasonable accommodation may be the requested
126 accommodation with conditions. In conducting the review, the Development Services Director, or
designee, may make a site visit to the property where the reasonable accommodation is being
128 requested.

(e) Determination. Once review of the request is complete, the Development Services
130 Director, or designee, will make a determination, in writing, to:

(1) Approve the reasonable accommodation request in whole or in part, with or
132 without conditions; or

(2) Deny the reasonable accommodation request, in accordance with state and
134 federal law, and state the objective evidence-based reasons for denial and identify any deficiencies
or actions necessary for reconsideration.

136 The written determination by the Development Services Director, or designee, shall
also include the Applicant's right and method to appeal the determination. If the written
138 determination is not issued within 60 days after receipt of the completed application, the reasonable
accommodation request is deemed approved unless the parties agree in writing to a reasonable
140 extension of time.

(f) Appeals. Applicant has 30 days from the date of the Development Services Director's,
142 or designee's, written determination to appeal the determination or any conditions included
therein, to the County Manager. Appeals must be made in writing and include the name of the
144 Applicant, address and contact information, a written summary of the reason for the appeal, an
explanation of why the determination or condition is in error, and a copy of the written
146 determination. Appeals shall be submitted to the Planning and Development Division. The County
Manager shall issue a final decision on the appeal within 45 days of submitting the appeal to the
148 Planning and Development Division.

(g) No fee. There shall be no fee imposed by the County for the reasonable accommodation
150 request process outlined in this subsection.

(h) Stay of Enforcement. While a request for reasonable accommodation, or its appeal, is
152 pending, the County will not enforce any applicable land use and zoning ordinances, rules,
regulations, policies, and procedures against the Applicant.

154 (i) General Provisions. The following general provisions are applicable to all
reasonable accommodation requests:

156 (1) The Applicant may apply for a reasonable accommodation on their own behalf
or may be represented at all stages of the reasonable accommodation process by an attorney, legally
158 appointed guardian, or other person designated by Applicant as a power of attorney.

(2) In the event that a reasonable accommodation is granted, the Applicant shall
160 continue to comply with any and all other applicable building and/or engineering permitting
processes required by the County’s Code of Ordinances and Land Development Code and all other
162 state and federal laws.

(3) A reasonable accommodation is specific to the Applicant and does not run with
164 the subject property.

(j) Revocation. A reasonable accommodation approval may be revoked by the
166 Development Services Director for cause, including, but not limited to, violation or lapse of the
conditions of approval or failure to maintain state licensure as a certified recovery residence (if
168 applicable) for more than one hundred eighty (180) days.

Section 5. Conflicts. This Ordinance shall control over any County ordinances or parts
170 of ordinances in conflict herewith.

Section 6. Codification. It is the intention of the Board of County Commissioners that
172 the provisions of this Ordinance will become and be made a part of the Land Development Code
of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or
174 other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-
lettered to accomplish such intention; providing, however, that Sections 5, 6, 7 and 8 of this
176 Ordinance shall not be codified.

Section 7. Severability. If any provision of this Ordinance or the application thereof to

any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 8. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this _____ day of _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

JAY ZEMBOWER, Chairman

NJB/kw
DATE Sep 2, 2025