

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, AMENDING THE DEFINITION OF RECOVERY RESIDENCE ADMINISTRATOR TO CONFORM WITH THE DEFINITION IN FLORIDA STATUTE 397.311(6); PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park, Florida (the "Town") has the home rule authority to establish such regulations as it deems necessary to advance and protect the health, safety, morals and general welfare of the residents, visitors and businesses in the Town; and

WHEREAS, the Town Commission has established reasonable accommodation procedures to protect more than three persons with disabilities due to substance abuse who propose to live together and a family like setting; and

WHEREAS, pursuant to § 397.487(1), Fla. Stat., the Florida Legislature has determined 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 after completing treatment from a licensed service provider; and

WHEREAS, pursuant to § 397.487(1), Fla. Stat. the Florida Legislature has determined that the state, its political subdivisions, and municipal corporations have a legitimate state interest in protecting persons suffering from addiction, who represent a vulnerable consumer population in need of adequate housing; and

WHEREAS, pursuant to § 397.487(1), Fla. Stat., the Florida Legislature has determined that persons who live in a Recovery Residence require protection; and

WHEREAS, the Florida Legislature has determined that persons suffering from addiction who live in recovery residences can be better protected if the Recovery Residence has been certified in accordance with national standards such as those followed by the Florida Association of Recovery Residences; and

WHEREAS, the Florida Legislature has determined that persons suffering from addiction are better protected where a recovery residence is managed by a Recovery Residence Administrator who meets certain core competencies, including (1) A code of ethics and disciplinary process; (2) Biennial continuing education requirements; (3) Annual certification renewal requirements; and

WHEREAS, the Florida Legislature has determined that persons suffering from substance abuse disorders who live in Recovery Residences can be better protected where a Recovery Residence has a Recovery Residence Administrator who has earned and who maintains certification from a credentialing entity approved by the Department of Children and Families; and

WHEREAS, the Town Commission has the home rule authority, pursuant to the Florida Constitution and Chapter 166, Fla. Stat., to require that a Recovery Residence be certified by an approved credentialing entity and that the Recovery Residence be managed by a certified Recovery Residence Administrator; and

WHEREAS, the Town Commission finds that the certification of recovery residences, and the management and supervision of the residents who reside in a Recovery Residence by a certified Recovery Residence Administrator is necessary and appropriate to further the health, safety and general welfare of the residents of recovery residences and the general public; and

WHEREAS, the Town Commission of the Town of Lake Park has adopted reasonable

accommodation procedures that will permit disabled individuals, housing providers, or qualifying entities to request reasonable accommodations and where appropriate based on the facts and law presented to the Town's Magistrate, to receive reasonable accommodations; and

WHEREAS, reasonable accommodations are not automatically granted because the Magistrate who is considering the requested accommodation must be given an opportunity to conduct a meaningful review of the requested accommodation to determine if such an accommodation is required by law and is reasonable; and

WHEREAS, according to the Joint Statement prepared by the United States Departments of Housing and Urban Development and Justice, an accommodation is not reasonable if it either; imposes undue financial and administrative burdens on the government or requires a fundamental alteration in the zoning scheme; and

WHEREAS, the Town Commission has determined that it is necessary and appropriate to amend the definition of the term Recovery Residence Administrator so that it is consistent with the definition contained in § 397.011 (6), Fla. Stat.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are adopted herein as true and correct and shall constitute the legislative findings of the Town Commission.

Section 2. Chapter 78, Article I, Section 78-6 is hereby amended as follows:

Sec. 78-6. Applications and regulations for reasonable accommodation for residents of Recovery Residences

(1) Definitions

Certified recovery residence administrator means a recovery resident administrator who holds a valid certificate of compliance ~~who has been certified and maintained certification from a credentialing entity approved by the Department of Children and Families.~~

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Town of Lake Park.

Section 4. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Lake Park, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall take effect upon execution.

Upon First Reading this 18 day of July, 2018, the foregoing Ordinance was offered by Commissioner Michaud, who moved its approval. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 22 DAY OF July, 2018

Upon Second Reading this 1 day of August, 2018, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No.** 08-2018 duly passed and adopted this 1 day of August, 2018.

TOWN OF LAKE PARK, FLORIDA
 BY: [Signature]
 Mayor, Michael O'Rourke

ATTEST:
[Signature]
 Town Clerk, Vivian Mendez
 (Town Seal)

Approved as to form and legal sufficiency:
[Signature]
 Town Attorney, Thomas J. Baird

FLORIDA