

MEMORANDUM

Agenda Item No. 5(D)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE:	(Public Hearing: 12-2-25) November 18, 2025
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to zoning; creating section 33-26.1 and amending section 33-1 of the Code; clarifying standards and procedures applicable to certified recovery residences; providing process for certified recovery residences to obtain reasonable accommodations from land use regulations; amending section 33-304.2; providing a completeness review period for processing of applications for reasonable accommodations

Ordinance No. 25-111

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: December 2, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☒ Budget required
- ☒ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
12-2-25

ORDINANCE NO. 25-111

ORDINANCE RELATING TO ZONING; CREATING SECTION 33-26.1 AND AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING STANDARDS AND PROCEDURES APPLICABLE TO CERTIFIED RECOVERY RESIDENCES; PROVIDING PROCESS FOR CERTIFIED RECOVERY RESIDENCES TO OBTAIN REASONABLE ACCOMMODATIONS FROM LAND USE REGULATIONS; AMENDING SECTION 33-304.2; PROVIDING A COMPLETENESS REVIEW PERIOD FOR PROCESSING OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 397.311 of the Florida Statutes defines “recovery residence” as “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, and drug-free living environment”; and

WHEREAS, “certified recovery residence” is defined as “a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator,” and section 397.487 of the Florida Statutes outlines a voluntary process for certification of recovery residences; and

WHEREAS, under chapter 33 (the “Zoning Code”) of the Code of Miami-Dade County, Florida, recovery residences may be permissible as “group homes,” “community residential homes,” or “group residential facilities,” depending on, among other things, the number of residents of the home or facility; and

WHEREAS, group homes, community residential homes, and group residential facilities are permitted by the Zoning Code under certain conditions, including but not limited to restrictions on the types of zoning districts where they may be located and spacing requirements for similar uses; and

WHEREAS, during the 2024-2025 legislative session, the Florida Legislature adopted, and the Governor subsequently signed into law, Senate Bill (“SB”) 954, which requires each local government to adopt, by January 1, 2026, “an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction”; and

WHEREAS, SB 954 further sets forth minimum standards for such ordinance, including that the ordinance “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, although the Zoning Code has provisions that may cover recovery residences, the Zoning Code does not have provisions specific to certified recovery residences; and

WHEREAS, section 33-304.2 of the Zoning Code has a reasonable accommodation process to ensure compliance with federal laws such as the Fair Housing Amendments Act and the Americans with Disabilities Act, and that process is in some respects more favorable to applicants than what SB 954 calls for; and

WHEREAS, this Board takes seriously the need to protect the County’s most vulnerable residents, including individuals who need services to manage drug or alcohol addiction; and

WHEREAS, this Board is likewise committed to balancing that need with the need to have well-planned neighborhoods consisting of compatible uses; and

WHEREAS, this Board wishes to make certain adjustments to the Zoning Code to clarify the standards and procedures applicable to certified recovery residences; and

WHEREAS, this Board also wishes to amend the provisions governing the County's reasonable accommodation process to provide a completeness review period for processing of applications for reasonable accommodations,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 33-26.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Sec. 33-26.1. – Certified recovery residences.

- (a) Certified recovery residences shall be permitted in accordance with the provisions of this chapter, including those governing group residential facilities. It is provided further that:
 - (1) A certified recovery residence that meets all of the requirements for a group home shall be permitted in accordance with the provisions of this chapter governing group homes; and
 - (2) A certified recovery residence that meets all of the requirements for a community residential home shall be permitted in accordance with the provisions of this chapter governing community residential homes.
- (b) A certified recovery residence may request reasonable accommodations from any land use regulation that serves to prohibit the establishment of such certified recovery residence in accordance with the process set forth in section 33-304.2, except that the following provisions shall apply and shall prevail over any conflicting provisions in section 33-304.2:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (1) Applications must include, in addition to the information required by section 33-304.2, the folio number of the property for which the request for a reasonable accommodation is made.
- (2) Applications shall be date-stamped upon receipt by the Department.
- (3) If additional information is required, the Reasonable Accommodation Evaluator (the "RA Evaluator") shall notify the applicant in writing within the first 7 days after receipt of the application and allow the applicant at least 30 days to respond. Once the RA Evaluator determines that the application is complete, the RA Evaluator shall notify the applicant of the date of receipt of the completed application.
- (4) The RA Evaluator shall issue a final written determination on the application within 21 days after receipt of a completed application, unless the RA Evaluator and applicant agree in writing to a reasonable extension of time for such determination to be made. The RA Evaluator's determination shall either:
 - (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.

If the RA Evaluator does not issue a final written determination within 21 days after receipt of a completed application or within such extended time as agreed to by the RA Evaluator and the applicant, whichever is later, the request shall be deemed approved.

- (5) The Director may revoke a granted reasonable 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 certification or licensure required under section 397.487, Florida Statutes, if not

reinstated within 180 days. This shall not be construed as a limitation on the enforcement that the Director may take.<<

Section 3. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-1. – Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

>>(25.01) Certified recovery residence. The term “certified recovery residence” shall be as defined in section 397.311, Florida Statutes, as may be amended.<<

* * *

Section 4. Section 33-304.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-304.2. – Reasonable Accommodation for Persons with Disabilities.

* * *

(D) *Review and Approval Procedures.* An application for a reasonable accommodation shall be reviewed and decided in accordance with the following procedures:

* * *

(2) *Decision.* >>If, after reviewing a submitted application, the RA Evaluator determines that additional information is required, the RA Evaluator shall notify the applicant in writing within the first 7 days after receipt of the application and allow the applicant at least 30 days to respond. Once the RA Evaluator determines that the application is complete, the RA Evaluator shall notify the applicant

of the date of receipt of the completed application.<<

The RA Evaluator shall make a written determination within 21 days of the filing of a complete reasonable accommodation application, as determined by the Director, and shall either grant, grant with modifications, or deny the application.

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Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

December 2, 2025

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher J. Wahl
Luis M. Reyes

Prime Sponsor: Senator René García