



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**  
**MEDICAL SUB-COMMITTEE**

APRIL 20, 2018, 11:00 AM – 12:30 AM  
2300 NORTH JOG ROAD, ROOM VC-1W-47  
**MEETING SUMMARY**

**A. CALL TO ORDER**

Commenced at 11:00 a.m.

Dr. Vinikoor started the meeting by requesting introduction of participants as follows:

**LDRAB Subcommittee Members:** Philip Barlage, Frank Gulisano, Jim Knight, Drew Martin, Michael Peragine, Dr. Lori Vinikoor, and Anna Yeskey.

**Interested Parties:** Whitney Lehman, Florida Association of Recovery Residences (FARR); Dave Whelihan, Home Suite Home ALF; Debbie Lytle, Amazing Grace Assisted Living Home I, II III; and, Jeffrey Lynne, BMU Law.

**County Staff:** Bob Banks, Jon MacGillis, Maryann Kwok, Alan Seaman, Monica Cantor, Jan Rodriguez, Jehan Wallace and Vincent Ubiera.

**1. Additions, Substitutions and Deletions to Agenda**

None

**2. Motion to Adopt Agenda**

Motion to adopt the agenda by Mr. Gulisano, seconded by Mr. Peragine (7-0)

**3. Review Meeting Minutes from March 29, 2018 (Attachment 1)**

Motion to adopt the agenda by Mr. Gulisano, seconded by Mr. Peragine (7-0)

**B. Review Proposed ULDC Code Amendments**

Dr. Vinikoor noted the meeting was to address the proposed language on Reasonable Accommodation (RA) and noted that the meeting could include questions on items discussed on March 29.

Mr. Banks clarified that at a previous meeting it was discussed to split the items to address first RA and in future meetings Congregate Living Facility, Nursing Homes and Sober Homes. He presented the amendment by indicating that the amendment is for RA provisions which allow waivers for County regulations for persons within the Americans with Disabilities Act (ADA). In addition he noted that:

- This is a very narrow amendment, primarily for recovery residences as defined by Florida Statutes while other disabled persons can still seek that process;
- Persons recovering from addiction and alcoholism, if they are in treatment and not consuming drug or alcohol, are considered disabled and are protected under the ADA;
- Currently applications for RA have to go through the applicable development review process prior to being able to receive RA;
- This amendment is applicable to unlicensed small sober homes facilities seeking to increase the number of residents. The amendment is limited to 10 residents where there is not zoning approval as a Congregate Living Facility (CLF). The number of residents proposed is based on the maximum number of residents in applications already processed. That number is between Type 1 CLF which allows maximum 6 residents and Type 2 CLF which allows no more than 14 residents; and,
- The mechanism is proposed to avoid these small facilities to go through a cumbersome approval while more than 10 residents require an administrative or public hearing approval.

Subcommittee members raised questions concerning RA and the ability of surrounding communities to provide public input. Mr. Banks clarified that notice is not given to surrounding properties or residents as these establishments are not subject to notification, and under Federal Law they are treated as homes. He clarified that if a facility is subject to CLF, it will go through the administrative or public process which ever applies pending on the facility's location.

Mr. Banks noted that RA regulations are not required to be in the Code as they are Federal laws, and explained that the Code needs to clarify the process to apply for RA and provided the reason why there are some provisions already in the ULDC.

To the question pertaining to any form of registration of these facilities and location identification, Mr. Banks indicated that as condition of approval for RA, County staff has been requiring FARR certification. He noted that as part of a larger amendment that will be discussed in future meetings, staff will be looking into whether the County should require certification for recovery residences using a similar approach as the City of Fort Lauderdale. He noted the County keeps a database of CLFs in order to ensure compliance with the separation requirements applicable to small CLFs and he is not aware of any map for recovery residences. He also noted that the agency FARR may be able to indicate how they keep track of those facilities.

To the concern related to recovering residences license, Mr. Banks clarified that those facilities are not required to be licensed by the State, it is voluntary. Requiring a license would be a violation of the ADA and would be a State and Federal issue. He reminded participants that people recovering from addiction are protected by the American with Disabilities Act (ADA) and the Fair Housing Act.

Subcommittee members asked why registration and license cannot be more restrictive in the proposed amendment. Mr. Banks noted that currently there is a condition for RA to provide FARR certification and that the County could consider adding it to the Code. He noted that the proposed language stating that RA applies to recovery residences not licensed by any of the licensing entities referenced in Chapter 419 of the State Statutes, is to exclude CLFs, which are licensed by state agencies, and are subject to specific rules and regulations contained in the Code, including specific administrative or public hearing approval process.

Further discussion took place to identify alternatives for the County to request certification of the recovery residences. The purpose would be to ensure they are operating under national standards, including property inspection, background check, etc., to minimize the possibility of bad operators creating a burden in the neighborhood.

Mr. Banks also suggested to Subcommittee members to postpone this amendment if they do not want to proceed with the changes and address the issue along with CLF, Nursing Home and sober home at later time.

Interested parties had the opportunity to provide their opinion and express their experience as business operators or their involvement in the applicability of the state law.

Member of the Subcommittee suggested modifying the language to say that the particular provision sunsets in a year, which will give staff time to develop a more meaningful change to the Code.

Motion to not approve the proposed language and address later under a more comprehensive review by Mr. Martin. The motion passed (4-3) (Dr. Vinikoor, Mr. Gulisano, and Ms. Yeskey voted against)

### **C. Summary of Today's Discussion**

The subcommittee came to the consensus that an additional meeting would be necessary in order to discuss this topic with the proposed changes prior to May 23 LDRAB meeting.

Subcommittee members requested staff to provide a presentation at the next meeting to establish the difference between CLFs and the proposed RA language.

### **D. Future Meeting Topics**

It was noted that amendments to CLF, Nursing Home and Sober Home will be done round 2018-02.

### **E. Adjourn**

Motion to adjourn by Mr Gulisano, seconded by Mr. Peragine, motion passed (7-0)  
Meeting adjourned at 12:22.