



MEMORANDUM

Agenda Item No. 11(A)(30)

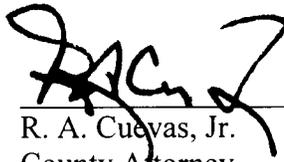
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2011

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

SUBJECT: Resolution urging the Florida
Legislature to enact legislation
providing increased protection
for senior citizens and other
vulnerable people living in
assisted living facilities

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/up



MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 11(A) (30)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(30)

7-7-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION PROVIDING INCREASED PROTECTION FOR SENIOR CITIZENS AND OTHER VULNERABLE PEOPLE LIVING IN ASSISTED LIVING FACILITIES; URGING THE GOVERNOR TO INCREASE ENFORCEMENT OF LAWS GOVERNING ASSISTED LIVING FACILITIES

WHEREAS, assisted living facilities (ALFs) are licensed facilities that provide housing, meals, personal care services and supportive services to older persons and disabled adults who are unable to live independently; and

WHEREAS, ALFs are an alternative to more restrictive, institutional settings for individuals who need housing and supportive services, but who do not need 24-hour nursing supervision; and

WHEREAS, ALFs are licensed and regulated by the Florida Agency for Health Care Administration (AHCA); and

WHEREAS, currently there are almost 2,500 ALFs licensed in the State of Florida; and

WHEREAS, the Miami Herald recently did a series entitled "Neglected to Death" in which the newspaper reviewed state ALF records and found disturbing cases of abuse and neglect in some ALFs; and

WHEREAS, the Herald further found that the ALFs where this abuse and neglect occurred were rarely closed, but were instead allowed to remain open; and

WHEREAS, the Herald series found that in 2009, AHCA could have imposed more than \$6 million in fines related to ALFs, but took in just \$650,000; and

WHEREAS, one ALF in Broward County was allowed to stay open despite more than 1,200 police and rescue calls in the past five (5) years; and

WHEREAS, another ALF in Pinellas County was granted renewal licenses three times despite AHCA finding that the facility had broken state laws 51 times and was placing residents in immediate danger; and

WHEREAS, operators of ALFs rarely lose their ALF licenses or face significant fines or prosecution for abuse or neglect; and

WHEREAS, legislation is urgently needed at the state level to reform the operation and oversight of ALFs and strengthen laws governing ALFs; and

WHEREAS, the State of Florida also needs to significantly improve enforcement of existing laws governing ALFs; and

WHEREAS, this Board supports state legislative efforts, as well as increased enforcement of laws governing ALFS, to provide increased protection for vulnerable residents of ALFs, including senior citizens 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 enact legislation increasing protection for senior citizens and other vulnerable adults living in assisted living facilities.

Section 2. Urges the Governor to increase enforcement of laws governing assisted living facilities.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Secretary of the Florida Agency for Health Care Administration.

Section 4. Directs the County's state lobbyists to advocate for the legislation and action set forth in sections 1 and 2 above, and authorizes and directs that this item be included in the 2012 state legislative package.

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:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2011. 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.



Jess M. McCarty

