

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, February 10, 2026

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

Ken Rubach, Town Manager
Susan Trevarthen, Town Attorney
Courtney Easley, Acting Town Clerk

Regular Town Commission

Tuesday, February 10, 2026, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION Pauline Brooks McGuiness representing the Bahai Faith**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Colorectal Cancer Awareness Month Proclamation
 - 5.b. Datura and Hibiscus Portal Design Options
 - 5.c. LPR System Upgrade
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
 - 7.a. BSO January 2026 Public Safety Report
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes for Regular Town Commission Meeting held on January 13, 2026.
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
 - 13.a. CIP Update
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
 - 17.a. ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT

PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES” OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

18. RESOLUTIONS – PUBLIC COMMENTS

19. QUASI JUDICIAL PUBLIC HEARINGS

20. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting’s agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person’s right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town’s written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Courtney Easley, Acting Town Clerk/Assistant to Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Colorectal Cancer Awareness Month Proclamation

Explanation: Mayor Malkoon will issue a Proclamation recognizing March 2026 as Colorectal Cancer Awareness Month.

Recommendation:

Exhibits:

1. Proclamation - Colorectal Cancer Awareness Month

Proclamation

*Issued by the Governing Body of the
Town of Lauderdale-By-The-Sea, Florida*

WHEREAS colorectal cancer is the second-leading cause of cancer deaths in the United States among men and women combined ;

WHEREAS colorectal cancer is one of the few cancers that can be prevented with timely screening, but 1 in 3 eligible Americans are not up to date on screening;

WHEREAS colorectal cancer is increasing at an alarming rate among young people and is now the leading cause of cancer deaths for men and women under the age of 50;

WHEREAS in 2025 there were approximately 154,270 new cases and 52,900 deaths from colorectal cancer in the U.S.;

WHEREAS when colon cancer is found at an early stage (stage I-II), the 5-year survival rate is 91%, versus 16% when found at stage IV;

WHEREAS observing a Colorectal Cancer Awareness Month during the month of March provides a special opportunity to increase awareness and offer education on the importance of early detection and screening of colorectal cancer.

WHEREAS Americans in rural areas are more likely to be diagnosed with and die from colorectal cancer than Americans in urban areas;

WHEREAS American Indian, Alaska Natives, and Black Americans are more likely to be diagnosed with colorectal cancer and more likely to die from the disease than other groups;

WHEREAS colorectal cancer is expected to account for 12% of cancer deaths among Hispanic men and 9% of cancer deaths for Hispanic women;

NOW, THEREFORE, I Edmund Malkoon, Mayor, on behalf of the Town Commission and residents of Lauderdale-By-The-Sea, hereby proclaim the month of MARCH 2026 as:

"Colorectal Cancer Awareness Month"

*In witness wherof we have hereunto set our
hands and caused this seal to be affixed*



Edmund Malkoon, *Mayor*

Courtney Easley, *Acting Town Clerk*



Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Ken Rubach, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Datura and Hibiscus Portal Design Options

Explanation: Alex Fenech from RVI Planning + Landscape Architecture (Formerly Hitchcock Design Group) will provide a presentation on the final options for the Datura & Hibiscus Portals. Due to the cost of the project, the Commission will have to select from the following options to stay within the budgeted amount (\$750,871).

- 1) Datura and Hibiscus Portal refreshes but no drainage project at Datura, which could be completed at a later date. (\$745,855)
- 2) Datura Portal with the drainage project and defer Hibiscus. We would supplement the current CIP line with funds from the Public Works Storm Water line item to cover any overages. (\$782,224)

If the Commission wishes to complete both portals with the drainage work, staff estimates this will add approximately \$225,000 to the project for a total cost of \$970,855.

Recommendation: Provide direction to RVI so that a contract may be brought back for Commission consideration for final design.

Exhibits:

1. Exhibit 1 - Portal Design
2. Exhibit 2 - Datura & Hibiscus Portals Cost Estimate without the drainage project
3. Exhibit 3 - Datura Portal only Cost Estimate with drainage

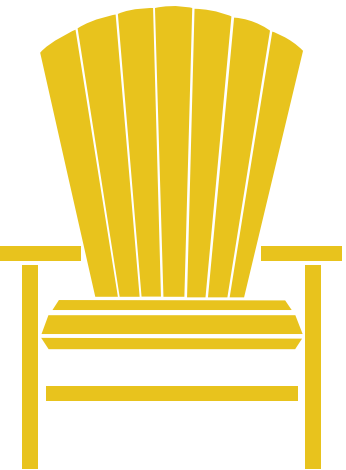
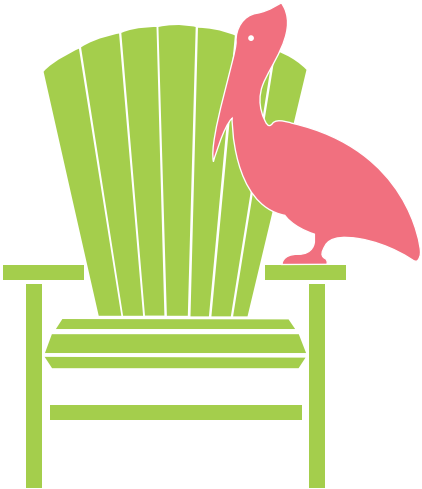
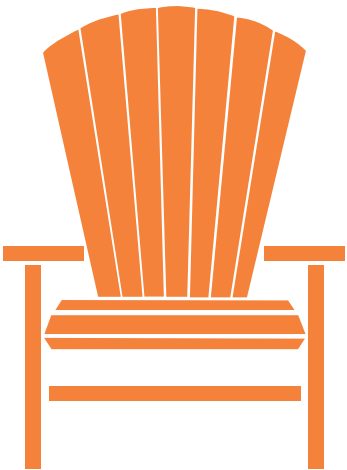
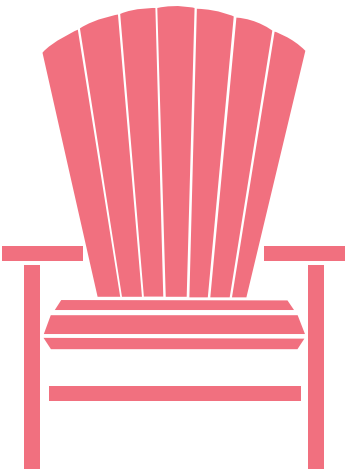
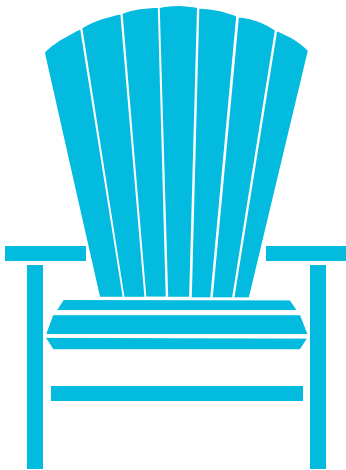


CONCEPTUAL DESIGN PACKAGE

Datura and Hibiscus Ave Portals

Lauderdale-By-The-Sea, Florida

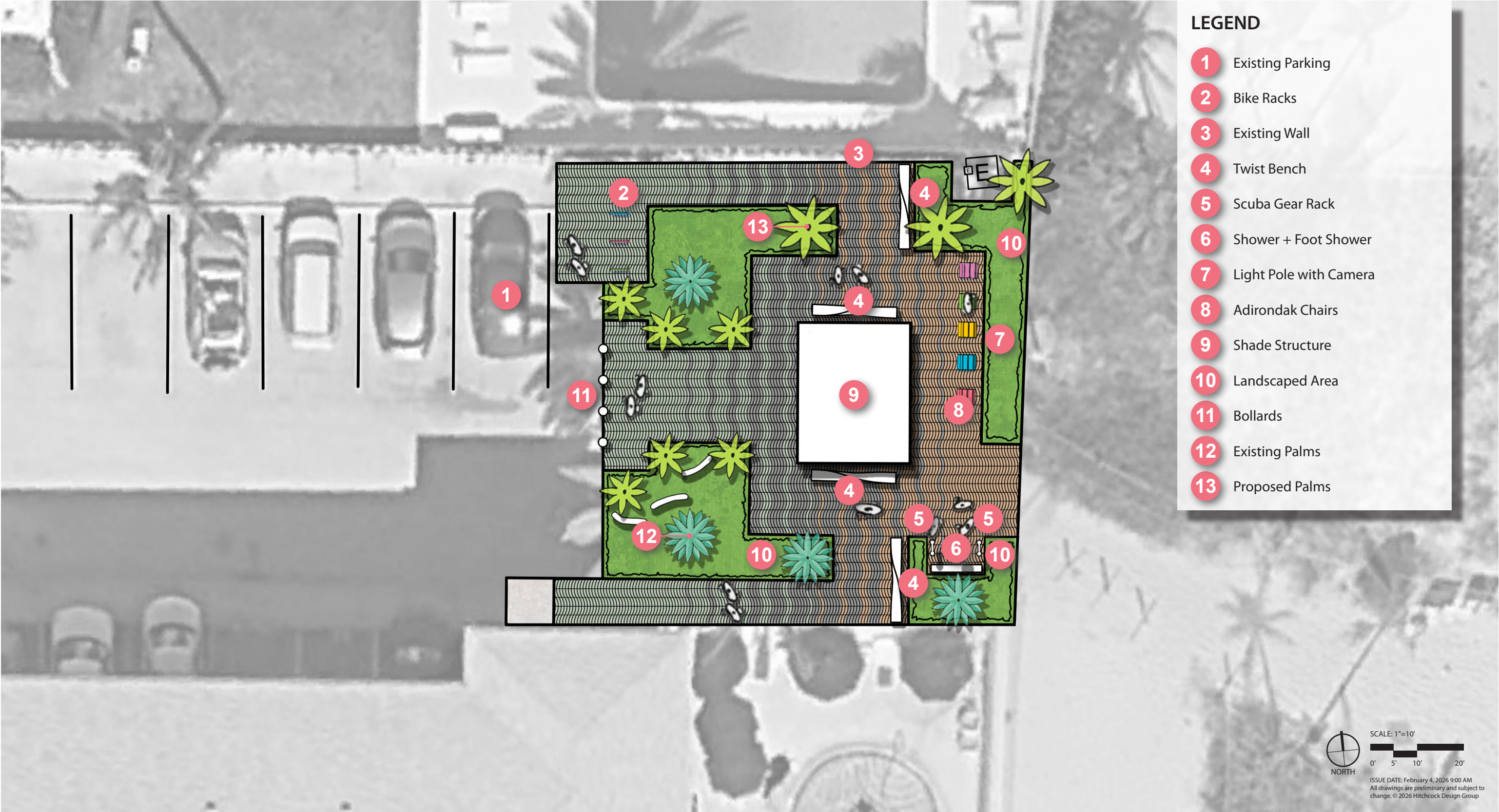
FEBRUARY 10, 2026



AGENDA

1. DESIGN UPDATES
2. STRUCTURE OPTIONS
3. WHAT'S NEXT?
4. Q&A

DATURA PORTAL - CONCEPTUAL SITE PLAN



DATURA PORTAL - RENDERING IMAGES



HIBISCUS PORTAL - CONCEPTUAL SITE PLAN



HIBISCUS PORTAL - RENDERING IMAGES



STRUCTURE CONCEPTUAL DEVELOPMENT

OPTION 1



OPTION 2



OPTION 3



OPTION 4



OPTION 5



OPTION 6



OPTION 7



OPTION 8







PREFERRED STRUCTURE OPTIONS - COMPARISON

OPTION 1



OPTION 2



PATH 1 - DATURA & HIBISCUS PORTALS

1. DOES NOT INCLUDE DATURA DRAINAGE INFRASTRUCTURE PROJECT
2. OVERALL ROM = \$746K (\$4K)
3. EFFICIENCY IN DESIGN + CONSTRUCTION
3. BOTH PORTALS CONSTRUCTED AT THE SAME TIME

PATH 2 - DATURA PORTAL ONLY

1. INCLUDES DRAINAGE INFRASTRUCTURE PROJECT (~\$225K)
2. OVERALL ROM = \$783K (-\$33K)
3. INEFFICIENCY IN DESIGN (~25%) + CONSTRUCTION
4. HOLD HIBISCUS PORTAL UNTIL LATER DATE

BOTH PROJECTS ASSUME UTILIZING A \$50,000 GRANT (DATURA PORTAL).

DATURA & HIBISCUS PORTALS

DATURA PORTAL



HIBISCUS PORTAL





Planning + Landscape Architecture

Construction Cost Opinion - Hibiscus + Datura Portal ONLY_No Drainage Imp

Date: February 4, 2026

RE: Hibiscus Portal; Lauderdale-By-The-Sea, FL

Construction Costs						
Section	Description	Estimated Quantity	Unit	Unit Cost	Extended Cost	Subtotal
0 & 1 Contracting and General Requirements						
00700	contracting requirements	1	LS	3.0%	\$11,578.73	
	general conditions			12.0%	\$46,314.90	
00800	supplementary conditions			1.0%	\$3,859.58	
	performance bond			1.0%	\$3,859.58	
01500	general requirements	1	LS	3.0%	\$11,578.73	
	temporary facilities and controls	1	ALLOW	\$20,000.00	\$ 20,000	
	layout & as-built survey	1	LS	1.0%	\$3,859.58	
Contracting and General Requirements Subtotals :						\$ 101,051
033000 Cast-in-Place Concrete						
	Art Sculpture footings	1	EA	\$ 500	\$ 500	
Section Subtotal:						\$ 500
099100 Painting (exterior field applied)						
	paint existing wall	1,000	SF	\$ 1	\$ 1,000	
Section Subtotal:						\$ 1,000
101400 Signage						
	Art Sculpture	1	EA	\$ 2,500	\$ 2,500	
Section Subtotal:						\$ 2,500
116800 Structures						
	shelter (structure +footings)	1	LS	\$ 60,000	\$ 60,000	
	shelter (skin/aesthetics)	1	LS	\$ 50,000	\$ 50,000	
	shelter (installation)	1	LS	\$ 50,000	\$ 50,000	
Section Subtotal:						\$ 160,000
224700 Drinking Fountains						
	Shower	2	EA	\$ 2,500	\$ 5,000	
Section Subtotal:						\$ 5,000
265600 Exterior Lighting						
	bollard lighting (FWC approved)	14	EA	\$ 2,000	\$ 28,000	
Section Subtotal:						\$ 28,000
311000 Site Clearing						

silt fence		LF	\$ 13	\$ -
temporary construction fence		LF	\$ 14	\$ -
inlet protection	3	EA	\$ 300	\$ 900
erosion control maintenance	1	ALLOW	\$ 5,000	\$ 5,000
tree protection	5	EA	\$ 10	\$ 50
tree removal	3	EA	\$ 1,000	\$ 3,000
clear and grub	2	LS	\$ 3,500	\$ 7,000
remove concrete paving	120	SF	\$ 2	\$ 240
remove pavers	2,200	SF	\$ 2	\$ 4,400
remove shade structures	0	LS	\$ 2,500	\$ -
prep wall for paint	2	ALLOW	\$ 500	\$ 1,000
Section Subtotal:				\$ 21,590

312000 Earth Moving				
fine grade hardscape subgrade	250	SY	\$1.25	\$ 313
fine grade landscape	100	SY	\$0.75	\$ 75
Section Subtotal:				\$ 388

321400 Unit Paving				
unit paving (pavers)	2,300	SF	\$ 15	\$ 34,500
unit paving aggregate base	40	CY	\$ 75	\$ 3,000
unit paving leveling course	8	CY	\$ 60	\$ 480
sand sweep joints	2	LS	\$ 500	\$ 1,000
Section Subtotal:				\$ 38,980

328400 Planting Irrigation				
irrigation system	1	ALLOW	\$ 12,000	\$ 12,000
Section Subtotal:				\$ 12,000

329200 Turf and Grasses				
topsoil amendments	8	CY	\$ 50	\$ 400
Section Subtotal:				\$ 400

329300 Plants				
	820	SF		
shade tree (3-4" cal. 14-16 HT)	0	EA	\$ 600	\$ -
lg palm (royal 15-18' HT)	6	EA	\$ 750	\$ 4,500
lg palm (coconut 16-22' HT)	3	EA	\$ 500	\$ 1,500
med palm (sabal - 14-18' CT)	0	EA	\$ 300	\$ -
sm palm (thatch - multi-5-6' HT)	0	EA	\$ 85	\$ -
ornamental tree (green button wood 3" CAL / 12 Ht)	0	EA	\$ 235	\$ -
large deciduous shrub	85	EA	\$ 85	\$ 7,225
small deciduous shrub	180	EA	\$ 30	\$ 5,400
evergreen shrub	60	EA	\$ 50	\$ 3,000
ornamental grass	250	EA	\$ 20	\$ 5,000
perennial	200	EA	\$ 15	\$ 3,000
groundcover	100	EA	\$ 5	\$ 500
planting medium	65	CY	\$ 40	\$ 2,600
Contractor Install Allowance	1	LS	\$ 25,000	\$ 25,000
Section Subtotal:				\$ 57,725

334100 Storm Utility Drainage Piping				
inlet	3	EA	\$ 2,500	\$ 7,500
storm sewer pipe-6" pvc	75	LF	\$ 25	\$ 1,875

Other Civil Provisions	1	ALLOW	\$ 15,000	\$ 15,000	
Section Subtotal:					\$ 24,375

334100 Sub drainage

yard inlet	4	EA	\$ 1,500	\$ 6,000	
underdrain pipe	100	LF	\$ 25	\$ 2,500	
Other Sub drainage Provisions	1	ALLOW	\$ 5,000	\$ 5,000	
Section Subtotal:					\$ 13,500

Additional Provisions

MEP Allowance	1	ALLOW	\$ 20,000	\$ 20,000	
Section Subtotal:					\$ 20,000

Construction Cost Subtotals : \$ 385,958

Total Construction Cost Subtotals : \$ 487,009

Other Project Costs

design contingency (%)	1	LS	2%	\$ 9,740	
bid contingency (%)	1	LS	10%	\$ 48,701	
construction contingency (%)	1	LS	10%	\$ 48,701	
Subtotal:					\$ 107,142

Design and Engineering

dd/cd/ca (design + construction) phase services	1	ALLOW	\$ 139,205	\$ 139,205	
permitting fees	1	ALLOW	\$ 5,000	\$ 5,000	
construction phase services	1	ALLOW	\$ 7,500	\$ 7,500	
Subtotal:					\$ 151,705

PROJECT TOTAL: \$ 745,855

PROJECT BUDGET: \$ 750,000

DIFFERENCE: \$ 4,145

129300 Site Furnishings (DIRECT PURCHASE BY TOWN; NOT INCLUDED IN OVERALL BUDGET ABOVE)
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bench (by owner)	7	EA	\$ 2,500	\$ 17,500	
adirondack chair (by owner)	10	EA	\$ 1,700	\$ 17,000	
Stepped Group Seating (by owner)	2	EA	\$ 4,000	\$ 8,000	
trash receptacle (by owner)	4	EA	\$ 1,200	\$ 4,800	
Custom Scuba Rack(s)	2	EA	\$ 4,000	\$ 8,000	
picnic table (by owner)	1	EA	\$ 2,300	\$ 2,300	
bike rack (by owner)	5	EA	\$ 1,000	\$ 5,000	
Section Subtotal:					\$ 62,600



Planning + Landscape Architecture

Construction Cost Opinion - Datura Portal ONLY + Drainage Infrastructure

Date: February 4, 2026

RE: Hibiscus Portal; Lauderdale-By-The-Sea, FL

Construction Costs						
Section	Description	Estimated Quantity	Unit	Unit Cost	Extended Cost	Subtotal
0 & 1 Contracting and General Requirements						
00700	contracting requirements	1	LS	2.0%	\$6,179.43	
	general conditions			10.0%	\$30,897.13	
00800	supplementary conditions			1.0%	\$3,089.71	
	performance bond			1.0%	\$3,089.71	
01500	general requirements	1	LS	3.0%	\$9,269.14	
	temporary facilities and controls	1	ALLOW	\$15,000.00	\$ 15,000	
	layout & as-built survey	1	LS	1.0%	\$3,089.71	
Contracting and General Requirements Subtotals :						\$ 70,615

033000 Cast-in-Place Concrete						
	Art Sculpture footings	1	EA	\$ 500	\$ 500	
Section Subtotal:						\$ 500

099100 Painting (exterior field applied)						
	paint existing wall	500	SF	\$ 1	\$ 500	
Section Subtotal:						\$ 500

101400 Signage						
	Art Sculpture	1	EA	\$ 2,500	\$ 2,500	
Section Subtotal:						\$ 2,500

116800 Structures						
	shelter (structure +footings)	1	LS	\$ 60,000	\$ 60,000	
	shelter (skin/aesthetics)	1	LS	\$ 50,000	\$ 50,000	
	shelter (installation)	1	LS	\$ 50,000	\$ 50,000	
Section Subtotal:						\$ 160,000

224700 Drinking Fountains						
	Shower	1	EA	\$ 2,500	\$ 2,500	
Section Subtotal:						\$ 2,500

265600 Exterior Lighting						
	bollard lighting (FWC approved)	12	EA	\$ 2,000	\$ 24,000	
Section Subtotal:						\$ 24,000

311000 Site Clearing						
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silt fence	0	LF	\$ 13	\$ -
temporary construction fence	0	LF	\$ 14	\$ -
inlet protection	2	EA	\$ 300	\$ 600
erosion control maintenance	1	ALLOW	\$ 3,000	\$ 3,000
tree protection	4	EA	\$ 10	\$ 40
tree removal	2	EA	\$ 1,000	\$ 2,000
clear and grub	1	LS	\$ 3,500	\$ 3,500
remove concrete paving	120	SF	\$ 2	\$ 240
remove pavers	1,435	SF	\$ 2	\$ 2,870
remove shade structures	0	LS	\$ 2,500	\$ -
prep wall for paint	1	ALLOW	\$ 500	\$ 500
Section Subtotal:				\$ 12,750

312000 Earth Moving				
fine grade hardscape subgrade	200	SY	\$1.25	\$ 250
fine grade landscape	75	SY	\$0.75	\$ 56
Section Subtotal:				\$ 306

321400 Unit Paving				
unit paving (pavers)	1,487	SF	\$ 15	\$ 22,305
unit paving aggregate base	28	CY	\$ 75	\$ 2,100
unit paving leveling course	6	CY	\$ 60	\$ 360
sand sweep joints	1	LS	\$ 500	\$ 500
Section Subtotal:				\$ 25,265

328400 Planting Irrigation				
irrigation system	1	ALLOW	\$ 8,000	\$ 8,000
Section Subtotal:				\$ 8,000

329200 Turf and Grasses				
topsoil amendments	6	CY	\$ 50	\$ 300
Section Subtotal:				\$ 300

329300 Plants				
	600	SF		
shade tree (3-4" cal. 14-16 HT)	0	EA	\$ 600	\$ -
lg palm (royal 15-18' HT)	6	EA	\$ 750	\$ 4,500
lg palm (coconut 16-22' HT)	3	EA	\$ 500	\$ 1,500
med palm (sabal - 14-18' CT)	0	EA	\$ 300	\$ -
sm palm (thatch - multi-5-6' HT)	0	EA	\$ 85	\$ -
ornamental tree (green button wood 3" CAL / 12 Ht)	0	EA	\$ 235	\$ -
large deciduous shrub	60	EA	\$ 85	\$ 5,100
small deciduous shrub	140	EA	\$ 30	\$ 4,200
evergreen shrub	40	EA	\$ 50	\$ 2,000
ornamental grass	175	EA	\$ 20	\$ 3,500
perennial	150	EA	\$ 15	\$ 2,250
groundcover	75	EA	\$ 5	\$ 375
planting medium	45	CY	\$ 40	\$ 1,800
Contractor Install Allowance	1	LS	\$ 15,000	\$ 15,000
Section Subtotal:				\$ 40,225

334100 Storm Utility Drainage Piping				
inlet	2	EA	\$ 2,500	\$ 5,000
storm sewer pipe-6" pvc	50	LF	\$ 25	\$ 1,250

Other Civil Provisions	1	ALLOW	\$ 7,500	\$ 7,500	
Section Subtotal:					\$ 13,750

334100 Sub drainage					
yard inlet	2	EA	\$ 1,500	\$ 3,000	
underdrain pipe	75	LF	\$ 25	\$ 1,875	
Other Sub drainage Provisions	1	ALLOW	\$ 3,500	\$ 3,500	
Section Subtotal:					\$ 8,375

Additional Provisions					
MEP Allowance	1	ALLOW	\$ 10,000	\$ 10,000	
Section Subtotal:					\$ 10,000

Construction Cost Subtotals : \$ 308,971

Total Construction Cost Subtotals : \$ 379,586

Other Project Costs					
design contingency (%)	1	LS	2%	\$ 7,592	
bid contingency (%)	1	LS	7%	\$ 26,571	
construction contingency (%)	1	LS	7%	\$ 26,571	
Subtotal:					\$ 60,734

Design and Engineering					
dd/cd/ca (design + construction)					
phase services_25% efficiency red.	1	ALLOW	\$ 139,205	\$ 104,404	
Infrastructure Allowance	1	ALLOW	\$ 225,000	\$ 225,000	
permitting fees	1	ALLOW	\$ 5,000	\$ 5,000	
construction phase services	1	ALLOW	\$ 5,000	\$ 7,500	
Subtotal:					\$ 341,904

PROJECT TOTAL: \$ 782,224

PROJECT BUDGET W/ \$50K GRANT: \$ 750,000

DIFFERENCE: \$ (32,224)

129300 Site Furnishings (DIRECT PURCHASE BY TOWN; NOT INCLUDED IN OVERALL BUDGET ABOVE)					
bench (by owner)	7	EA	\$ 2,500	\$ 17,500	
adirondack chair (by owner)	10	EA	\$ 1,700	\$ 17,000	
Stepped Group Seating (by owner)	2	EA	\$ 4,000	\$ 8,000	
trash receptacle (by owner)	4	EA	\$ 1,200	\$ 4,800	
Custom Scuba Rack(s)	2	EA	\$ 4,000	\$ 8,000	
picnic table (by owner)	1	EA	\$ 2,300	\$ 2,300	
bike rack (by owner)	5	EA	\$ 1,000	\$ 5,000	
Section Subtotal:					\$ 62,600



Agenda Item No: 5.c.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Chris Sutter, Captain, Broward Sheriff's Office

Submitting Department: Administration

Item Type: Action Item

Agenda Section: PRESENTATIONS

Subject Title: LPR System Upgrade

Explanation: Lt. Palamara will be presenting information on potential License Plate Reader upgrades.

Recommendation: Provide staff direction on whether to move forward with the enhancements.

Exhibits:

1. Exhibit 1 - LBTS License Plate Reader (LPR) System Assessment 3.0



Sheriff Gregory Tony, Ph.D.
2400 N. Lauderdale Blvd., Suite 200
Fort Lauderdale, FL 33304
(954) 376-2000



LAUDERDALE
BY THE SEA

License Plate Reader (LPR) System Assessment for Town of Lauderdale by the Sea 2026

Prepared by
Lieutenant C. Palamara, Executive Officer
Broward Sheriff's Office
Lauderdale by the Sea District

Refresher – LPR: What are they?

- **LPRs assist law enforcement in detection, identification and recovery of stolen vehicles, wanted persons, missing and/or endangered children and adults, and persons who have committed serious and violent crimes, and enhances the safety of the residents of the city.**
- **Deputies can use information provided by witnesses and surveillance cameras to query specific tag numbers or vehicle descriptors to develop leads and persons of interest.**

Refresher – LPR: What are they?

- **Automatic license plate readers (LPR) use a combination of cameras and computer software to scan the license plates of cars passing by. The readers send the data to LPR software which compares each plate against databases of vehicles entered into NCIC, including stolen cars, cars associated with missing persons, as well as those associated with wanted persons and felony incidents.**
- **If a tag matches, an alert is triggered and users are notified of the time and location the suspect vehicle was read – allowing officers to respond. Alert can be seen on active computers, as well as sent to users via email and text in some systems.**

Existing System

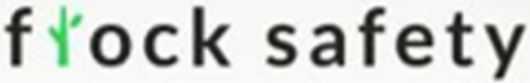
- In late 2012, the Town and BSO began collaboration toward the purchase of an LPR and surveillance system using primarily LETF funds. This culminated in an RFP being issued in February 2013 and the ultimate awarding of the contract to NDI in 2014. The approximate cost was \$155,000 paid for with LETF funds.
- The current system has 11 cameras mounted to 5 poles using 5 air cards at a current annual approximate cost of \$12,500. All poles have AC power.
- The 5 poles fully cover the Town's 3 points of ingress/egress and are located at :
 - (2) Commercial Blvd just east of W Tradewinds Ave (3 cameras on one pole on southside of road, E/B lanes (one camera is pointed south on W Tradewinds); (2 cameras on second pole (W/B) on north side of road)
 - (1) A1A just north of Terra Mar Dr on west side of road (2 cameras on one pole) * *these are newer and replaced in 2025 after damaged in a crash late 2023/early 2024 at a cost of \$28,000.*
 - (2) A1A just north of Flamingo Ave (two cameras each on 2 poles on each side of A1A)
- Original proposal offered extended warranty including replacement of the system after 5 years. Option was NOT exercised.

Statement of Problem

- **The current system is considered a “legacy” system due to its age.**
- **Technology rapidly advances and the typical assessment of life span is 5-6 years.**
- **Since 2013, more companies are providing equipment, service and support.**
- **Better hardware (cameras) and software now exists.**
- **Real concern for missed tags and missed opportunities.**

Major Providers in Broward County:

****Please note, listed are the primary/largest provider; many if not most municipalities have a mix of systems.****Green letters are BSO Cities.

		
Pompano Beach	Coral Springs Pembroke Pines Coconut Creek Margate* Miramar FDOT/FHP Sea Ranch Lakes Sunrise	Dania Beach Central Broward Weston N Lauderdale Cooper City Tamarac* Deerfield Beach* Hollywood*
		Fort Lauderdale* Davie* Lauderdale Lakes Oakland Park
Lauderhill Plantation	Lighthouse Point Lauderdale by the Sea	

Estimated Costs:

	Purchase	Lease/Finance	Annual Recurring	
	N/A	\$21,000 +\$1050 install Year to year lease	\$21,000	Ft Lauderdale's system
 via Vetted Solutions	\$93,771/\$52,987 Include install	\$22,465/12,694 5 year finance Year to year lease	\$3,800/\$4000 Purch Optional service plan \$8,000 \$22,465/12,694 Fin	Largest Provider
 via Miller Electric	N/A	\$17,465 +\$1,750 install	\$17,465	Pompano's system
	\$55,670/\$46,875* Include Install for 5 cameras	\$17,203 5 year lease	\$8,578/7,800 Purchase \$17,203 Lease	Existing Provider

flock safety

- Flock meets LBTS/BSO quality and cost needs the best
- Full service included, including update to latest devices if broken
- Large and expanding footprint of devices
- Significant # of other municipalities use
- Top User Interface with top tier search and superior AI
- High quality cameras and night vision
- Email and Text alert option; cell phone app – mobile reader
- BSO RTCC integrated for monitoring
- Solar power with ability to connect to AC
- 63/67 Counties in FL; 25 billion plates per month

Genetec™

- Genetec
- Pompano's system
- High Quality Cameras
- Email and Text alert option
- Solar power with ability to connect to AC
- Limited Sister agencies in our area necessitates jumping across systems to gain additional leads



- Industry Leader
- Largest Footprint/Partners
- BSO RTCC full integration and monitoring ability
- Email and text alerts
- High end UI/Searchability
- Longer Data Retention
- Cell phone app – mobile reader
- Purchase option
- Flexibility for Top of Line or Economy option
- Purchase Price amortized out similar to lease price; allows to get more than 5-6 years

- Current System
- Quality Cameras with high end night vision
- Updated cameras perform better than dated equipment
- Has email alert; Android App
- Limited Sister agencies in our area necessitates jumping across systems to gain additional leads
- UI/Searchability not as easy to use as others

Estimated Costs:

	Purchase	Lease/Finance	Annual Recurring	
	N/A	\$21,000 +\$1050 install Year to year lease	\$21,000	Ft Lauderdale's system
 via Vetted Solutions	\$93,771/\$52,987 Include install	\$22,465/12,694 5 year finance Year to year lease	\$3,800/\$4000 Purch Optional service plan \$8,000 \$22,465/12,694 Fin	Largest Provider
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	\$55,670/\$46,875* Include Install for 5 cameras	\$17,203 5 year lease	\$8,578/7,800 Purchase \$17,203 Lease	Existing Provider



Agenda Item No: 7.a.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Chris Sutter, Captain, Broward Sheriff's Office

Submitting Department: Public Safety

Item Type: Public Safety Discussion

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO January 2026 Public Safety Report

Explanation: BSO January 2026 Public Safety Report prepared by Captain Chris Sutter.

Recommendation: Accept/Approve

Exhibits:

1. TM Report-January 2026



Sheriff Gregory Tony, Ph.D.

Date: February 4, 2026

To: Ken Rubach
Town Manager

From: Captain Christopher Sutter
Commander, Lauderdale by the Sea District

Subject: BSO Public Safety Report- January 2026

PERSONNEL CHANGES:

None

EMPLOYEE OF THE MONTH: Sergeant Gregory Murphy

On January 15, 2026, at approximately 4:17 p.m., deputies were dispatched to 4051 N. Ocean Drive, Apartment #6, in reference to a male experiencing a mental health crisis (Case #13-2601-000836). Henderson Clinic personnel were already on scene and had completed an evaluation, determining the male met the criteria for involuntary examination under the Baker Act. The necessary paperwork was completed prior to law enforcement involvement.

Sergeant Gregory Murphy responded to the scene with Bravo Shift deputies and attempted to establish contact with the subject. It was soon determined the male was uncooperative and had barricaded himself inside his second-story apartment. The subject was confirmed to be alone and had not made any threats toward himself or others.

Sergeant Murphy effectively assessed the risks associated with a forced entry, recognizing the significant danger posed to both deputies and the subject due to the apartment's elevated location, narrow stairwell access, and minimal safety railing. Demonstrating sound judgment and leadership, Sergeant Murphy opted to manage the situation through containment and communication. He maintained verbal contact with the subject while simultaneously monitoring the subject's social media activity for any indications of escalating threats or intent.

A short time later, the subject appeared on the apartment balcony holding a clear plastic bag, which he threw toward deputies standing in the roadway below. The bag was recovered and found to contain approximately 467 grams of marijuana.

Sergeant Murphy coordinated closely with District Command and requested assistance from the Pompano Beach Crime Suppression Team (CST), who responded to assist with the ongoing investigation. After it was determined the subject would not voluntarily comply with the Baker Act, a deliberate plan was developed to safely take the subject into custody once he exited the residence.

When the subject eventually exited the apartment, deputies were able to safely take him into custody without incident. A search warrant was subsequently executed on the residence, resulting in the seizure of an additional 439 grams of marijuana and three MDMA (Ecstasy) pills. Further investigation revealed the subject's 2019 Cadillac Escalade had been reported stolen out of Texas in 2019 and was outfitted with an altered VIN in an attempt to conceal its stolen status.

Due to Sergeant Murphy's exemplary handling of this complex and potentially dangerous incident, no deputies or civilians were injured, the subject was safely detained and transported for medical evaluation, a significant quantity of narcotics was seized, and a stolen vehicle was successfully recovered.

For his exceptional leadership, sound tactical decision-making, and commitment to public and deputy safety, Sergeant Gregory Murphy was selected as Employee of the Month for January 2026.

CITIZEN OBSERVER PATROL (COP) SPECIAL RECOGNITION

On January 1, 2026, at approximately 3:36 p.m., Citizen Observer Patrol (COP) member Jeffrey Kantor was conducting a proactive beach patrol in Lauderdale-by-the-Sea using a BSO UTV when he observed a six-year-old male walking alone near 1700 S. Ocean Boulevard who appeared to be lost. Recognizing the potential danger to the child, COP Kantor immediately took appropriate action and requested additional deputies to respond.

Shortly thereafter, a report was received in Pompano Beach regarding a missing child whose description matched that of the child located by COP Kantor. Through COP Kantor's vigilance, sound judgment, and swift response, deputies quickly coordinated efforts and safely reunited the child with his parents, who were vacationing from South Carolina and staying at the Wyndham Resort at 1110 S. Ocean Boulevard in Pompano Beach.

COP Kantor's attentiveness and decisive actions directly contributed to the child being located and returned to his parents without injury or incident. His conduct reflects great credit upon the Citizen Observer Patrol program and the Broward Sheriff's Office, and exemplifies the value of proactive community partnership in ensuring public safety.

COMMUNITY PROGRAMS AND SERVICES: These ancillary programs and services are available to residents on an ongoing basis.

- **Elder Links:** This program offers referral services to elderly residents and other senior citizens in need of medical and mental health care, meal delivery, or other social services.
- **Business and Residential Security Surveys:** The Business and Residential Security Survey program teaches participants to secure their business, home, or condominium to reduce the likelihood of burglary and theft. Security surveys, conducted by a certified law enforcement security specialist, are provided upon request, at no charge to the business owner or resident.
- **Vacation House Watch Program:** Residents who are traveling out of town may register for this program. Deputies will conduct periodic checks of their residence until their return.
- **Neighborhood Crime Prevention Program:** The Neighborhood Crime Prevention program liaison organizes and conducts crime prevention and security seminars at the request of neighborhood civic and condominium associations. We will also help facilitate any Neighborhood Crime Watch programs in which the residents wish to participate.
- **Identity Theft and Scam Prevention Program:** The Identity Theft and Scam Prevention program is designed to inform residents about identity theft and how to lessen their chances of becoming a victim of a scam. Residents are informed about the importance of shredding documents, recognizing suspicious individuals, protecting passwords, and exercising caution when sharing information. Our Shred-A-Thon to reduce identity theft event is incorporated into this program.
- **Enhanced Marine Law Enforcement Patrol Program:** The BSO Marine Patrol Unit participates in the Enhanced Marine Law Enforcement Grant on behalf of Lauderdale-by-the-Sea. This grant enables additional maritime patrols throughout the Town's waterways and adjacent ocean areas.
- **Citizen Observer Patrol (COP) Program:** COP volunteers are local residents who receive public safety training. They are a tremendous asset to the Town of Lauderdale-by-the-Sea. COP members alternate between assisting with administrative duties and patrolling local neighborhoods as an extra pair of eyes and ears to supplement deputy sheriff patrols. COP members also attend monthly patrol information and criminal intelligence briefings. A summary of COP statistical activity is included at the end of this report.
- **Sexual Offender Tracking Program:** There are **no** individuals legally classified as a sexual offender residing within Town limits. The sex offender database is routinely checked by BSO to ensure compliance with the State of Florida legal mandates. Existing municipal ordinances prohibit persons classified as sexual offenders or sexual predators from residing within Town limits.
- **Bicycle Patrol:** Deputies utilize specialized patrol bicycles to enhance public safety and community outreach. This patrol mode allows deputies to interact one-on-one with our residents and visitors. Deputies conducted 0 hours of bike patrol.

- **All-Terrain Vehicle Patrol:** The ATVs / Polaris are primarily utilized on the beach areas in order to conduct patrols to deter criminal activity and maintain the security of the beach-area properties. The ATV patrol plays a crucial role in marine fisheries regulation, enforcement, and protection. Deputies used the ATV / Polaris for 110 miles and 16.25 hours this month.
- **Crisis Intervention Team / Homeless Outreach Team Programs:** The C.I.T. / H.O.T. program is comprised of specially trained patrol deputies and supervisors who are able to intervene in situations involving persons with mental illness or who are otherwise experiencing mental health crises or are homeless and in need of services. Four (4) individuals were experiencing a mental health crisis. Three (3) were transported to Imperial Point Hospital, and one (1) was transported to Fort Lauderdale Behavioral Health. Four (4) individuals experiencing homelessness were contacted during this period, all of whom refused services.
- **Automated License Plate Reader Camera System:** The ALPR system installation was completed in October 2014. The system is proving to be an effective tool for Public Safety. *See Notable Incidents/Arrests below.*
- **e-Alerts:** This information initiative allows Town residents to stay informed, via email or text messages, of important topics such as criminal activity, traffic information, upcoming events, security issues, and other important public safety information throughout Broward County and Lauderdale-by-the-Sea. Residents can register for this program through either the Lauderdale-by-the-Sea or the Broward Sheriff's Office website @ www.sheriff.org.
- **Electronic Message Board:** The BSO Lauderdale-by-the-Sea district continues to utilize the electronic traffic safety message board at various locations within the Town. This enables the district to notify residents about any traffic issues and other significant public safety concerns affecting them.
- **SaferWatch:** SaferWatch is an application (app) that gives citizens the power to record or report non-emergency incidents as they happen. It provides another option to the "If you see something, say something" message and allows individuals that "If you see something, SEND something" via a mobile application (app) from your smartphone.
- **TWITTER:** The Broward Sheriff's Office has provided an official Twitter account to Captain Sutter to provide information to the public via social media. Follow us @BSOLBTS.

SPECIAL EVENTS: These events required the participation of the BSO LBTS district.

On Saturday, January 17, 2026, Captain Christopher Sutter and Lieutenant Christopher Palamara attended the annual **Terra Mar Homeowners Association** meeting alongside town staff. The meeting provided an opportunity to engage directly with residents, address public safety concerns, and discuss upcoming community events, further strengthening the partnership between law enforcement and the Terra Mar community.

On Wednesday, January 28, 2026, the Broward Sheriff's Office hosted its annual **Senior Seminar** at Jarvis Hall. This well-attended event brought together numerous county and state organizations that offered valuable resources and assistance to members of our senior community. As part of the program, Detective Ben Koos delivered an engaging, interactive presentation on fraud prevention, highlighting real-world scams affecting residents and providing practical guidance to help attendees recognize and avoid becoming victims.

NOTABLE INCIDENTS / ARRESTS:

CASE: 13-2601-000043 (COP Jeffrey Kantor)

DATE/TIME: 01/01/2026 @ 1538 hours

LOCATION: 1700 S Ocean Blvd (Beach

VICTIM: Juvenile H/M (6 YOA)

INCIDENT: **AOA to Pompano Beach (Missing Juvenile)**

SUMMARY: While conducting a beach patrol, COP Jeffrey Kantor located a 6-year-old H/M juvenile who had become separated from his parents. COP Kantor summoned LBTS deputies to the area. A short time later, a call was received regarding a missing 6-year-old male at 1110 S Ocean Blvd., Pompano Beach. The juvenile was safely reunited with his parents, who were on vacation from South Carolina.

CASE: 13-2601-000236 (Deputy Seedig)

DATE/TIME: 01/04/2026 @ 2342 hours

LOCATION: 4562 Poinciana St

OFFENDER: Michael Anderson W/M (01/21/1979)

VICTIM: W/F (11/09/1973)

INCIDENT: **Domestic Violence (Arrest)**

SUMMARY: Deputies were dispatched to a report of Domestic Violence. It was learned that the victim was pushed from behind by the Offender, Michael Anderson, causing minor injury to her knees. The victim refused to provide a statement or photographs. Anderson was subsequently arrested. Anderson was transported to the Main Jail.

CASE: 13-2601-000281 (Dep Cathcart)

DATE/TIME: 01/05/2026 @ 1742 hours

LOCATION: 1430 S Ocean Blvd

VICTIM: W/M (09/13/1940)

SUSPECT: Unknown

INCIDENT: **Fraud**

SUMMARY: The victim resides at the listed location and responded to the D13 Office, reporting that an unknown person used his FPL account profile to create another FPL account profile for a location in Miami. The unknown suspect utilized the internet to create this account, and the victim was billed approximately \$2,781.07 for unauthorized charges located at 165 NW 60th Street, Miami, FL 33126. Report completed.

CASE: 13-2601-000303 (Dep Seedig)
DATE/TIME: 01/06/2026 @ 0501 hours
LOCATION: 4653 N Ocean Drive (Evolutions)
ARRESTEE: Harold Arguijo W/M (05/04/1988)
INCIDENT: **Trespass (Arrest)**
SUMMARY: Deputies were dispatched to the listed location in reference to a disturbance. Investigation revealed that the subject, Harold Arguijo, was intoxicated and disorderly on the property and, while arguing with security staff, battered a security staff member with an open hand. The staff member then told Arguijo he had to leave the property. Arguijo refused, DLE was called, and observed the Defendant still on the property, intoxicated and disorderly. Staff had no injuries and declined to pursue a battery charge; however, they requested that the subject be removed from the property. Defendant was given several minutes to comply with the trespass warning, but he continued to loiter on the property and was arrested after refusing to leave. Arguijo was transported to the main jail.

CASE: 13-2601-000361 (Deputy Ramcharan)
DATE/TIME: 01/07/2026 @ 0955 hours
LOCATION: 224 Commercial Boulevard (Waterhouse Real Estate Investments)
VICTIM: Waterhouse Real Estate Investments
INCIDENT: **Fraud**
SUMMARY: Deputy Ramcharan responded to the Lauderdale by the Sea Office and met with the owner of Waterhouse Real Estate Investments. She reported that during December 2025, handwritten checks were drawn on her commercial bank account. Her company utilizes typed checks. She reported this issue to her bank. Her bank required a police report. The checks were made out to Shomari Moses. A report was written, and a case card was issued.

CASE: 13-2601-000618 (Deputy Redl)
DATE/TIME: 1/11/26 @ 1400 hours
LOCATION: 4300 El Mar Dr
ARRESTEE: Brad Telsin B/M (02/01/1986)
INCIDENT: **Possession of Alpha PVP (Flakka) - Arrest**
SUMMARY: Brad Telsin was observed driving a vehicle with an expired tag unlawfully attached to a different vehicle. In plain view was a bag containing a powdery substance identified as Alpha-PVP (Flakka). On his lap, inside a metal tin, were 3 more bags of Flakka. Marijuana was also located during the search of the vehicle. The driver was arrested, the vehicle was towed, and it was placed in forfeiture.

CASE: 13-2601-000709 (Deputy Ogando)
DATE/TIME: 01/13/26 @ 0106 hours
LOCATION: 250 E Commercial Boulevard, #A
INCIDENT: **Fire - Commercial Structure**
SUMMARY: On January 13, 2026, at approximately 1:06 AM, Deputies responded to 250 Commercial Blvd, Suite #A, in reference to a commercial structure fire. Pompano Beach Fire Rescue responded and extinguished a fire confined to a wheelbarrow on the roof. The roof is being worked on and replaced/repared. There was no apparent damage to the roof and no reported injuries. The building was unoccupied and closed. The on-duty Battalion chief was on scene and advised there was no need for the fire marshal or inspector to respond. During the incident, Commercial Blvd was closed to traffic for a short period. The roadway was reopened upon Battalion Chief approval. According to the Battalion Chief, there was nothing suspicious regarding the fire.

CASE: 13-2601-000804 (Deputy Ogando)
DATE/TIME: 01/15/26 @ 0339 hours
LOCATION: El Mar Dr/Palm Av (Palm Portal)
ARRESTEE: Rico V Garcon B/M (07/26/88)
INCIDENT: **Obstruction w/o violence and VOP-Vehicle manslaughter (Arrest)**
SUMMARY: On January 15, 2026, at approximately 0339 hours, while conducting a foot patrol of the Palm Avenue portal, a black male and a black female were observed in the back seat of a black Honda Accord FL tag # PLGD36, engaged in intercourse. The male and female were nude from the upper body. During the interview, the male refused to provide any identification and stated that he did not need to identify himself. The male was taken into custody for obstruction and later identified as RICO V. GARCON 07-26-88. A teletype record check revealed the subject was on early release and felony probation for vehicular manslaughter. The subject was charged with obstruction and a probation violation and transported to the main jail for booking.

CASE: 13-2601-000836 (Deputy Ramcharan / Pompano CST)
DATE/TIME: 01/15/2026 @ 1611 hours
LOCATION: 4051 N Ocean Drive, Apartment 6
SUSPECT: Levar Dawson B/M (05/13/1977)
VEHICLE: 2019 Cadillac Escalade (Recovered Stolen Vehicle)
INCIDENT: **Narcotics Violation / Recovered Stolen Vehicle (Arrest)**
SUMMARY: On January 15, 2025, at approximately 4:11 PM, Deputies responded to 4051 N Ocean Drive, Apartment 6, in reference to a wellness check. They met with members of the Henderson Health Clinic who were attempting to Baker Act Levar Dawson. Deputies stood by as the Baker Act paperwork was being completed. Dawson did not comply with the Baker Act and did not exit his residence. As Deputies were leaving the scene, Dawson threw a large bag of cannabis (467 grams) onto the roadway from his apartment, which is on the second level of the building. Pompano Beach CST was called to the scene. As they were responding, Dawson showed the deputies who were on scene a second large bag of cannabis and re-entered his residence. Pompano CST responded to the residence the following morning and took custody of Dawson upon his exit. The Pompano CST team then executed a search warrant on Dawson's residence and recovered an additional bag of cannabis (439 grams) and three (3) MDMA pills. Further investigation revealed that Dawson's 2019 Cadillac Escalade was stolen from Hertz Rental in Texas in 2019 and sold to him with a new VIN. Dawson was arrested and transported to the main jail.

CASE: 13-2601-001210
DATE/TIME: 01/23/26 @ 0344 hours
LOCATION: 223 Avalon Ave
VICTIM: W/F (01/08/1968)
INCIDENT: **Trespass Residence**
SUMMARY: On January 23, 2026, at approximately 3:44 AM, deputies responded to the residence located at 223 Avalon Ave. The victim called to report that a white male was inside her home. She stated she did not know the suspect and that the suspect did not have permission to enter the residence. Upon being confronted, the suspect immediately left the residence. According to Ring Doorbell footage, the suspect appeared intoxicated and was using a set of keys to open the door. The suspect was then observed entering the residence via the unlocked front door. Responding deputies established a perimeter. BSO K9 responded, and a search was conducted for the suspect. The suspect was observed on town surveillance cameras walking through the downtown area while intoxicated prior to the incident. Detectives learned that the suspect had recently left The Fountains Lounge Bar in Sea Ranch Lakes and may be known to staff as "Jerry," who is alleged to live in the area with his mother. The victim was not injured, and no damage or loss was reported.

CASE: 13-2601-001233 (Deputy Klier)
DATE/TIME: 01/23/2026 @ 1124 hours
LOCATION: 229 Commercial Boulevard, Apartment 4
VICTIM: W/M (02/15/1990)
REPORTING: Lesli D. Graham W/F (03/15/1980)
INCIDENT: **Missing Person**
SUMMARY: On January 23, 2026, at approximately 11:24 AM, Deputies were dispatched to a Missing Person Report. They responded to the residence located at 229 Commercial Boulevard, Apartment 4, LBTS. The victim was reported by his cousin, Lesli D. Graham. The last place the victim was observed, according to LBTS LPR systems, was westbound at the Commercial/ICW bridge on 1/23/26 at 0216 hours. According to Graham, the victim did not show up to work today. She responded to his residence, and he was not there. Deputy Klier called area hospitals, checked his arrest history (via FCIC/NCIC), and notified BSO Command. The victim was entered as a Missing Person via BSO Records Teletype.
Update: On January 25th, 2026, the BSO Missing Persons Unit located the victim deceased in a body of water in Fort Lauderdale. No foul play is suspected at this time.

CASE: 13-2601-001347 (Dep Redl)
DATE/TIME: 01/25/2026 @ 0945 hours
LOCATION: 4241 Seagrape Drive
SUSPECT: Unknown male
VICTIM: W/M (12/13/1994)
INCIDENT: **Theft (Electric Scooter)**
SUMMARY: Dep Redl met with the victim, who reported a delayed theft (01/20/2026) regarding his electric scooter. The Ring video captured an unknown male with his face covered riding off on the scooter.

CASE: 13-2601-001479 (Deputy Ogando)
DATE/TIME: 01/27/26 @ 1810 hours
LOCATION: 101 Commercial Blvd (101 Ocean Bar)
ARRESTEE: RICHARD E SOMNER (W/M 05/25/86)
REPORTER: ANTHONY GIONET (W/M 08/04/65)
INCIDENT: **Disorderly Intoxication (Arrest)**
SUMMARY: The caller, an employee of 101 Ocean Bar and Restaurant, stated that a white male was throwing things around, pushing customers, and threatening the manager of the business. The subject was later identified as RICHARD E. SOMNER. The subject was still belligerent and attempted to fight deputies by blading his body and getting very close to the other deputies on scene. The subject was arrested and transported to the main jail for disorderly intoxication. No injuries were sustained during the arrest.

CASE: 13-2601-001521 (Dep Suarez)
DATE/TIME: 01/28/2026 @ 1048 hours
LOCATION: 4629 Poinciana St
SUSPECT: Unknown
REPORTER: W/M (02/02/1960)
INCIDENT: **Criminal Mischief**
SUMMARY: Deputy Suarez met with the reporter, who wished to file a delayed report regarding a delayed criminal mischief. The investigation revealed that unknown suspect(s) used an unknown tool to damage the doors to the meter rooms in the condominium parking area. These meter rooms contain miscellaneous tools and bicycles, but no items were removed because no entry was made. There was no CCTV, and there were no known witnesses.

CASE: 13-2601-001652 (Deputy Swadkins)
DATE/TIME: 01/30/2026 @ 1230 hours
LOCATION: 4353 N Ocean Drive (Marathon Gas Station)
SUSPECT: Juvenile W/M (09/09/2008)
VICTIM: Marathon Gas Station (Business)
REPORTING: Sean-Michael Clarke, W/M (08/09/1992) (Clerk)
INCIDENT: **Petit Theft (Waiver of Prosecution)**

SUMMARY: On January 31, 2026, at approximately 12:30 PM, Deputies were dispatched to a reported theft at the Marathon Gas Station. They met with Sean-Michael Clarke (Clerk), who reported the suspect (Juvenile) stole a bottle of "Josh" wine and fled. The juvenile dropped his wallet, which contained his MN ID, while fleeing. The juvenile was located, and the wine was returned after Clarke signed a BSO Waiver of Prosecution. The juvenile was released to his father. The family is staying at Bayview Regency while they are in town visiting LBTS Town.

CASE: 13-2601-001680 (Deputy Roach)
DATE/TIME: 1/30/2026 @ 2238 hours
LOCATION: 276 Commercial Blvd
VICTIM: W/F (6/19/1997)
INCIDENT: **Fraud**

SUMMARY: Deputy Roach contacted the victim by telephone in reference to a reported fraud. The victim stated that on January 26, 2026, she was contacted by her friend, Michelle, who advised that an individual identified as James Olibrun—described as a friend of Michelle—had accidentally sent Ariana \$1,780 via Zelle. Michelle requested that the victim return the funds to James. The victim reported that she subsequently sent \$1,380 via Zelle to James Olibrun and \$400 via Zelle to Michelle. On January 27, 2026, the victim was contacted by Grant Bohanan, who advised that he had been scammed into sending the original \$1,780 to her Zelle account. Grant requested that the funds be returned; however, the victim informed him that she had already sent the money to James Olibrun and Michelle. On January 30, 2026, the Bank of NewPal, located in Rhode Island, garnished \$1,780 from the victim's bank account. At that time, the victim realized she had been scammed by Michelle.

CASE: 13-2601-001716 (Deputy Swadkins)
DATE/TIME: 01/31/2026 @ 0916 Hours
LOCATION: 4549 N Ocean Drive
SUSPECT: Unknown
VICTIM: Power Saver Electric CP (Business)
REPORTING: John Donato Marese, W/M (08/01/1982)
INVOLVED: Maverick United Elevators
INCIDENT: **Grand Theft (Delayed in Reporting)**

SUMMARY: On January 31, 2026, at approximately 12:30 PM, Deputies were dispatched to a reported delayed theft incident at 4549 N Ocean Drive. The elevator is being renovated, and \$12,000.00 in equipment is reported missing from the job site. The reporting person, John Donato Marese, advised that the work is incomplete, and the job has not been paid in full. The equipment storage area is not secure, and he uses a flathead screwdriver to access the staging area just off the elevator, which is under repair. A Ring Doorbell may have captured video of the site, and a link was sent to the Ring Doorbell owner to collect evidence. Marese was last on the jobsite in December 2025. There are reported issues between him and Maverick United Elevators, the contractor contracting the jobsite upgrade.

MONTHLY ARREST LOGS:

Misd/Fel	Charge	Street	Case
Misd	DV Battery	4562 Poinciana St	13-2601-000236
Misd	Trespassing	4653 N Ocean Dr	13-2601-000303
Fel	Drug Arrest	4300 El Mar Dr	13-2601-000618
Fel	VOP Warrant	El Mar Dr/Palm Ave	13-2601-000804
Misd	DV Battery	216 Commercial Blvd	13-2601-000825
Fel	Drug arrest	4051 N Ocean Dr	13-2601-000836
Misd	Disorderly Conduct	101 Commercial Blvd	13-2601-001479

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2025 YTD	2026 YTD
AUTO THEFT	0	0	1	0
BURGLARY-BUSINESS	0	0	0	0
BURGLARY-CONVEYANCE	0	2	1	0
BURGLARY-RESIDENCE	0	1	1	0
BURGLARY-STRUCTURE	0	0	0	0
FORCIBLE SEX	0	0	0	0
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	0	0	0
HOMICIDE	0	0	0	0
ROBBERY	0	1	0	0
THEFT-GRAND	2	1	1	2
THEFT-PETIT	1	2	4	1
TOTALS	3	7	8	3

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	20
COP Hours Worked - Month	99
COP Patrol Miles - Month	313
COP Hours Worked - YTD	99
COP Patrol Miles - YTD	313

COP Bike Patrol Hours - Month	0
COP Bike Patrol Hours - YTD	0

COP Beach Patrol Hours – Month	13.75
COP Beach Patrol Hours - YTD	13.75

RESERVE DEPUTY ASSISTANCE: Reserve Deputies are part-time, fully sworn deputies who provide supplemental staffing to LBTS, when available, at NO cost to the Town.

	Month	2026 YTD
Reserve Deputy - Days Worked	4	4
Reserve Deputy - Hours Worked	27.5	27.5

MONTHLY STAFFING AND STATISTICAL REPORT:

The January 2026 Monthly Staffing and Statistical Report is attached.



MONTHLY STAFFING AND STATISTICAL REPORT
LAUDERDALE-BY-THE-SEA DISTRICT
 January 31, 2025

CURRENT STAFFING ALLOCATIONS			
Position	Budgeted Positions	Actual Positions	Vacant Positions
District Chief	1	1	
Executive Lieutenant	1	1	
Sergeant	4	4	
Deputy Sheriff	19	19	
Community Service Aide	1	1	
Administrative Specialist	1	1	
Clerical Specialist (P/T)	1	1	
TOTAL	28	28	0

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.			
Name	CCN	Status	Circumstances
Sgt. William Browning	14263	Light Duty	Medical
Dep. Christopher Cathcart	11979	Light Duty	Medical

DETACHED PERSONNEL / LOCATION				
Name	CCN	Detached to	Reason	Hours
TOTAL				0



Lauderdale by the Sea Monthly Activity January 2026

Reports/Calls	
Miscellaneous Service	
Event Reports	43
Accidents	11
Calls for Service	1,743

Traffic	
Types of Citation	
Non-Moving / Moving Citation	52
Warnings	122
Parking	0
DUI	0
Total Citations	174

Arrests	
Type of Arrest	
Felony	2
Misdemeanor	4
Warrant (Felony)	0
Warrant (Misd.)	0
DUI (Misdemeanor)	0
NIC (Felony)	0
NIC (Misdemeanor)	0
DV (Felony)	0
DV (Misd.)	1
Total Arrests	7

Time Worked	
Hours Worked	
Bike Patrol	0
Court Overtime	0
Training Hours	104
Detached	0
Other Overtime	280
Days Worked	31

General	
FI	11
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative
ATV/UTV: 110 Miles / 16.25 Hours Reserve Deputies worked 4 shifts (27.5 hrs)



Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Ken Rubach, Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:

Audit Update

In process-all is going well, when the draft is done which is usually sometime in late March, Grau and Associates will meet with the Audit Committee for their input/review before the final audit draft is completed._

BSO Executive Officer Transition

I'm sad to announce that Lt. Chrisopher Palamara will be leaving the Lauderdale-By-The-Sea BSO district and transitioning to a position at BSO Headquarters. We wish him the best of luck in his new role, and thank him for his service to our community. Chris will be with us for another week, and we should have the name of our new Executive Officer shortly. BSO anticipates that the new Lieutenant will begin immediately, so there will be a seamless transition.

Budget FY27 Preparations

Preparations for the FY27 budget are already in full swing. Staff is requesting if the Town Commission has any items that they would like included in FY27 budget to please send them to the Town Manager.

New Hires- Town Clerk and Director of Public Works

I am pleased to announce the Town has filled the roles of Town Clerk and Director of Public Works. They are two talented individuals who are looking forward to hitting the ground running and will be an exceptional complement to our already gifted team of senior staff. We are excited to welcome our new Town Clerk on Monday, March 2nd and our Director of Public Works on Monday, March 23rd. Both will be formally introduced to the Commission at the

meetings in March.

Ocean Plaza Tile Replacement

Replacement of the deteriorated pieces of Tile in the Connie Hoffman Ocean Plaza will begin the week of February 17th. The project is expected to take approximately two weeks to complete and during this time the Plaza will be closed.

Parking for Fish Fry

As in previous years, the Chamber of Commerce will be hosting a Fish Fry on Friday, March 20th, from 6pm to 10pm. The Chamber has requested parking fees be waived along the median on El Mar Drive from 5pm (an hour before the event) to 10pm. Last year, the Commission required that the Chamber have someone monitor the parking in order to ensure that those parking along the median were attendees of the Fish Fry event. Does the Commission wish to: a) allow for free parking along both sides of the median on EL Mar Drive North of Washington Ave. and b) Does the Commission wish the Chamber to have someone monitor parking as was required in 2025?

Waterside Address Numbers – Reminder

The Town reminds waterfront and beachfront residents that buildings abutting a canal, waterway, the Intracoastal Waterway, or the Atlantic Ocean are required to display their assigned street number on the waterside of the structure. Numbers must be clearly visible from the water, at least four inches high, placed on a contrasting background, and not obstructed by landscaping, docks, or railings.

Waterside numbers may be installed on the waterside wall, dock face, railing, or another permanent feature most visible from the water. Any backlit numbers on beachfront properties must comply with applicable sea turtle lighting requirements.

Residents with questions may contact the Development Services Department for assistance.

Upcoming Meetings

-Commission Meeting — Tuesday, February 24th at 6:30pm

Recommendation: N/A

Exhibits: None



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Courtney Easley, Acting Town Clerk/Assistant to the Town Manager

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes for Regular Town Commission Meeting held on January 13, 2026.

Explanation: Approval of Minutes for the following meeting:

January 13, 2026 Regular Town Commission Meeting

Recommendation: Accept/Approve

Exhibits:

1. 01-13-2026 - LBTS TC Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
Tuesday, January 13, 2026
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:32 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli (by phone), Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Ken Rubach, Town Attorney Susan Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Assistant to the Town Manager/Acting Town Clerk Courtney Easley, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

7. PUBLIC SAFETY DISCUSSION

a. BSO December 2025 Public Safety Report

Broward Sheriff's Office (BSO) Captain Christopher Sutter recognized the day shift of December 19, 2025 as Employees of the Month. Officers were dispatched to search for an at-risk individual using cameras, vehicles, and ATVs. The individual was recovered without incident.

Captain Sutter continued that BSO had a significant presence at the recent Christmas-By-The-Sea event, with roughly 41 Deputies, reserve units, Citizen Observer Patrol (COP) units, and more in attendance. The Winterfest Boat Parade was held on December 13, 2025 and the Chanukah Festival was held on December 16, 2025 at the Downtown Pavilion. Both events were successful with no incidents.

Commissioner Pouloupoulos requested clarification of a reference to Part 1 crimes in the December 2025 report. Captain Sutter explained that these include auto thefts, burglaries, sexual assaults, arsons, homicides, aggravated assaults and more major crimes. The reference includes reporting of these crimes, not arrests.

Commissioner Pouloupoulos noted that there appeared to be a decrease in crimes reported from 2024 to 2025. Captain Sutter confirmed this decrease, noting that BSO Officers have increased their visibility and outreach in multiple locations throughout the Town and neighboring municipalities.

BSO's annual Senior Seminar is scheduled for Wednesday, January 28, 2026 from 12 p.m. to 3 p.m. Representatives of several local and state agencies will be in attendance. Captain Sutter emphasized that the event is open to all and focuses primarily on different types of fraud. He strongly emphasized that legitimate agencies do not contact individuals by phone and demand payment, particularly in non-standard forms of currency such as gold, bitcoin, or gift cards. He encouraged individuals to reach out to law enforcement if this type of contact occurs.

Captain Sutter continued that a "shred-a-thon" event is scheduled for April 11, 2026 at Assumption Catholic Church. Additional information will be provided as this date approaches. Individuals may also dispose of unused prescription medications at the event.

Vice Mayor Strauss noted that some law enforcement agencies send out drones in advance of an official response so they can preview the incident. Captain Sutter confirmed that drones are used for some in-progress crimes such as burglaries or missing persons.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Ken Rubach reported that the Florida Department of Transportation (FDOT) will resurface portions of A1A over the upcoming weeks. Paving will take approximately 45 days and will include a new roadway surface as well as replacement of existing paver crosswalks with thermal striping. He is currently awaiting dates for the repaving of Commercial Boulevard, which is several months away.

The first Party in the Park event, "Friedt is Frozen," saw attendance of roughly 200 individuals. The next event is planned for February 2026.

Friday Night Music will return from January through March 2026, beginning January 23 from 7 p.m. until 10 p.m.

Town Manager Rubach requested available dates from the Commissioners for a roundtable discussion of the Town's Fire service. There was Commission consensus that this discussion would be scheduled for 5 p.m. on Tuesday, February 10, 2026 ahead of that night's regular Commission meeting. Representatives of entities submitting proposals for Fire services will be invited to the roundtable.

First-round interviews have been held in the search for a new Public Works Director, with second-round interviews scheduled for the following week. Town Clerk interviews are set to begin as well. It is hoped that the two positions will be filled by the end of February/beginning of March.

A Code Compliance hearing is scheduled for Thursday, January 22, 2026 at 5 p.m. The next Town Commission meeting will be held on Tuesday, January 27 at 6:30 p.m.

Vice Mayor Strauss recognized Town Staff for their maintenance of the Town's bocce court.

Commissioner Pouloupoulos also recognized Staff for the Party in the Park event, and recommended holding similar events during the year, as it attracted many families from outside the Town as well as Town residents.

b. Visitor Center Quarterly Report

Assistant to the Town Manager/Acting Town Clerk Courtney Easley reported that during the third quarter of 2025, the Visitor Center maintained strong engagement despite a 9.68% year-over-year decrease in overall visitation. This trend is consistent with a statewide decrease in international travel. Signage is a primary driver of in-person visits, and outreach efforts have been successful.

Domestic and Florida-based visitors accounted for the majority of traffic to the Visitor Center, supported by both word-of-mouth and the DiscoverLBTS.com website. The Center has consistent volunteer support and remains an effective and visible gateway to the Town.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that in December 2025, the Broward County Board of County Commissioners changed the Broward County Code of Ethics, which applies to all elected officials. One major component of this Code consists of a separate and stricter set of rules regarding acceptance of gifts by elected officials. The new County Ordinance repeals these Broward County rules, leaving officials subject only to state rules for acceptance of gifts. A memorandum is being prepared on this topic and will be shared with the Commission. She encouraged the Commissioners to reach out to her office with any questions.

Town Attorney Trevarthen continued that Tuesday, January 13, 2026 is the first day of the Florida Legislative Session. Many issues in which the Commission has expressed interest are now active, including issues related to revenue, land use, and development. The Florida League of Cities hosts a regular Monday morning webinar with updates on legislative activity planned for that week. Bills proposed for the current session include amendments to the Live Local Act, legislation addressing Senate Bill (SB) 180, and other topics including accessory dwelling units, approval of development, and more.

Town Attorney Trevarthen noted that the Governor has already requested a special legislative session to address redistricting, and other special sessions may be requested in the future.

The Town has received a petition for Charter Amendment. Town Attorney Trevarthen advised that it is too soon for her to address this item, but she will advise the Commission on it in the future.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Uniform Collection Agreement for Non-Ad Valorem Special Assessments – Fiscal Impact and New Expense

Town Manager Rubach explained that this Item addresses a current agreement between the Town and Broward County. The creation of a Broward County Tax Collector's Office means a new agreement must be authorized under State Statute for the collection of non-ad valorem taxes. Up to 2% may be assessed of the actual collected amount to reimburse this office for the costs of collection. Additional administrative, billing, and advertising costs may apply as well.

The annual cost to the Town will vary depending upon the components cited above. Town Manager Rubach noted that an annual 2% collection may vary between \$40,000 for a \$2 million assessment; if estimated administrative, processing, or other costs are added, this may increase by another \$7,000-\$10,000 per year. The tax collector may request this money under State Statute for the funding of their office. Commission approval is required for the Item to move forward.

Commissioner Graziano observed that the documentation attached to this Item refers to uniform collection "by January 10." Town Manager Rubach explained that some communities have been working on their agreements for some time, and that the agreement includes language that may affect other municipalities but not the Town. The Tax Collector's Office has requested that the agreement be returned to them as quickly as possible. There is no penalty for missing the January 10 date.

Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 5-0.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

Commissioner Pouloupoulos wished all present a happy New Year and thanked BSO and volunteers for their support of the recent Epiphany service, which saw roughly 300 attendees.

Commissioner DeNapoli mentioned the recent Christmas-By-The-Sea and Chanukah celebration events, and encouraged residents to attend the upcoming Friday Night Music events.

Commissioner Graziano thanked Staff for their work over the holidays, noting that a number of events were held during the season. He added that he would like to add lighting to the Town's mural which is visible upon crossing the bridge, emphasizing its importance in branding. He is seeking quotes for Code-approved lighting that will not affect neighbors.

Commissioner Graziano continued that speed controls have been implemented by Fort Lauderdale along the Intracoastal Waterway as far as Commercial Boulevard in the Town. Residents of the Terra Mar neighborhood as well as adjacent municipalities have expressed interest in implementing similar speed controls. He has referred these individuals to BSO for further assistance.

Commissioner Graziano also thanked Development Services and Code Compliance for their support and enforcement while multiple houses in the Terra Mar community are being demolished. He concluded that a small business group is working to encourage day trip sales for cruise passengers to Lauderdale-By-The-Sea.

A meeting is scheduled on February 2, 2026 between Commissioner Graziano, State Senator Jason Pizzo, State Representative Chip LaMarca, and Florida Power and Light (FPL) to discuss the undergrounding of utilities with possible state financing. Commissioner Graziano noted that FPL has already undertaken efforts to strengthen its lines in the Town.

Vice Mayor Strauss advised that the Farmers Market is a success, and encouraged residents to attend this recurring event as well as the upcoming Friday Night Music events. He recommended that residents bring their pets indoors during an upcoming cold spell.

Mayor Malkoon thanked residents and neighbors who reached out to him over the holidays. He noted that the Town has a busy year ahead in 2026, including new administrative Staff, the Fire contract, possible new facilities, and more.

16. ORDINANCES 1ST READING

a. Ordinance 2026-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Development Services Director Jhanelle Campbell explained that Ordinance 2026-01 is the first in a series of Code updates to come before the Commission in 2026. The goal is to modernize outdated provisions, resolve recurring permitting and enforcement issues, and strengthen the capabilities of Code.

The Ordinance will address the following:

- Waterside/beachside address numbering will be required to assist in possible emergency response
- Modest increase in fines for repeat violators: the first violation would increase from \$100 to \$125, with the second violation within 12 months increasing from \$150 to \$175 and \$250 to \$275 for repeat violations in 18 months; the increase is expected to help offset the costs of increased staff hours
- Properties undergoing substantial renovations would be added to the Town's 18-month construction completion requirement
- Formalize requirements for homeowners' association (HOA) authorizations, including submittal of permit applications from condominiums; in lieu of approval, Staff recommends requiring an affidavit if an owner claims HOA approval is not required
- Incorporate private provider allowances as instituted at the state level by Florida Statute 553.791; this provision allows individuals to hire a professional to enact the permit review process for them

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.

b. Ordinance 2026-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2, “DISTRICTS,” “SUBDIVISION I. – RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M. – B-1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q. – SUPPLEMENTAL REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Development Services Director Campbell advised that Ordinance 2026-02 amends multiple Sections of Chapter 30 of the Town’s Code to refine mixed-use standards, correct zoning language, and remove unintended regulatory barriers in the B-1 and RM-25 zoning districts. It reflects the Commission’s policy direction of October 14, 2025, when a number of items were brought forward for discussion.

The Ordinance will remove outdated or inconsistent development standards, improves clarity, and aligns regulations with existing land use patterns and contemporary redevelopment practices.

The proposed amendments include:

- B-1 mixed-use zoning: correction of a scrivener’s error listing B-1.A under B-1; removal of the 250 ft. Commercial Boulevard limitation; retention of 50% residential floor area cap with additional language allowing flexibility for additional residential area on a case-by-case basis; evaluation by Staff of commercial viability, compatibility, parking, infrastructure capacity, and design quality
- Section 30-242: allow properties less than 60 ft. which front onto Bougainvilla Drive to expand

- Clarify how fence height is measured in construction scenarios, as flood regulations require newer properties to be built at higher grade; fence height would now be measured from the property requesting the fence
- Clarification of parking and drainage surface standards: drainage plans are required only when parking or pervious areas are increased not for routine resurfacing or restriping in order to avoid creating an undue financial burden on a property owner seeking to maintain their parking lot; a drainage plan would only be enforced with substantial changes to parking areas

The proposed changes were presented to the Town's Planning and Zoning Board at their December 10, 2025 meeting and unanimously recommended for approval.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2026-01: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN INTERIM AGREEMENT PURSUANT TO SECTION 255.065, FLORIDA STATUTES, WITH CORE CONSTRUCTION SERVICES OF FLORIDA, LLC RELATING TO AN UNSOLICITED PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, AND ONGOING MAINTENANCE OF A COMBINED GOVERNMENT CENTER; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Town Manager Rubach recalled that on October 28, 2025, the Commission approved a Resolution authorizing the Town Manager, with Commissioner DeNapoli serving as Commission liaison, to negotiate an interim agreement with Core Construction Services of Florida for a potential public-private partnership (P3) project. This interim agreement is not a construction contract; it is intended to authorize limited pre-development and

due diligence work so the Town may make an informed decision on whether or not they wish to proceed with a comprehensive agreement.

The interim agreement allows the following:

- Allows developers to study the site and prepare preliminary design schedules and cost estimates
- Provides the Town with professional analysis regarding feasibility, risks, and potential funding options under Florida's P3 laws
- Produces information the Commission currently does not have, but needs in order to evaluate next steps

Town Manager Rubach pointed out that the interim agreement does not include the following:

- Approve a construction agreement for a new government center
- Approve or authorize any financing or long-term debt
- Commit the Town to any comprehensive agreement
- Limit the Commission's future discretion on whether or not to move forward with the proposed project

As part of the P3 process, the developer is responsible for the payment of any third-party consulting costs during the pre-development phase. The Town does not incur any up-front costs unless it elects to terminate the agreement for convenience or proceeds with a materially similar competing project. Termination for convenience would cost the Town a fixed fee of \$40,000 in addition to third-party costs. Should they terminate and then proceed with a similar project with another entity, the cost to the Town would be \$200,000.

The Town will receive monthly updates from Core Construction Services, clarifying the amounts spent on third-party providers. At the end of the process, the Town will own all design and construction documents. Town Manager Rubach and Commissioner DeNapoli will meet with PFM Financial Advisors as well as the Core Construction team if the interim agreement is approved.

Commissioner DeNapoli characterized the proposed interim agreement as a pre-development agreement which allows the Town and the developer to undertake due diligence, site planning, preliminary design, budgeting, and financing concepts. These will allow the Commission to make an informed decision at a later date on what the full project would look like.

Commissioner DeNapoli recalled that in 2025, there had been Commission consideration of allocating up to \$196,000 for design and site planning by another provider. The interim agreement does not include this expense. The Town's exposure under the interim agreement is limited to \$40,000 if the Town voluntarily terminates the agreement. It also includes an agreement to purchase the work products created by Core Construction in the event of voluntary termination. The work products include the Site Plan and 30% of design drawings. Financial advisor PFM will advise the Town on what they believe it can afford, and the full plan will come before the Commission for final approval.

Commissioner DeNapoli strongly emphasized that the interim agreement does not authorize a project, nor does it obligate the Town to enter into a comprehensive plan or proceed beyond the current phase. A monthly recap of costs will be provided to the Town, as well as estimates of upcoming costs for subsequent months.

Mayor Malkoon noted that should the Town cancel the contract and proceed with another developer, the cost would be \$200,000 in addition to the fixed cost of \$40,000 for the work products. Town Manager Rubach noted that the time frame for this additional cost was one year; the Town would be unlikely to proceed with another project within this time.

Commissioner Pouloupoulos requested clarification of whether the \$40,000 cost includes the full comprehensive architectural and engineering plan for the project. Commissioner DeNapoli clarified that the Town's exposure is \$40,000, which includes some information the Town already has as well as the work products. The full plans for the project would include more than the architectural and engineering plans. Core Construction will also provide the Town with a monthly report of itemized costs.

Town Attorney Trevarthen further clarified that the Town's exposure would depend in part upon when the agreement falls apart. The \$40,000 cost would occur if the Town and Core Construction part company; in addition, the Town would pay the third-party costs if this should happen.

Town Attorney Trevarthen continued that Core Construction will hire another entity to do the work, and these costs would fall upon the Town if they terminate the agreement for convenience. These costs are separate from the \$40,000.

Commissioner Graziano stated that he felt the proposed interim agreement was premature, and instead recommended that the Town enter into a contract with the entity

or entities that will provide Fire and other public safety services before signing onto the agreement. He added that he remains in favor of entering into a P3, but not until the Town has fully explored new contracts.

Commissioner Graziano continued that he was not certain costs would only go up if the Town waited until a later date to enter into an agreement, as it is possible interest rates may decrease rather than increase in the future. He concluded that he was supportive of all P3 efforts other than moving forward tonight with the proposed interim agreement.

Town Manager Rubach advised that Fire Station designs are guided by national standards which establish the number of personnel required for certain types of rescues, or operation of certain vehicles. This means there would be no need for different designs for different providers. He added that Core Construction is one of the leading builders of Fire Stations in the nation.

Commissioner Graziano replied that he had taken these standards into consideration during his discussions with Core Construction; however, the Town may choose a Fire services provider who feels certain equipment is not necessary or could be replaced, which may affect the project's design. He reiterated that he found the interim agreement premature, and the Commission should at least hold its first roundtable discussion of the Fire services contract before proceeding.

Commissioner DeNapoli agreed with the Town Manager's comments regarding standards for Fire services and equipment, also citing Core Construction's experience in that field.

Mayor Malkoon recalled that some potential Fire service providers had expressed concern for the Town's existing public safety facilities because these may change in the future. Town Manager Rubach confirmed this, clarifying that if the Town's facilities do not meet current standards, this could impact those providers' service ratings.

Commissioner Graziano recommended waiting for 60 days before entering into an agreement, as prospective providers may provide the Town with more information on their needs during this time frame.

Town Manager Rubach further clarified that the upcoming February roundtable will only address Fire services, not including other aspects of public safety. He concluded that he was confident the information and products provided by Core Construction would work for any Fire services provider.

Mayor Malkoon asked if a needs assessment has already been done for Fire services. Town Manager Rubach confirmed that the assessment was based on the Town's Volunteer Fire Department's (VFD's) needs at the time, as well as future considerations for BSO. He added that the Town would not have a Fire contract in place within 60 days.

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 4-1 (Commissioner Graziano dissenting).

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:50 p.m.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

Date



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Ken Rubach, Town Manager

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: CIP Update

Explanation: As the first quarter of FY26 has concluded, Staff wanted provide an update on the progress of our CIP for this fiscal year.

Beach Portal Construction & Design

Project Description: Costs associated with the replacement of two existing beach portals. This includes the structure, hardscape, electrical, and landscaping (where applicable). Cost for the design was funded through a FRDAP grant from the State of Florida.

Status: Portal design for Datura and Hibiscus was presented this evening at the February 10th meeting. With the Commission's direction received at that meeting, the next step would be to revise the scope of work, and bring it back to the Commission for approval. Should the Commission approve the new scope of work the final design process would then commence, along with the permitting and then ultimately the project will be put out to bid. Once bids are received this will be brought back to the Commission for their input and approval.

Beach Renourishment Segment II

Project Description: This is the third and final payment due to the County for beach renourishment.

Status: The final payment was made which fulfills the Town's financial obligation for the project.

Complete Street Project-Design (Bougainvilla/Poinciana)

Project Description: This represents the carry-over amount needed to complete the design of Bougainvilla/Poinciana including stormwater, landscape, and hardscape improvements. The design is taking place over the FY25 and FY26 years. Approximately 50% of the work for the design was completed in FY25 at a cost of \$142,209.

Status: The design process is ongoing and should be completed later this summer.

El Prado Park Refurbishment

Project Description: This project will include replacement of hardscape, landscape, electrical upgrades, irrigation upgrades, site furnishing, and a new portal structure.

Status: Staff and the design team met with FWC on February 3rd to discuss the lighting permit, once the remaining comments have been addressed the project will go out for bid (anticipating Spring 2026). Once bids are received this will be brought back to the Commission for their input and approval.

FDOT A1A- Pine to Flamingo Manhole Adjustments

Project Description: As part of the FDOT resurfacing of A1A from Flamingo to Pine Avenue, the Town is required to adjust its manholes at the completion of the project in order to meet the grades set after the resurfacing project.

Status: Staff was able to come to an agreement with the contractor performing the work for FDOT and they will make the manhole adjustments in February-March once the roadway work is complete. By utilizing the FDOT contractor staff is expecting substantial savings on the overall project and is projecting at this time costs for this project to come in significantly below what was budgeted.

Neighborhood Roadway Paving

Project Description: This is the second phase of a multi-phased project to resurface and refurbish the Town's streets. Priority will be established through the Roadway Study completed in FY21 and staff inspections.

Status: Staff has concluded its inspections for this year and is awaiting a quote from the contractor. Once prices are received staff will bring a recommendation forward to the Commission for their review and approval.

Storm Sewer Lining

Project Description: This project seeks to proactively address segments of storm sewer (primarily outfalls) in order to ensure their structural integrity. This is especially critical for segments that run through easements on private property.

Status: Staff is currently researching existing piggyback contracts that the Town would be able to utilize for this project. Once a contractor has been selected staff will bring a recommendation forward to the Commission for their review and approval. We anticipate this will be brought forward to the Commission in April/May.

West Plaza Refurbishments

Project Description: This project will include enhancements to lighting, additional elements of hardscape as well as landscape and signage within the plazas.

Status: Staff is currently awaiting quotes for the lighting and signage improvements. Once these have been received staff will bring a recommendation forward to the Commission for their review and approval. We anticipate this will be brought forward to the Commission in March/April.

Recommendation: N/A

Exhibits: None



Agenda Item No: 17.a.

Town Commission Agenda Item Report

Meeting Date: February 10, 2026

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Ordinance

Agenda Section: ORDINANCES 2nd Reading

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation: ORDINANCE SUMMARY

The proposed Ordinance (**Exhibit 1**) amends Chapter 30 of the Town Code to formalize and streamline the review and approval process for applicants seeking to establish a certified recovery residence, including requests for reasonable accommodation from land use regulations, as required by Senate Bill 954 (Chapter 2025-182, Laws of Florida). The Ordinance ensures consistency with Section 397.487(15)(a), Florida Statutes, while preserving compliance with longstanding federal and state disability protections. As a change to Chapter 30 of the Code, the Ordinance requires review and recommendation by the Planning and Zoning Board in your capacity as the Local Planning Agency for the Town.

TOWN ATTORNEY ANALYSIS

The Town Attorney has advised that adoption of this Ordinance is required to comply with state law. The proposed Ordinance meets the minimum statutory requirements and aligns with applicable federal and state law and caselaw precedent.

The Ordinance establishes an administrative review process that does not alter underlying zoning or land use regulations (no effect on height or other zoning regulations). Applications for certified recovery residences will be reviewed and approved by the Development Services Director. Requests for reasonable accommodation will be granted only where required by law.

Appeals will be decided administratively by the Town Manager.

TOWN COMMISSION ACTION – FIRST READING

The proposed Ordinance was presented to the Town Commission at its January 27, 2026 (**Exhibit 2**) meeting, was recommended for approval, and was approved on first reading.

Several clarifying changes were suggested by the Mayor. There was consensus from the Commission for the Town Attorney to review the legality of the proposals and include those that are deemed legal for the Commission to consider at second reading. The proposed changes were:

1. No Additional Public Hearings (Section 30-138(b)(1))

Insert language clarifying that no additional public hearing shall be required as part of the reasonable accommodation process beyond the minimum hearing requirements, if any, required by law.

Legal Response: While this language was omitted from the Ordinance because the proposed process is solely administrative, it is a correct statement of the law and is not harmful to add. This provision has been added to the Ordinance for second reading, to Section 30-138(b)(7) at line 329.

2. Minimum Necessary Accommodation (Section 30-138(b)(5)(b))

Insert language specifying that any accommodation granted, including conditions of approval, shall be limited to the minimum reasonable accommodation necessary to provide equal opportunity and to comply with applicable federal and state law.

Legal Response: The Ordinance uses the language of the background laws governing reasonable accommodations. It requires local governments to grant those accommodations that are reasonable and necessary to address the issues related to the disability. See Section 30-138(b)(5)b.(ii), line 287. These laws do not contemplate an additional test of whether it is the "minimum" accommodation, because if it is more than the minimum, it would not be necessary. How this novel term might be applied by the courts is uncertain. It is therefore not recommended to add this language to the Ordinance, and it is not incorporated in the Ordinance for second reading.

3. Proof of Certification at Intake (Section 30-138(b)(5)(a)(i))

Require submittal of a current valid certificate of compliance evidencing the residence's status as a certified recovery residence as part of the initial application.

Legal Response: The Ordinance already requires that this status be demonstrated before approval. Adding this documentation to the list of items to be provided at the beginning of the process will enhance the efficiency of the process, and avoid applicants or staff not recognizing the need for it until later in the process. This provision has been added to the Ordinance for second reading, at Section 30-138(b)(3)a.(vi), line 191.

4. Limit Information Requests (Section 30-138(b)(4)(a))

Clarify that the Town shall request only such additional information as is reasonably necessary to determine application completeness and evaluate the request under the applicable criteria.

Legal Response: The language of the statute is followed in the Ordinance, which is that the Town will indicate whether additional information "is required." See Section 397.487(15)(b)3., F.S. The proposed alternative language -- "reasonably necessary" -- is arguably a more demanding standard. However, language already in the Ordinance describes the process as calling for the information "necessary for processing." Line 173. And background law already requires that all Town requests for information relate to any application at issue, and does not allow for arbitrary requests. Finally, the requirement of reasonableness is already part of the legal framework for, and is captured in the name of, the "reasonable accommodation" process. For these reasons, it is permissible for the Town to adopt the alternative standard into these processes for information requests if desired. It has therefore been incorporated into the Ordinance for second reading. See Section 30-138(b)(4)a. at line 217, and Section 30-138(b)(5)a.(i) at line 262.

5. Administrative Review and Appeal (Section 30-138(b)(6)(a))

Confirm that the review and appeal process is administrative in nature and shall not be referred to any board or the Town Commission unless specifically required by law.

Legal Response: Both the review and the appeal processes are administrative, and do not provide for Board or Commission reviews or decisions. If the Commission wishes to specifically state that the Department (for the application processes) and the Manager (for the appeal processes) may not refer these decisions to a Board or Commission, this change would be consistent with the law.

PLANNING AND ZONING BOARD MEETING

The proposed Ordinance was presented to the Planning and Zoning Board at its February 4, 2026 (**Exhibit 3**) meeting, was recommended for approval.

The clarifying changes outlined above were reviewed by the Town Attorney, and some were incorporated into the proposed Ordinance as described above. Accordingly, staff recommends approval of the Ordinance on second reading.

Recommendation: Staff recommends approval of the proposed Ordinance on second reading.

Exhibits:

1. Exhibit 1- Ordinance Relating to Certified Recovery Residences - 2d read Mayor's Revisions 2.4.26 LBTS
2. Exhibit 2- Regular Town Commission Meeting 1-27-26
3. Exhibit 3- 2-4-26 Planning and Zoning Board Meeting Agenda Item

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV, “DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES” OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the Town is committed to ensuring compliance with federal civil rights laws, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

WHEREAS, in the early 1970s, the federal government enacted laws for states to develop a continuum of care for individuals and families affected by substance abuse; and

WHEREAS, in response to the federal laws, the Florida Legislature enacted Chapters 396 and 397, F.S., relating to alcohol and drug abuse, respectively; and

WHEREAS, in 1993, the Florida Legislature adopted legislation combining Chapters 396 and 397 of the Florida Statutes into a single law, the “Hal S. Marchman Alcohol and Other Drug Services Act” (the “Marchman Act”), which encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider; and

36 **WHEREAS**, the Department of Children and Families (DCF) is responsible for
37 administering substance abuse and mental health prevention, treatment, and recovery statewide
38 consistent with the Marchman Act; and

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”), and
41 requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on February 4, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency, reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. Amending the Town Code. Chapter 30, Article IV, Division 9, Section 30-138 of the Code, is hereby amended to rename Section 30-138 and create Section 30-138(b) to read as follows:

Chapter 30.—UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

Article IV—DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES

* * *

Division 9—ZONING RELIEF PROCEDURES AND CERTIFIED RECOVERY RESIDENCES

Section 30-138.—Zoning relief procedures and Certified Recovery Residences

* * *

Sec. 30-138. – Zoning Relief Procedures and Certified Recovery Residences

(a) Zoning Relief Procedures²

* * *

(b) Certified Recovery Residences

(1) Purpose and applicability. This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Town Code, and related policies, practices, and procedures to open a certified recovery residence. The Town shall process requests for the establishment of certified recovery residences in accordance with this Section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, “Applicable Laws”).

² Note to codifier: please renumber existing sections under new subsection (a).

106 (2) *Definitions.*³ As used in this division, the following words and phrases shall have the
107 following meanings:
108

109 *Certified recovery residence.* A recovery residence that holds a valid certificate of
110 compliance and is actively managed by a certified recovery residence administrator.
111

112 a. A Level I certified recovery residence houses individuals in recovery who have
113 completed treatment, with a minimum of 9 months of sobriety. A Level I
114 certified recovery residence is democratically run by the members who reside
115 in the home.
116

117 b. A Level II certified recovery residence encompasses the traditional perspectives
118 of sober living homes. There is oversight from a house manager who has
119 experience with living in recovery. Residents are expected to follow rules
120 outlined in a resident handbook provided by the certified recovery residence
121 administrator. Residents must pay dues, if applicable, and work toward
122 achieving realistic and defined milestones within a chosen recovery path.
123

124 c. A Level III certified recovery residence offers higher supervision by staff with
125 formal training to ensure resident accountability. Such residences are staffed 24
126 hours a day, 7 days a week, and offer residents peer-support services, which
127 may include, but are not limited to, life skill mentoring, recovery planning, and
128 meal preparation. Clinical services may not be performed at the residence. Such
129 residences are most appropriate for persons who require a more structured
130 environment during early recovery from addiction.
131

132 d. A Level IV certified recovery residence is a residence offered, referred to, or
133 provided by, a licensed service provider to its patients who are required to reside
134 at the residence while receiving intensive outpatient and higher levels of
135 outpatient care. Such residences are staffed 24 hours a day and combine
136 outpatient licensable services with recovery residential living. Residents are
137 required to follow a treatment plan and attend group and individual sessions, in
138 addition to developing a recovery plan within the social model of living in a
139 sober lifestyle. No clinical services are provided at the residence and all
140 licensable services are provided offsite.
141

142 *Certified recovery residence administrator.* A recovery residence administrator who
143 holds a valid certificate of compliance.
144

145 *Community housing.* A certified recovery residence offered, referred to, or provided by
146 a licensed service provider that provides housing to its patients who are required to
147 reside at the residence while receiving intensive outpatient and higher levels of
148 outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

meets the definition of community housing shall be classified as a Level IV level of support, as described in ss.397.311(5), Florida Statutes.

Department. the Town's Development Services Department.

Department director. The Town's Development Services Department Director.

Licensed service provider. A public agency, a private for-profit or not-for profit agency, a physician or any other private practitioner licensed under Chapter 397 of the Florida Statutes, or a hospital that offers substance abuse services through one or more licensed service components.

Recovery residence. 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 living environment.

(3) Procedure for Processing a Certified Recovery Residence Request.

a. Application. A request by an applicant for establishing a certified recovery residence under this division shall be submitted in writing to the Department on an application form approved by the Town. This form will be maintained by the Department, as amended from time to time. The application shall contain such questions and requests for information as necessary for processing the certified recovery residence application request, including the following:

- (i) Name and contact information of the applicant or the applicant's authorized representative;
- (ii) Property address, parcel identification number, description of the property, and a survey of the property;
- (iii) Consent of the current owner of the subject property, if the applicant is not the owner of the subject property;
- (iv) A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications;
- (v) Description of the accommodation requested and the specific regulation or policy from which relief is sought;
- (vi) Proof of all required licensures or credentials for operation of a Certified Recovery Residence; and
- (vii) Confirmation of the general location of off-street parking.

- 195
- 196 b. Assistance. The Town will provide reasonable assistance to ensure that the process is
- 197 accessible and that the applicant's request is documented on the form provided by the
- 198 Town. The applicant's request for assistance or meeting shall be made in writing to the
- 199 Department to ensure that resources and staff are available to guide the applicant
- 200 through the review and approval process.
- 201
- 202 c. Fees. No fees or costs may be imposed for applications submitted under this section
- 203 or an appeal of a decision on such application to the Town Commission.
- 204
- 205 d. Application completeness and accuracy. The Town shall date-stamp each certified
- 206 recovery residence application upon receipt. Within five (5) calendar days after
- 207 receiving such an application, the Department shall confirm receipt of the application
- 208 using the contact information provided by the applicant. An application will be
- 209 considered complete by the Department if it is submitted in the required form with all
- 210 mandatory information and material. This provision does not preclude the identification
- 211 and correction of information submitted by the applicant after an application is
- 212 accepted.
- 213

214 (4) Decision Process for Certified Recovery Residence.

215

- 216 a. Review. The Town must notify the applicant in writing within the first 30 calendar days
- 217 after receipt of an application, whether additional information is required that is
- 218 reasonably necessary for the review process, and allow the applicant at least thirty (30)
- 219 calendar days to respond.
- 220
- 221 b. Request for Additional Information.
- 222
- 223 (i) If necessary, within the first 30 calendar days after receipt of the application,
- 224 the Department Director may request additional information from the applicant,
- 225 specifying in sufficient detail what information is required. The applicant shall
- 226 have at least 30 calendar days after the date the information is requested to
- 227 respond.
- 228
- 229 (ii) If the applicant fails to respond to the request for additional information, the
- 230 Department Director shall deny the request for relief upon the basis that it has
- 231 been deemed abandoned or withdrawn. No further action by the Town
- 232 concerning said relief request shall be required.
- 233
- 234 c. Written Decision.
- 235
- 236 (i) Within sixty (60) calendar days after receipt of a completed application, the
- 237 Department must issue a final written determination on such application:
- 238
- 239 1. The determination must be approved in whole or in part, with or without
- 240 conditions; or

241 2. Deny the request, stating with specificity the objective, evidence-based
242 reasons for denial, and identifying any deficiencies or actions necessary for
243 reconsideration.

244
245 (ii) If a final written determination is not issued within 60 days after receipt of a
246 completed application, the request is deemed approved unless the parties agree
247 in writing to a reasonable extension of time.

248
249 d. *Expiration of approval.* Approval of a request for reasonable accommodation for the
250 establishment of a certified recovery residence shall expire after one hundred eighty
251 (180) days if not implemented. In the event the applicant ceases to operate the property
252 as a Certified Recovery Residence, any approved accommodations shall immediately
253 expire and the property shall be in compliance with the Town Code.

254
255 (5) *Reasonable Accommodations for Certified Recovery Residences.* The Town shall apply the
256 following procedures and criteria in considering a reasonable accommodation request for
257 establishing a Certified Recovery Residence:

258 a. *Procedures for requesting a reasonable accommodation and criteria.*

259 (i) *Application.* A request by an applicant for reasonable accommodation under
260 this section shall be made in writing to the Department on a "reasonable
261 accommodation request application form," which form is maintained by the
262 Town. The application shall contain such questions and **the Department may**
263 **make such** requests for information as are **reasonably** necessary for processing
264 the reasonable accommodation request including the following:

- 265 1. Name, address, and telephone number of applicant.
266 2. Address of subject property and parcel identification number.
267 3. Consent of the owner of the subject property.
268 4. Current use of the property.
269 5. Basis for the claim that the applicant is protected under applicable law(s).
270 6. The Town's regulation(s) from which reasonable accommodation is being
271 requested.
272 7. Identification of the specific accommodation requested and why the
273 accommodation is necessary to make the subject property accessible to the
274 individual.

275 (ii) *Assistance.* If the applicant needs assistance in making a request for a
276 reasonable accommodation or meeting the requirement that the request be
277 made in writing, the Town will provide reasonable assistance to ensure that
278 the process is accessible, and that the applicant's request is documented on the
279 form provided by the Town.

b. Criteria for determining reasonable accommodations. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

- (i) Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
- (ii) Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
- (iii) Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
- (iv) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.
- (v) Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.
- (vi) Whether applicant adheres to all applicable state and federal laws relating to Certified Recovery Residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a Certified Recovery Residence.
- (vii) Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.
- (viii) Any other relevant criteria under applicable laws.
- (ix) For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:
 - 1. If electing to manage up to 150 residents: whether the residence maintains a service provider personnel-to-patient ration of 1 to 9 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident-ratio of 1 to 10; and
 - 2. If electing to manage up to 300 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

(6) Appeal. An applicant aggrieved by a decision of the Department Services Director under this section may appeal the decision to the Town Manager.

- a. Exhaustion required. A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Town.

b. Effect while pending. While an application for relief or appeal of a decision of same is pending before the Town, the Town will not enforce the subject code, rules, policies, and procedures, except the Town may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(7) Public hearings. The Town may not require public hearings beyond the minimum required by law to process the requested accommodation, the certified recovery residence, or an appeal of those requests.

(78) Revocation. The Department may revoke a granted approval or 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 licensure required under this section, if not reinstated within 180 calendar days.

(89) Compliance. The establishment of a reasonable accommodation process does not relieve the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(910) Declarations. The application of this subsection does not supersede any current or future declaration or declaration of condominium adopted pursuant to Chapter 718; any cooperative document adopted pursuant to Chapter 719; or any declaration or declaration of covenant adopted pursuant to Chapter 720.

Section 3. Conflicting Provision. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance.

Section 5. Codification. It is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall take effect immediately upon the adoption hereof.

Passed on the first reading, this 27th day of January, 2026.

Passed on the second reading, this ____ day of _____, 2026.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon	YES	
Vice-Mayor Strauss	YES	
Commissioner Pouloupoulos	YES	
Commissioner DeNapoli	YES	
Commissioner Graziano	YES	

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney



Agenda Item No: 16.a.

Town Commission Agenda Item Report

Meeting Date: January 27, 2026

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Ordinance

Agenda Section:

ORDINANCES 1st Reading

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation:

Background

Senate Bill 954 (Chapter 2025-182) requires local government to adopt an ordinance, subject to certain restrictions, to formalize and streamline the local government permitting process for applicants seeking approval of, and reasonable accommodations from land use regulations for, a certified recovery residence. Recovery residences are residential units that serve persons recovering from addictions, which are a form of disability protected by state and federal law. The rights of these residences and their ability to locate in the Town are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

Florida Substance Abuse Program

In the 1960s and 1970s, the federal government enacted a series of laws for state to follow to address the care for individuals and families affected by substance abuse, and funding requirements for alcoholism and drug abuse. Thereafter, in response to the federal government's early initiatives, the State of Florida enacted Chs. 396 and 397, F.S. relating to alcohol and drug abuse.

In 1993, the two chapters were combined into a single law entitled the “Hal S. Marchman Alcohol and Other Drug Substance Services Act” (“Marchman Act”), which is currently codified in Ch. 397, Florida Statutes. The purpose of the Marchman Act is to administer the substance abuse services in the State of Florida. It provides the legal process for individual citizens, affected by substance abuse or addiction, to receive proper medical attention, stabilization, and treatment. The Florida Department of Children and Family (“DCF”) is responsible for the implementation and oversight of the Marchman Act. DCF’s responsibilities under the Marchman Act include but are not limited to:

- Licensing and regulations
- Developing standards
- Coordinating with courts and community-based organizations
- Maintaining data
- Providing training and technical assistance to professionals responsible for implementing the Marchman Act.

DCF is also responsible for implementing federal programs and policies related to substance abuse and mental health, as well as the programs funded through the Substance Abuse and Mental Health Services Administration.

In 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking to establish a “certified recovery residence”, including those seeking reasonable accommodations from local land use regulations. To ensure consistency with the “certified recovery residence” requirements in Chapter 2025-182 Laws of Florida and Section 397.487(15)(a), F.S., the Town desires to amend Chapter 30 of the Town Code to rename Section 30-138 and create Section 30-138(b) (**Exhibit 1**).

The Town’s Planning and Zoning Board, sitting as the Town’s Land Planning Agency (LPA), will review the Ordinance at its February meeting.

Analysis

The Town Attorney advised that the Town Commission must adopt this Ordinance to comply with state law. The proposed Ordinance meets the minimum requirements of the new state statute, and is also drafted to comply with the background requirements of federal and state statutes and the caselaw interpreting them.

The application processes under the proposed Ordinance will be administered against the backdrop of the existing Town zoning and land use laws, and will not change those requirements. Given the highly constrained scope of review, and consistent with best practices and with legal recommendation, the proposed Ordinance provides that applications will be administratively approved.

Consistent with the recommendations of the Town Attorney based on the body of state and federal law constraining these decision-making processes, the proposed Ordinance provides for administrative approval of applications, and of appeals from decisions on those applications. Therefore, the proposed Ordinance provides that applications for certified recovery residences will be reviewed and approved by the Development Services Director. Any appeals of the Development Services Director's determination are also administrative under the proposed Ordinance, to be decided by the Town Manager.

Based upon appropriate documentation, the application process may also involve the Development Services Director being asked to grant a reasonable accommodation from strict compliance with the Town's laws. Such a request must be granted only to the extent such accommodation is demonstrated to be required by federal and state statutes and caselaw. Applications for reasonable accommodation will also be administratively approved and subject to administrative appeal to the Town Manager in a similar manner, under the proposed Ordinance.

Any suggested changes to the approval process, or other aspects of the proposed Ordinance, will need to be analyzed legally and addressed on second reading.

Recommendation:

Approval of Ordinance 2026-03, as required by Chapter 2025-182, Laws of Florida, on first reading.

Exhibits:

1. Ord 2026-03 Business Impact Estimate
2. Exhibit 1- Ordinance 2026-03



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title: Ordinance 2026-03

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, Development Permits, Applications, Requirements and Review Procedures, DIVISION 9 Zoning Relief Procedures, Section 30-138 Zoning Relief Procedures OF THE TOWNS CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, and create section 30-138(B) To ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.



The ordinance is required for compliance with federal or state law or regulation;



The ordinance relates to the issuance or refinancing of debt;



The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;



The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;



The ordinance is an emergency ordinance;



The ordinance relates to procurement; or



The ordinance is enacted to implement the following:

- a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
- b. Sections 190.005 and 190.046, regarding community development districts;
- c. Section 553.73, relating to the Florida Building Code; or
- d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

3. Estimate of direct compliance costs that businesses may reasonably incur:

N/A

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):

1 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**

2 **ORDINANCE NO. 2026-03**

3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**
4 **LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30**
5 **“UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV,**
6 **“DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND**
7 **REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF**
8 **PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES”**
9 **OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9**
10 **AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO**
11 **ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF,**
12 **AND REASONABLE ACCOMMODATION FOR, CERTIFIED**
13 **RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW;**
14 **PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE**
15 **TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.**

16 **WHEREAS,** Florida law provides that municipalities shall have the governmental,
17 corporate, and proprietary powers to enable them to conduct municipal government, perform
18 municipal functions, and render municipal service, and exercise any power for municipal
19 purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of
20 such authority; and

21 **WHEREAS,** the Town of Lauderdale-By-The-Sea (the “Town”) finds it periodically
22 necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures
23 to maintain consistency with state law, implement municipal goals and objectives, clarify
24 regulations, and address specific issues and needs that may arise; and

25 **WHEREAS,** the Town is committed to ensuring compliance with federal civil rights laws,
26 including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of
27 the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

28 **WHEREAS,** in the early 1970s, the federal government enacted laws for states to develop
29 a continuum of care for individuals and families affected by substance abuse; and

30 **WHEREAS,** in response to the federal laws, the Florida Legislature enacted Chapters 396
31 and 397, F.S., relating to alcohol and drug abuse, respectively; and

32 **WHEREAS,** in 1993, the Florida Legislature adopted legislation combining Chapters 396
33 and 397 of the Florida Statutes into a single law, the “Hal S. Marchman Alcohol and Other Drug
34 Services Act” (the “Marchman Act”), which encourages individuals to seek services on a voluntary
35 basis within the existing financial and space capacities of a service provider; and

36 **WHEREAS**, the Department of Children and Families (DCF) is responsible for
37 administering substance abuse and mental health prevention, treatment, and recovery statewide
38 consistent with the Marchman Act; and

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”),
41 and requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on January 27, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. Amending the Town Code. Chapter 30, Article IV, Division 9, Section 30-138 of the Code, is hereby amended to rename Section 30-138 and create Section 30-138(b) to read as follows:

Chapter 30.—UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

Article IV—DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES

* * *

Division 9—ZONING RELIEF PROCEDURES AND CERTIFIED RECOVERY RESIDENCES

Section 30-138.—Zoning relief procedures and Certified Recovery Residences

* * *

Sec. 30-138. – Zoning Relief Procedures and Certified Recovery Residences

(a) Zoning Relief Procedures²

* * *

(b) Certified Recovery Residences

(1) Purpose and applicability. This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Town Code, and related policies, practices, and procedures to open a certified recovery residence. The Town shall process requests for the establishment of certified recovery residences in accordance with this Section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, “Applicable Laws”).

² Note to codifier: please renumber existing sections under new subsection (a).

(2) Definitions.³ As used in this division, the following words and phrases shall have the following meanings:

Certified recovery residence. A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

a. A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.

b. A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.

c. A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

d. A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Certified recovery residence administrator. A recovery residence administrator who holds a valid certificate of compliance.

Community housing. A certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

149 meets the definition of community housing shall be classified as a Level IV level of
150 support, as described in ss.397.311(5), Florida Statutes.

151
152 Department. the Town's Development Services Department.

153
154 Department director. The Town's Development Services Department Director.

155
156 Licensed service provider. A public agency, a private for-profit or not-for profit agency,
157 a physician or any other private practitioner licensed under Chapter 397 of the Florida
158 Statutes, or a hospital that offers substance abuse services through one or more licensed
159 service components.

160
161 Recovery residence. A residential dwelling unit, the community housing component of
162 a licensed day or night treatment facility with community housing, or other form of
163 group housing, which is offered or advertised through any means, including oral,
164 written electronic, or printed means, by any person or entity as a residence that provides
165 a peer-supported, alcohol-free living environment.

166
167 (3) Procedure for Processing a Certified Recovery Residence Request.

168
169 a. Application. A request by an applicant for establishing a certified recovery residence
170 under this division shall be submitted in writing to the Department on an application
171 form approved by the Town. This form will be maintained by the Department, as
172 amended from time to time. The application shall contain such questions and requests
173 for information as necessary for processing the certified recovery residence application
174 request, including the following:

175
176 (i) Name and contact information of the applicant or the applicant's authorized
177 representative;

178
179 (ii) Property address, parcel identification number, description of the property, and
180 a survey of the property;

181
182 (iii) Consent of the current owner of the subject property, if the applicant is not the
183 owner of the subject property;

184
185 (iv) A letter of intent identifying the existing zoning district of the property,
186 including any previously approved conditions or modifications;

187
188 (v) Description of the accommodation requested and the specific regulation or
189 policy from which relief is sought; and

190
191 (vi) Confirm the general location of off-street parking.

192
193 b. Assistance. The Town will provide reasonable assistance to ensure that the process is
194 accessible and that the applicant's request is documented on the form provided by the

Town. The applicant's request for assistance or meeting shall be made in writing to the Department to ensure that resources and staff are available to guide the applicant through the review and approval process.

c. Fees. No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application to the Town Commission.

d. Application completeness and accuracy. The Town shall date-stamp each certified recovery residence application upon receipt. Within five (5) calendar days after receiving such an application, the Department shall confirm receipt of the application using the contact information provided by the applicant. An application will be considered complete by the Department if it is submitted in the required form with all mandatory information and material. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.

(4) Decision Process for Certified Recovery Residence.

a. Review. The Town must notify the applicant in writing within the first 30 calendar days after receipt of an application, whether additional information is required, and allow the applicant at least thirty (30) calendar days to respond.

b. Request for Additional Information.

(i) If necessary, within the first 30 calendar days after receipt of the application, the Department Director may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least 30 calendar days after the date the information is requested to respond.

(ii) If the applicant fails to respond to the request for additional information, the Department Director shall deny the request for relief upon the basis that it has been deemed abandoned or withdrawn. No further action by the Town concerning said relief request shall be required.

c. Written Decision.

(i) Within sixty (60) calendar days after receipt of a completed application, the Department must issue a final written determination on such application:

1. The determination must be approved in whole or in part, with or without conditions; or

2. Deny the request, stating with specificity the objective, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

(ii) If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

d. Expiration of approval. Approval of a request for reasonable accommodation for the establishment of a certified recovery residence shall expire after one hundred eighty (180) days if not implemented. In the event the applicant ceases to operate the property as a Certified Recovery Residence, any approved accommodations shall immediately expire and the property shall be in compliance with the Town Code.

(5) Reasonable Accommodations for Certified Recovery Residences. The Town shall apply the following procedures and criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

a. Procedures for requesting a reasonable accommodation and criteria.

(i) Application. A request by an applicant for reasonable accommodation under this section shall be made in writing to the Department on a "reasonable accommodation request application form," which form is maintained by the Town. The application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:

1. Name, address, and telephone number of applicant.
2. Address of subject property and parcel identification number.
3. Consent of the owner of the subject property.
4. Current use of the property.
5. Basis for the claim that the applicant is protected under applicable law(s).
6. The Town's regulation(s) from which reasonable accommodation is being requested.
7. Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.

(ii) Assistance. If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the Town will provide reasonable assistance to ensure that the process is accessible, and that the applicant's request is documented on the form provided by the Town.

b. Criteria for determining reasonable accommodations. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

- (i) Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
- (ii) Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
- (iii) Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
- (iv) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.
- (v) Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.
- (vi) Whether applicant adheres to all applicable state and federal laws relating to Certified Recovery Residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a Certified Recovery Residence.
- (vii) Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.
- (viii) Any other relevant criteria under applicable laws.
- (ix) For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:
1. If electing to manage up to 150 residents: whether the residence maintains a service provider personnel-to-patient ration of 1 to 9 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident-ratio of 1 to 10; and
 2. If electing to manage up to 300 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

(6) Appeal. An applicant aggrieved by a decision of the Department Services Director under this section may appeal the decision to the Town Manager.

a. Exhaustion required. A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Town.

b. Effect while pending. While an application for relief or appeal of a decision of same is pending before the Town, the Town will not enforce the subject code, rules, policies,

and procedures, except the Town may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(7) Revocation. The Department may revoke a granted 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 licensure required under this section, if not reinstated within 180 calendar days.

(8) Compliance. The establishment of a reasonable accommodation process does not relieve the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(9) Declarations. The application of this subsection does not supersede any current or future declaration or declaration of condominium adopted pursuant to Chapter 718; any cooperative document adopted pursuant to Chapter 719; or any declaration or declaration of covenant adopted pursuant to Chapter 720.

Section 3. Conflicting Provision. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance.

Section 5. Codification. It is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall take effect immediately upon the adoption hereof.

Passed on the first reading, this ____ day of _____, 2026.

Passed on the second reading, this ____ day of _____, 2026.

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MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner DeNapoli

Commissioner Graziano

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney



Agenda Item No: 5.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: February 4, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: NEW BUSINESS

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30- 138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation: ORDINANCE SUMMARY

The proposed Ordinance (**Exhibit 1**) amends Chapter 30 of the Town Code to formalize and streamline the review and approval process for applicants seeking to establish a certified recovery residence, including requests for reasonable accommodation from land use regulations, as required by Senate Bill 954 (Chapter 2025-182, Laws of Florida) (**Exhibit 2**). The Ordinance ensures consistency with Section 397.487(15)(a), Florida Statutes, while preserving compliance with longstanding federal and state disability protections. As a change to Chapter 30 of the Code, the Ordinance requires review and recommendation by the Planning and Zoning Board in your capacity as the Local Planning Agency for the Town.

BACKGROUND

Recovery residences serve individuals recovering from substance use disorders, which are recognized disabilities under federal and state law. These rights are governed by longstanding legal precedent and are not expanded by the proposed Ordinance.

Florida's substance abuse regulatory framework is based on the Hal S. Marchman Alcohol and Other Drug Services Act (Chapter 397, Florida Statutes), administered by the Florida Department of Children and Families (DCF). In 2025, the Florida Legislature adopted SB 954, requiring local governments to adopt ordinances formalizing and streamlining approval and

reasonable accommodation procedures for certified recovery residences.

TOWN ATTORNEY ANALYSIS

The Town Attorney has advised that adoption of this Ordinance is required to comply with state law. The proposed Ordinance meets the minimum statutory requirements and aligns with applicable federal and state law and caselaw precedent.

The Ordinance establishes an administrative review process that does not alter underlying zoning or land use regulations (no effect on height or other zoning regulations). Applications for certified recovery residences will be reviewed and approved by the Development Services Director. Requests for reasonable accommodation will be granted only where required by law. Appeals will be decided administratively by the Town Manager.

TOWN COMMISSION ACTION – FIRST READING

The proposed Ordinance was presented to the Town Commission at its January 27, 2026 (**Exhibit 3**) meeting, was recommended for approval, and was approved on first reading.

Several clarifying changes were suggested by the Mayor. There was consensus from the Commission for the Town Attorney to review the legality of the proposals and include those that are deemed legal for the Commission to consider at second reading. The proposed changes were:

1. No Additional Public Hearings (Section 30-138(b)(1))

Insert language clarifying that no additional public hearing shall be required as part of the reasonable accommodation process beyond the minimum hearing requirements, if any, required by law.

2. Minimum Necessary Accommodation (Section 30-138(b)(5)(b))

Insert language specifying that any accommodation granted, including conditions of approval, shall be limited to the minimum reasonable accommodation necessary to provide equal opportunity and to comply with applicable federal and state law.

3. Proof of Certification at Intake (Section 30-138(b)(5)(a)(i))

Require submittal of a current valid certificate of compliance evidencing the residence's status as a certified recovery residence as part of the initial application.

4. Limit Information Requests (Section 30-138(b)(4)(a))

Clarify that the Town shall request only such additional information as is reasonably necessary to determine application completeness and evaluate the request under the applicable criteria.

5. Administrative Review and Appeal (Section 30-138(b)(6)(a))

Confirm that the review and appeal process is administrative in nature and shall not be referred to any board or the Town Commission unless specifically required by law.

Recommendation: Staff recommends that the Planning & Zoning Board recommend approval of the proposed Ordinance to the Town Commission.

Exhibits:

1. Exhibit 1-Ordinance 2026-03 Certified Recovery Residences- FINAL
2. Exhibit 2 - Senate Bill 954
3. Exhibit 3-2026-03 Town Commission Agenda Memo - First Reading



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title: Ordinance 2026-03

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "Development Permits, Applications, Requirements and Review Procedures," DIVISION 9 "Zoning Relief Procedures," Section 30-138 "Zoning Relief Procedures" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, and creatE section 30-138(B) To ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- ☒ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

3. Estimate of direct compliance costs that businesses may reasonably incur:

N/A

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):

1 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**

2 **ORDINANCE NO. 2026-03**

3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**
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16 **WHEREAS,** Florida law provides that municipalities shall have the governmental,
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18 municipal functions, and render municipal service, and exercise any power for municipal
19 purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of
20 such authority; and

21 **WHEREAS,** the Town of Lauderdale-By-The-Sea (the “Town”) finds it periodically
22 necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures
23 to maintain consistency with state law, implement municipal goals and objectives, clarify
24 regulations, and address specific issues and needs that may arise; and

25 **WHEREAS,** the Town is committed to ensuring compliance with federal civil rights laws,
26 including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of
27 the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

28 **WHEREAS,** in the early 1970s, the federal government enacted laws for states to develop
29 a continuum of care for individuals and families affected by substance abuse; and

30 **WHEREAS,** in response to the federal laws, the Florida Legislature enacted Chapters 396
31 and 397, F.S., relating to alcohol and drug abuse, respectively; and

32 **WHEREAS,** in 1993, the Florida Legislature adopted legislation combining Chapters 396
33 and 397 of the Florida Statutes into a single law, the “Hal S. Marchman Alcohol and Other Drug
34 Services Act” (the “Marchman Act”), which encourages individuals to seek services on a voluntary
35 basis within the existing financial and space capacities of a service provider; and

36 **WHEREAS**, the Department of Children and Families (DCF) is responsible for
37 administering substance abuse and mental health prevention, treatment, and recovery statewide
38 consistent with the Marchman Act; and

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”),
41 and requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on January 27, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. Amending the Town Code. Chapter 30, Article IV, Division 9, Section 30-138 of the Code, is hereby amended to rename Section 30-138 and create Section 30-138(b) to read as follows:

Chapter 30.—UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

Article IV—DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES

* * *

Division 9—ZONING RELIEF PROCEDURES AND CERTIFIED RECOVERY RESIDENCES

Section 30-138.—Zoning relief procedures and Certified Recovery Residences

* * *

Sec. 30-138. – Zoning Relief Procedures and Certified Recovery Residences

(a) Zoning Relief Procedures²

* * *

(b) Certified Recovery Residences

(1) Purpose and applicability. This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Town Code, and related policies, practices, and procedures to open a certified recovery residence. The Town shall process requests for the establishment of certified recovery residences in accordance with this Section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, “Applicable Laws”).

² Note to codifier: please renumber existing sections under new subsection (a).

106 (2) Definitions.³ As used in this division, the following words and phrases shall have the
107 following meanings:
108

109 Certified recovery residence. A recovery residence that holds a valid certificate of
110 compliance and is actively managed by a certified recovery residence administrator.
111

112 a. A Level I certified recovery residence houses individuals in recovery who have
113 completed treatment, with a minimum of 9 months of sobriety. A Level I
114 certified recovery residence is democratically run by the members who reside
115 in the home.
116

117 b. A Level II certified recovery residence encompasses the traditional perspectives
118 of sober living homes. There is oversight from a house manager who has
119 experience with living in recovery. Residents are expected to follow rules
120 outlined in a resident handbook provided by the certified recovery residence
121 administrator. Residents must pay dues, if applicable, and work toward
122 achieving realistic and defined milestones within a chosen recovery path.
123

124 c. A Level III certified recovery residence offers higher supervision by staff with
125 formal training to ensure resident accountability. Such residences are staffed 24
126 hours a day, 7 days a week, and offer residents peer-support services, which
127 may include, but are not limited to, life skill mentoring, recovery planning, and
128 meal preparation. Clinical services may not be performed at the residence. Such
129 residences are most appropriate for persons who require a more structured
130 environment during early recovery from addiction.
131

132 d. A Level IV certified recovery residence is a residence offered, referred to, or
133 provided by, a licensed service provider to its patients who are required to reside
134 at the residence while receiving intensive outpatient and higher levels of
135 outpatient care. Such residences are staffed 24 hours a day and combine
136 outpatient licensable services with recovery residential living. Residents are
137 required to follow a treatment plan and attend group and individual sessions, in
138 addition to developing a recovery plan within the social model of living in a
139 sober lifestyle. No clinical services are provided at the residence and all
140 licensable services are provided offsite.
141

142 Certified recovery residence administrator. A recovery residence administrator who
143 holds a valid certificate of compliance.
144

145 Community housing. A certified recovery residence offered, referred to, or provided by
146 a licensed service provider that provides housing to its patients who are required to
147 reside at the residence while receiving intensive outpatient and higher levels of
148 outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

meets the definition of community housing shall be classified as a Level IV level of support, as described in ss.397.311(5), Florida Statutes.

Department. the Town's Development Services Department.

Department director. The Town's Development Services Department Director.

Licensed service provider. A public agency, a private for-profit or not-for profit agency, a physician or any other private practitioner licensed under Chapter 397 of the Florida Statutes, or a hospital that offers substance abuse services through one or more licensed service components.

Recovery residence. 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 living environment.

(3) Procedure for Processing a Certified Recovery Residence Request.

a. Application. A request by an applicant for establishing a certified recovery residence under this division shall be submitted in writing to the Department on an application form approved by the Town. This form will be maintained by the Department, as amended from time to time. The application shall contain such questions and requests for information as necessary for processing the certified recovery residence application request, including the following:

(i) Name and contact information of the applicant or the applicant's authorized representative;

(ii) Property address, parcel identification number, description of the property, and a survey of the property;

(iii) Consent of the current owner of the subject property, if the applicant is not the owner of the subject property;

(iv) A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications;

(v) Description of the accommodation requested and the specific regulation or policy from which relief is sought; and

(vi) Confirm the general location of off-street parking.

b. Assistance. The Town will provide reasonable assistance to ensure that the process is accessible and that the applicant's request is documented on the form provided by the

Town. The applicant's request for assistance or meeting shall be made in writing to the Department to ensure that resources and staff are available to guide the applicant through the review and approval process.

c. Fees. No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application to the Town Commission.

d. Application completeness and accuracy. The Town shall date-stamp each certified recovery residence application upon receipt. Within five (5) calendar days after receiving such an application, the Department shall confirm receipt of the application using the contact information provided by the applicant. An application will be considered complete by the Department if it is submitted in the required form with all mandatory information and material. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.

(4) Decision Process for Certified Recovery Residence.

a. Review. The Town must notify the applicant in writing within the first 30 calendar days after receipt of an application, whether additional information is required, and allow the applicant at least thirty (30) calendar days to respond.

b. Request for Additional Information.

(i) If necessary, within the first 30 calendar days after receipt of the application, the Department Director may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least 30 calendar days after the date the information is requested to respond.

(ii) If the applicant fails to respond to the request for additional information, the Department Director shall deny the request for relief upon the basis that it has been deemed abandoned or withdrawn. No further action by the Town concerning said relief request shall be required.

c. Written Decision.

(i) Within sixty (60) calendar days after receipt of a completed application, the Department must issue a final written determination on such application:

1. The determination must be approved in whole or in part, with or without conditions; or

2. Deny the request, stating with specificity the objective, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

(ii) If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

d. Expiration of approval. Approval of a request for reasonable accommodation for the establishment of a certified recovery residence shall expire after one hundred eighty (180) days if not implemented. In the event the applicant ceases to operate the property as a Certified Recovery Residence, any approved accommodations shall immediately expire and the property shall be in compliance with the Town Code.

(5) Reasonable Accommodations for Certified Recovery Residences. The Town shall apply the following procedures and criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

a. Procedures for requesting a reasonable accommodation and criteria.

(i) Application. A request by an applicant for reasonable accommodation under this section shall be made in writing to the Department on a "reasonable accommodation request application form," which form is maintained by the Town. The application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:

1. Name, address, and telephone number of applicant.
2. Address of subject property and parcel identification number.
3. Consent of the owner of the subject property.
4. Current use of the property.
5. Basis for the claim that the applicant is protected under applicable law(s).
6. The Town's regulation(s) from which reasonable accommodation is being requested.
7. Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.

(ii) Assistance. If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the Town will provide reasonable assistance to ensure that the process is accessible, and that the applicant's request is documented on the form provided by the Town.

b. Criteria for determining reasonable accommodations. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

- (i) Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
- (ii) Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
- (iii) Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
- (iv) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.
- (v) Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.
- (vi) Whether applicant adheres to all applicable state and federal laws relating to Certified Recovery Residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a Certified Recovery Residence.
- (vii) Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.
- (viii) Any other relevant criteria under applicable laws.
- (ix) For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:
1. If electing to manage up to 150 residents: whether the residence maintains a service provider personnel-to-patient ration of 1 to 9 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident-ratio of 1 to 10; and
 2. If electing to manage up to 300 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

(6) Appeal. An applicant aggrieved by a decision of the Department Services Director under this section may appeal the decision to the Town Manager.

a. Exhaustion required. A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Town.

b. Effect while pending. While an application for relief or appeal of a decision of same is pending before the Town, the Town will not enforce the subject code, rules, policies,

and procedures, except the Town may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(7) Revocation. The Department may revoke a granted 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 licensure required under this section, if not reinstated within 180 calendar days.

(8) Compliance. The establishment of a reasonable accommodation process does not relieve the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(9) Declarations. The application of this subsection does not supersede any current or future declaration or declaration of condominium adopted pursuant to Chapter 718; any cooperative document adopted pursuant to Chapter 719; or any declaration or declaration of covenant adopted pursuant to Chapter 720.

Section 3. Conflicting Provision. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance.

Section 5. Codification. It is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall take effect immediately upon the adoption hereof.

Passed on the first reading, this ____ day of _____, 2026.

Passed on the second reading, this ____ day of _____, 2026.

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MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner DeNapoli

Commissioner Graziano

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney

2025954er

1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

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effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15) (a) 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.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

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59 a completed application. The determination must:

60 a. Approve the request in whole or in part, with or without
61 conditions; or

62 b. Deny the request, stating with specificity the
63 objective, evidence-based reasons for denial and identifying any
64 deficiencies or actions necessary for reconsideration.

65 5. Provide that if a final written determination is not
66 issued within 60 days after receipt of a completed application,
67 the request is deemed approved unless the parties agree in
68 writing to a reasonable extension of time.

69 6. Require that the application include, at a minimum:

70 a. The name and contact information of the applicant or the
71 applicant's authorized representative;

72 b. The property address and parcel identification number;
73 and

74 c. A description of the accommodation requested and the
75 specific regulation or policy from which relief is sought.

76 (c) The ordinance may establish additional requirements for
77 the review or approval of reasonable accommodation requests for
78 establishing a certified recovery residence, provided such
79 requirements are consistent with federal law and do not conflict
80 with this subsection.

81 (d) The ordinance may not require public hearings beyond
82 the minimum required by law to grant the requested
83 accommodation.

84 (e) The ordinance may include provisions for the revocation
85 of a granted accommodation of a certified recovery residence for
86 cause, including, but not limited to, a violation of the
87 conditions of approval or the lapse, revocation, or failure to

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maintain certification or licensure required under this section,
if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable
accommodation process does not relieve the local government from
its obligations under the Fair Housing Amendments Act of 1988,
42 U.S.C. ss. 3601 et seq., and Title II of the Americans with
Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for
which the applicant is seeking a reasonable accommodation must
not facially discriminate against or otherwise disparately
impact the applicant.

(16) The application of this section does not supersede any
current or future declaration or declaration of condominium
adopted pursuant to chapter 718; any cooperative document
adopted pursuant to chapter 719; or any declaration or
declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section
397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified
recovery residence operating as community housing as defined in
s. 397.311(9), which residence is actively managed by a
certified recovery residence administrator approved for 100
residents under this section and is wholly owned or controlled
by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.



Town Commission Agenda Item Report

Meeting Date: January 27, 2026

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Ordinance

Agenda Section:

ORDINANCES 1st Reading

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation:

Background

Senate Bill 954 (Chapter 2025-182) requires local government to adopt an ordinance, subject to certain restrictions, to formalize and streamline the local government permitting process for applicants seeking approval of, and reasonable accommodations from land use regulations for, a certified recovery residence. Recovery residences are residential units that serve persons recovering from addictions, which are a form of disability protected by state and federal law. The rights of these residences and their ability to locate in the Town are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

Florida Substance Abuse Program

In the 1960s and 1970s, the federal government enacted a series of laws for state to follow to address the care for individuals and families affected by substance abuse, and funding requirements for alcoholism and drug abuse. Thereafter, in response to the federal government's early initiatives, the State of Florida enacted Chs. 396 and 397, F.S. relating to alcohol and drug abuse.

In 1993, the two chapters were combined into a single law entitled the “Hal S. Marchman Alcohol and Other Drug Substance Services Act” (“Marchman Act”), which is currently codified in Ch. 397, Florida Statutes. The purpose of the Marchman Act is to administer the substance abuse services in the State of Florida. It provides the legal process for individual citizens, affected by substance abuse or addiction, to receive proper medical attention, stabilization, and treatment. The Florida Department of Children and Family (“DCF”) is responsible for the implementation and oversight of the Marchman Act. DCF’s responsibilities under the Marchman Act include but are not limited to:

- Licensing and regulations
- Developing standards
- Coordinating with courts and community-based organizations
- Maintaining data
- Providing training and technical assistance to professionals responsible for implementing the Marchman Act.

DCF is also responsible for implementing federal programs and policies related to substance abuse and mental health, as well as the programs funded through the Substance Abuse and Mental Health Services Administration.

In 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking to establish a “certified recovery residence”, including those seeking reasonable accommodations from local land use regulations. To ensure consistency with the “certified recovery residence” requirements in Chapter 2025-182 Laws of Florida and Section 397.487(15)(a), F.S., the Town desires to amend Chapter 30 of the Town Code to rename Section 30-138 and create Section 30-138(b) (**Exhibit 1**).

The Town’s Planning and Zoning Board, sitting as the Town’s Land Planning Agency (LPA), will review the Ordinance at its February meeting.

Analysis

The Town Attorney advised that the Town Commission must adopt this Ordinance to comply with state law. The proposed Ordinance meets the minimum requirements of the new state statute, and is also drafted to comply with the background requirements of federal and state statutes and the caselaw interpreting them.

The application processes under the proposed Ordinance will be administered against the backdrop of the existing Town zoning and land use laws, and will not change those requirements. Given the highly constrained scope of review, and consistent with best practices and with legal recommendation, the proposed Ordinance provides that applications will be administratively approved.

Consistent with the recommendations of the Town Attorney based on the body of state and federal law constraining these decision-making processes, the proposed Ordinance provides for administrative approval of applications, and of appeals from decisions on those applications. Therefore, the proposed Ordinance provides that applications for certified recovery residences will be reviewed and approved by the Development Services Director. Any appeals of the Development Services Director's determination are also administrative under the proposed Ordinance, to be decided by the Town Manager.

Based upon appropriate documentation, the application process may also involve the Development Services Director being asked to grant a reasonable accommodation from strict compliance with the Town's laws. Such a request must be granted only to the extent such accommodation is demonstrated to be required by federal and state statutes and caselaw. Applications for reasonable accommodation will also be administratively approved and subject to administrative appeal to the Town Manager in a similar manner, under the proposed Ordinance.

Any suggested changes to the approval process, or other aspects of the proposed Ordinance, will need to be analyzed legally and addressed on second reading.

Recommendation:

Approval of Ordinance 2026-03, as required by Chapter 2025-182, Laws of Florida, on first reading.

Exhibits:

1. Ord 2026-03 Business Impact Estimate
2. Exhibit 1- Ordinance 2026-03



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title: Ordinance 2026-03

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, Development Permits, Applications, Requirements and Review Procedures, DIVISION 9 Zoning Relief Procedures, Section 30-138 Zoning Relief Procedures OF THE TOWNS CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, and create section 30-138(B) To ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.



The ordinance is required for compliance with federal or state law or regulation;



The ordinance relates to the issuance or refinancing of debt;



The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;



The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;



The ordinance is an emergency ordinance;



The ordinance relates to procurement; or



The ordinance is enacted to implement the following:

- a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
- b. Sections 190.005 and 190.046, regarding community development districts;
- c. Section 553.73, relating to the Florida Building Code; or
- d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

3. Estimate of direct compliance costs that businesses may reasonably incur:

N/A

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):

1 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**

2 **ORDINANCE NO. 2026-03**

3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**
4 **LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30**
5 **“UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV,**
6 **“DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND**
7 **REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF**
8 **PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES”**
9 **OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9**
10 **AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO**
11 **ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF,**
12 **AND REASONABLE ACCOMMODATION FOR, CERTIFIED**
13 **RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW;**
14 **PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE**
15 **TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.**

16 **WHEREAS,** Florida law provides that municipalities shall have the governmental,
17 corporate, and proprietary powers to enable them to conduct municipal government, perform
18 municipal functions, and render municipal service, and exercise any power for municipal
19 purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of
20 such authority; and

21 **WHEREAS,** the Town of Lauderdale-By-The-Sea (the “Town”) finds it periodically
22 necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures
23 to maintain consistency with state law, implement municipal goals and objectives, clarify
24 regulations, and address specific issues and needs that may arise; and

25 **WHEREAS,** the Town is committed to ensuring compliance with federal civil rights laws,
26 including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of
27 the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

28 **WHEREAS,** in the early 1970s, the federal government enacted laws for states to develop
29 a continuum of care for individuals and families affected by substance abuse; and

30 **WHEREAS,** in response to the federal laws, the Florida Legislature enacted Chapters 396
31 and 397, F.S., relating to alcohol and drug abuse, respectively; and

32 **WHEREAS,** in 1993, the Florida Legislature adopted legislation combining Chapters 396
33 and 397 of the Florida Statutes into a single law, the “Hal S. Marchman Alcohol and Other Drug
34 Services Act” (the “Marchman Act”), which encourages individuals to seek services on a voluntary
35 basis within the existing financial and space capacities of a service provider; and

36 **WHEREAS**, the Department of Children and Families (DCF) is responsible for
37 administering substance abuse and mental health prevention, treatment, and recovery statewide
38 consistent with the Marchman Act; and

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”),
41 and requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on January 27, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. Amending the Town Code. Chapter 30, Article IV, Division 9, Section 30-138 of the Code, is hereby amended to rename Section 30-138 and create Section 30-138(b) to read as follows:

Chapter 30.—UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

Article IV—DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES

* * *

Division 9—ZONING RELIEF PROCEDURES AND CERTIFIED RECOVERY RESIDENCES

Section 30-138.—Zoning relief procedures and Certified Recovery Residences

* * *

Sec. 30-138. – Zoning Relief Procedures and Certified Recovery Residences

(a) Zoning Relief Procedures²

* * *

(b) Certified Recovery Residences

(1) Purpose and applicability. This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Town Code, and related policies, practices, and procedures to open a certified recovery residence. The Town shall process requests for the establishment of certified recovery residences in accordance with this Section and make the appropriate determination(s) consistent with applicable federal and state laws, including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, “Applicable Laws”).

² Note to codifier: please renumber existing sections under new subsection (a).

106 (2) Definitions.³ As used in this division, the following words and phrases shall have the
107 following meanings:
108

109 Certified recovery residence. A recovery residence that holds a valid certificate of
110 compliance and is actively managed by a certified recovery residence administrator.
111

112 a. A Level I certified recovery residence houses individuals in recovery who have
113 completed treatment, with a minimum of 9 months of sobriety. A Level I
114 certified recovery residence is democratically run by the members who reside
115 in the home.
116

117 b. A Level II certified recovery residence encompasses the traditional perspectives
118 of sober living homes. There is oversight from a house manager who has
119 experience with living in recovery. Residents are expected to follow rules
120 outlined in a resident handbook provided by the certified recovery residence
121 administrator. Residents must pay dues, if applicable, and work toward
122 achieving realistic and defined milestones within a chosen recovery path.
123

124 c. A Level III certified recovery residence offers higher supervision by staff with
125 formal training to ensure resident accountability. Such residences are staffed 24
126 hours a day, 7 days a week, and offer residents peer-support services, which
127 may include, but are not limited to, life skill mentoring, recovery planning, and
128 meal preparation. Clinical services may not be performed at the residence. Such
129 residences are most appropriate for persons who require a more structured
130 environment during early recovery from addiction.
131

132 d. A Level IV certified recovery residence is a residence offered, referred to, or
133 provided by, a licensed service provider to its patients who are required to reside
134 at the residence while receiving intensive outpatient and higher levels of
135 outpatient care. Such residences are staffed 24 hours a day and combine
136 outpatient licensable services with recovery residential living. Residents are
137 required to follow a treatment plan and attend group and individual sessions, in
138 addition to developing a recovery plan within the social model of living in a
139 sober lifestyle. No clinical services are provided at the residence and all
140 licensable services are provided offsite.
141

142 Certified recovery residence administrator. A recovery residence administrator who
143 holds a valid certificate of compliance.
144

145 Community housing. A certified recovery residence offered, referred to, or provided by
146 a licensed service provider that provides housing to its patients who are required to
147 reside at the residence while receiving intensive outpatient and higher levels of
148 outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

149 meets the definition of community housing shall be classified as a Level IV level of
150 support, as described in ss.397.311(5), Florida Statutes.

151
152 Department. the Town's Development Services Department.

153
154 Department director. The Town's Development Services Department Director.

155
156 Licensed service provider. A public agency, a private for-profit or not-for profit agency,
157 a physician or any other private practitioner licensed under Chapter 397 of the Florida
158 Statutes, or a hospital that offers substance abuse services through one or more licensed
159 service components.

160
161 Recovery residence. A residential dwelling unit, the community housing component of
162 a licensed day or night treatment facility with community housing, or other form of
163 group housing, which is offered or advertised through any means, including oral,
164 written electronic, or printed means, by any person or entity as a residence that provides
165 a peer-supported, alcohol-free living environment.

166
167 (3) Procedure for Processing a Certified Recovery Residence Request.

168
169 a. Application. A request by an applicant for establishing a certified recovery residence
170 under this division shall be submitted in writing to the Department on an application
171 form approved by the Town. This form will be maintained by the Department, as
172 amended from time to time. The application shall contain such questions and requests
173 for information as necessary for processing the certified recovery residence application
174 request, including the following:

175
176 (i) Name and contact information of the applicant or the applicant's authorized
177 representative;

178
179 (ii) Property address, parcel identification number, description of the property, and
180 a survey of the property;

181
182 (iii) Consent of the current owner of the subject property, if the applicant is not the
183 owner of the subject property;

184
185 (iv) A letter of intent identifying the existing zoning district of the property,
186 including any previously approved conditions or modifications;

187
188 (v) Description of the accommodation requested and the specific regulation or
189 policy from which relief is sought; and

190
191 (vi) Confirm the general location of off-street parking.

192
193 b. Assistance. The Town will provide reasonable assistance to ensure that the process is
194 accessible and that the applicant's request is documented on the form provided by the

Town. The applicant's request for assistance or meeting shall be made in writing to the Department to ensure that resources and staff are available to guide the applicant through the review and approval process.

c. Fees. No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application to the Town Commission.

d. Application completeness and accuracy. The Town shall date-stamp each certified recovery residence application upon receipt. Within five (5) calendar days after receiving such an application, the Department shall confirm receipt of the application using the contact information provided by the applicant. An application will be considered complete by the Department if it is submitted in the required form with all mandatory information and material. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.

(4) Decision Process for Certified Recovery Residence.

a. Review. The Town must notify the applicant in writing within the first 30 calendar days after receipt of an application, whether additional information is required, and allow the applicant at least thirty (30) calendar days to respond.

b. Request for Additional Information.

(i) If necessary, within the first 30 calendar days after receipt of the application, the Department Director may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least 30 calendar days after the date the information is requested to respond.

(ii) If the applicant fails to respond to the request for additional information, the Department Director shall deny the request for relief upon the basis that it has been deemed abandoned or withdrawn. No further action by the Town concerning said relief request shall be required.

c. Written Decision.

(i) Within sixty (60) calendar days after receipt of a completed application, the Department must issue a final written determination on such application:

1. The determination must be approved in whole or in part, with or without conditions; or

2. Deny the request, stating with specificity the objective, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

(ii) If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

d. Expiration of approval. Approval of a request for reasonable accommodation for the establishment of a certified recovery residence shall expire after one hundred eighty (180) days if not implemented. In the event the applicant ceases to operate the property as a Certified Recovery Residence, any approved accommodations shall immediately expire and the property shall be in compliance with the Town Code.

(5) Reasonable Accommodations for Certified Recovery Residences. The Town shall apply the following procedures and criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:

a. Procedures for requesting a reasonable accommodation and criteria.

(i) Application. A request by an applicant for reasonable accommodation under this section shall be made in writing to the Department on a "reasonable accommodation request application form," which form is maintained by the Town. The application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:

1. Name, address, and telephone number of applicant.
2. Address of subject property and parcel identification number.
3. Consent of the owner of the subject property.
4. Current use of the property.
5. Basis for the claim that the applicant is protected under applicable law(s).
6. The Town's regulation(s) from which reasonable accommodation is being requested.
7. Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.

(ii) Assistance. If the applicant needs assistance in making a request for a reasonable accommodation or meeting the requirement that the request be made in writing, the Town will provide reasonable assistance to ensure that the process is accessible, and that the applicant's request is documented on the form provided by the Town.

b. Criteria for determining reasonable accommodations. In reviewing the application for reasonable accommodation for a certified recovery residence, the following criteria will be applied:

- (i) Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
- (ii) Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
- (iii) Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
- (iv) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.
- (v) Whether alternative reasonable accommodations could provide an equivalent level of benefit, if applicable.
- (vi) Whether applicant adheres to all applicable state and federal laws relating to Certified Recovery Residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a Certified Recovery Residence.
- (vii) Whether the licensed service provider has a paid certified employee on call during the time when individuals are at a community housing location, if applicable.
- (viii) Any other relevant criteria under applicable laws.
- (ix) For Level IV Certified Recovery Residences that are operating as Community Housing and are actively managed by a certified recovery residence administrator approved for 100 residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider:
1. If electing to manage up to 150 residents: whether the residence maintains a service provider personnel-to-patient ration of 1 to 9 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident-ratio of 1 to 10; and
 2. If electing to manage up to 300 residents: whether the residence maintains a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

(6) Appeal. An applicant aggrieved by a decision of the Department Services Director under this section may appeal the decision to the Town Manager.

a. Exhaustion required. A request for relief under this section shall be required prior to any person filing a lawsuit based upon applicable laws. Completion of the relief procedures provided herein shall constitute the exhaustion of all administrative remedies available from the Town.

b. Effect while pending. While an application for relief or appeal of a decision of same is pending before the Town, the Town will not enforce the subject code, rules, policies,

and procedures, except the Town may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(7) Revocation. The Department may revoke a granted 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 licensure required under this section, if not reinstated within 180 calendar days.

(8) Compliance. The establishment of a reasonable accommodation process does not relieve the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.). The regulation for which the applicant is seeking reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(9) Declarations. The application of this subsection does not supersede any current or future declaration or declaration of condominium adopted pursuant to Chapter 718; any cooperative document adopted pursuant to Chapter 719; or any declaration or declaration of covenant adopted pursuant to Chapter 720.

Section 3. Conflicting Provision. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance.

Section 5. Codification. It is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be renumbered or re-lettered, and that the word "Ordinance" shall be changed to "Section," or such other appropriate word or phrase, to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall take effect immediately upon the adoption hereof.

Passed on the first reading, this ____ day of _____, 2026.

Passed on the second reading, this ____ day of _____, 2026.

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MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner DeNapoli

Commissioner Graziano

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney