

ORDINANCE NO. 25-08

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE ESTABLISHMENT OF REGULATIONS AND PROCEDURES FOR CERTIFIED RECOVERY RESIDENCES AND FOR REQUESTING A REASONABLE ACCOMMODATION AS REQUIRED BY CHAPTER 2025-182, LAWS OF FLORIDA; IMPLEMENTING SECTION 397.487(15), FLORIDA STATUTES (2025); CREATING ARTICLE VII, CHAPTER 14, OF THE CODE OF ORDINANCES, TOWN OF DUNDEE, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; PROVIDING FOR BUSINESS IMPACT ESTIMATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the *Municipal Home Rule Powers Act* (F.S. Chapter 166) and *Article VIII, §2 of the Florida Constitution*; and

WHEREAS, pursuant to *Section 2(b), Article VIII of the Florida Constitution* and *Chapter 166, Florida Statutes*, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, in 2015, the Florida Legislature established a voluntary certification program for sober recovery residences within the Florida Department of Health to provide foundational support for those individuals receiving a program of addiction treatment or reentering society after successful completion of a program of addiction treatment; and

WHEREAS, CS/CS/CS/SB 954 (2025), codified at *Section 397.487(15), Florida Statutes*, requires the Town Commission of the Town of Dundee, Florida (the "Town Commission"), to adopt an ordinance *establishing procedures for the review and approval of certified recovery residences* within the Town's municipal limits inclusive of 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, the Town Commission desires to implement the reasonable accommodation component of CS/CS/CS/SB 954 (2025), codified at *Section*

Town of Dundee, Florida
Ordinance No. 25-08
Certified Recovery Residence(s)

397.487(15), *Florida Statutes*, by adopting a process for requesting a reasonable accommodation from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, a **reasonable accommodation** is an established method by which an individual who is disabled or handicapped (as those terms are defined in Title II of the *Americans with Disabilities Act* and/or the *Fair Housing Amendments Act of 1988*, hereafter collectively the “disabled”), or a qualified provider of services to the disabled, can request a reasonable and necessary modification or alteration in the application of a specific provision of local law, rule, policy, or practice to afford an equal opportunity for the individual or the disabled within the service provider’s care to use and enjoy housing; and

WHEREAS, Town Commission desires to implement the requirements of CS/CS/CS/SB 954 (2025), codified at Section 397.487(15), *Florida Statutes*, by adopting and creating *Article VII, Chapter 14*, of the *Code of Ordinances, Town of Dundee, Florida* (the “Code”); and

WHEREAS, in the exercise of its legislative authority, the Town Commission has determined it is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Dundee, Florida, and consistent and in accordance with applicable Florida law to amend the Code by adopting and creating *Article VII, Chapter 14*, of the *Code* relating to certain requests for reasonable accommodations and the establishment of certified recovery residences; and

WHEREAS, on **December 9, 2026**, at a duly noticed public meeting, the Town Commission of the Town of Dundee determined and found that the provisions of this **Ordinance No. 25-08**, which are required in accordance with applicable Florida law, concerning certain requests for reasonable accommodations and the establishment of certified recovery residences **does not** impose *more restrictive* and/or *more burdensome* regulation or procedures on construction, reconstruction, or redevelopment of property; and

WHEREAS, on **January 13th 2026**, the Town Commission finds that the purpose of this **Ordinance No. 25-08** is to comply with state law and, pursuant to Section 397.487(15), *Florida Statutes* (2025), no business impact estimate is required to be prepared or posted prior to adoption; and

WHEREAS, on **January 13th 2026**, at a duly noticed public hearing, the Town Commission determined that this **Ordinance No. 25-08** amending the Code promotes the public health, safety, and general welfare of the community and found that the passage and enactment of this **Ordinance No. 25-08** is consistent with the *Town of Dundee 2030 Comprehensive Plan*; and

Town of Dundee, Florida
Ordinance No. 25-08
Certified Recovery Residence(s)

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Ordinance No. 25-08** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest; and this **Ordinance No. 25-08** is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the adoption of this **Ordinance No. 25-08**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Ordinance No. 25-08**.

Section 2. Amendment.

The *Code of Ordinances, Town of Dundee, Florida* (the "Code") is hereby amended to create *Article VII, Chapter 14, of the Code* as set forth in **Exhibit "A"** attached hereto and made a part hereof by reference (provisions deleted are shown as ~~strikethrough~~ and provisions added are shown as underlined).

Section 3. Conflicts.

All ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this **Ordinance No. 25-08** full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the *Town of Dundee 2030 Comprehensive Plan* and/or *Code of Ordinances, Town of Dundee, Florida*, unless such repeal is explicitly set forth herein.

Section 4. Severability.

The provisions of this **Ordinance No. 25-08** are severable. If any section, subsection, sentence, clause, phrase of this **Ordinance No. 25-08**, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this **Ordinance No. 25-08**, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

Town of Dundee, Florida
Ordinance No. 25-08
Certified Recovery Residence(s)

clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Ordinance No. 25-08** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Ordinance No. 25-08** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Ordinance No. 25-08** is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Ordinance No. 25-08**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Ordinance No. 25-08**, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 5. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Ordinance No. 25-08** may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Ordinance No. 25-08** may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Codification.

It is the intent of the Town Commission that the provisions of Section 2 to this **Ordinance No. 25-08** shall be codified as and become and be made a part of the *Code of Ordinances of the Town of Dundee, Florida*. The implementing sections of this Ordinance, Sections 1, 3, 4, 5, and 6, shall not be codified. The code codifier is granted liberal authority to codify the provisions of this **Ordinance No. 25-08**, provided that the Town Commission requests for the codifier to make a State Law reference to "CS/CS/CS/SB 954 (2025), codified at Section 397.487(15), Florida Statutes, for reasonable accommodations for certified recovery residences" "as a courtesy to readers and users of the Code.

Section 7. Business Impact Estimate.

On October 1, 2023, *Senate Bill 170* ("SB 170"), *Chapter 2023-309, Laws of Florida*, was enacted amending Section 166.041, *Florida Statutes*, requiring a local government to prepare a *business impact estimate* before the enactment of an ordinance. On October 1, 2024, *Senate Bill 1628* ("SB 1628"), as codified under *Chapter 2024-145, Laws of Florida*, further amended Section 166.041, *Fla. Stat. (2024)*, by creating certain express exclusion(s).

Town of Dundee, Florida
Ordinance No. 25-08
Certified Recovery Residence(s)

In this instance, this **Ordinance No. 25-08** is required for compliance with general law of the State of Florida. As such, pursuant to applicable Florida law, this **Ordinance No. 25-08** is exempt and does **not** require a business impact estimate.

Section 8. Effective Date.

This **Ordinance No. 25-08** shall become effective immediately upon its passage and adoption after Second and Final Reading.

INTRODUCED AND PASSED on first reading and public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled held this 9th day of December, 2025.

PASSED AND FINALLY ADOPTED on second reading and adoption public hearing with a quorum present and voting at the meeting of the Town of Dundee Town Commission duly assembled on this 13th day of January, 2026.

**TOWN OF DUNDEE
TOWN COMMISSION**

Sam Penant, Mayor

ATTEST:

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney