



MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution to require nursing
homes & assisted living
facilities to search sexual
offender & sexual predator
registries and background
checks prior to admitting new
residents

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.

for: 
Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(3)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
11-1-05

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE NURSING HOMES AND ASSISTED LIVING FACILITIES TO SEARCH SEXUAL OFFENDER AND SEXUAL PREDATOR REGISTRIES AND REQUIRE CRIMINAL BACKGROUND CHECKS PRIOR TO ADMITTING NEW RESIDENTS; TO REQUIRE FDLE TO PROVIDE CERTAIN CRIMINAL HISTORY BACKGROUND CHECKS AT NO COST; URGING THE FLORIDA LEGISLATURE TO ESTABLISH CRITERIA FOR REJECTING PROSPECTIVE RESIDENTS DUE TO CRIMINAL CONVICTIONS

WHEREAS, sexual offenders and sexual predators pose a high risk of committing sexual offenses after being released from incarceration or supervision; and

WHEREAS, owners and administrators of nursing homes and assisted living facilities are often unaware when residents are sexual offenders or sexual predators or are convicted of other felony offenses; and

WHEREAS, currently, the law does not require that criminal background screening be conducted on prospective residents of nursing homes and assisted living facilities; and

WHEREAS, conducting a criminal background check of prospective residents of nursing homes and assisted living facilities will provide additional protection to the health, safety and general welfare of the residents of nursing homes and assisted living facilities; and

WHEREAS, the Florida Legislature should require owners and administrators of nursing homes and assisted living facilities to search the sexual offender and sexual predator registries before admitting a new resident; and

WHEREAS, the Florida Legislature should also establish criteria for rejecting prospective residents of nursing homes and assisted living facilities based on the prospective resident's sexual offender or sexual predator status and criminal conviction history,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA THAT THIS BOARD:

Section 1. Urges the Florida Legislature to require owners and administrators of assisted living facilities and nursing homes to search the sexual offender and sexual predator registries maintained by the Florida Department of Law Enforcement (FDLE) and the U.S. Department of Justice National Sex Offender Public Registry before admitting a new resident to an assisted living facility or nursing home.

Section 2. Urges the Florida Legislature to require criminal background checks of prospective residents of nursing homes and assisted living facilities before admitting new residents and establish criteria for rejecting prospective residents due to criminal convictions.

Section 3. Further urges the Florida Legislature to require the FDLE to provide not-for-profit nursing homes and not-for-profit assisted living facilities with criminal history background checks of prospective residents at no cost.

Section 4. Directs the County's state lobbyist to advocate for passage of legislation consistent with Sections 1, 2, and 3 above, and directs the Office of Intergovernmental Affairs to include this item in the 2006 State legislative package.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the chair and members of the Miami-Dade County State Legislative Delegation.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by
Commissioner _____, who moved its adoption. The motion was seconded by
Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------------|
| | Joe A. Martinez, Chairman |
| | Dennis C. Moss, Vice-Chairman |
| Bruno A. Barreiro | Dr. Barbara Carey-Shuler |
| Jose "Pepe" Diaz | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Dorrian D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. APW

Abigail Price-Williams