**MEMORANDUM** Agenda Item No. 11(A)(19)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** January 21, 2010

**FROM:** R. A. Cuevas, Jr. County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to pass legislation improving the screening process for people placed in positions of trust working with children, the elderly and the disabled; supporting Governor Charlie Crist's efforts in this area

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** January 21, 2010

**FROM:** R. A. Cuevas, Jr. County Attorney

**SUBJECT:** Agenda Item No. 11(A)(19)

**Please note any items checked.**

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
1-21-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION IMPROVING THE SCREENING PROCESS FOR PEOPLE PLACED IN POSITIONS OF TRUST WORKING WITH CHILDREN, THE ELDERLY AND THE DISABLED; SUPPORTING GOVERNOR CHARLIE CRIST'S EFFORTS IN THIS AREA

**WHEREAS**, Florida law currently disqualifies people with certain criminal convictions from working with children, the elderly and the disabled in day care centers, nursing homes, assisted living facilities and other facilities and programs; and

**WHEREAS**, Florida law also provides a waiver process that allows people with criminal records to nonetheless work with these populations; and

**WHEREAS**, the waiver process was intended to allow people with convictions from many years ago on relatively minor offenses to hold jobs working with children, the elderly and the disabled; and

**WHEREAS**, a recent analysis by the South Florida Sun-Sentinel found that more than 8,700 people statewide that were initially barred because of criminal records from working with children, the elderly and the disabled were granted waivers, thus allowing them to work in positions of trust with some of our community's most vulnerable people; and

**WHEREAS**, the analysis revealed that 82 percent of people with criminal records who sought waivers were given them, including 45 murderers, 54 people who committed manslaughter and 12 registered sex offenders; and

**WHEREAS**, the analysis also revealed that under current Florida law, caregivers could begin working with children, the elderly and the disabled before background checks had even

been started, much less completed, placing potentially dangerous criminals in positions of trust in day care centers, nursing homes and other facilities; and

**WHEREAS**, in October, 2009, Governor Charlie Crist empanelled a task force of state officials from eight state agencies that screen and license caregivers to review current laws and practices related to screening people working with children, the elderly and the disabled; and

**WHEREAS**, this Board supports the efforts undertaken by Governor Crist and urges the Florida Legislature to pass legislation during the 2010 session to restrict the waiver process, close screening loopholes and require background checks prior to a person starting work in positions of trust with children, the elderly and the disabled,

**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 pass legislation that would improve the screening process for people placed in positions of trust working with children, the elderly and the disabled, including restricting the waiver process, closing screening loopholes and requiring background checks prior to a person starting work at a day care center, nursing home or similar facility or program.

**Section 2.** Supports Governor Charlie Crist's efforts in this area and urges the Governor to take administrative steps to restrict the waiver process, close screening loopholes and require background checks prior to a person starting work at a day care center, nursing home or similar place caring for vulnerable populations.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs that the 2010 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

| | |
|---|---|
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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. JMM

Jess M. McCarty