

MEMORANDUM

Agenda Item No. 11(A)(7)

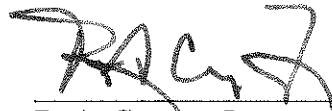
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 22, 2013

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

SUBJECT: Resolution urging the Governor, the Florida Legislature, the Florida Agency for Healthcare Administration and other applicable state agencies to work in close cooperation with local government law enforcement and code enforcement, including entering into memoranda of understanding if applicable, to quickly identify and take action on unlicensed assisted living facilities and other community residential homes

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 22, 2013

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

SUBJECT: Agenda Item No. 11(A) (7)

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 Mayor'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

Agenda Item No. 11(A)(7)

Veto _____

10-22-13

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE GOVERNOR, THE FLORIDA LEGISLATURE, THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION AND OTHER APPLICABLE STATE AGENCIES TO WORK IN CLOSE COOPERATION WITH LOCAL GOVERNMENT LAW ENFORCEMENT AND CODE ENFORCEMENT, INCLUDING ENTERING INTO MEMORANDA OF UNDERSTANDING IF APPLICABLE, TO QUICKLY IDENTIFY AND TAKE ACTION ON UNLICENSED ASSISTED LIVING FACILITIES AND OTHER COMMUNITY RESIDENTIAL HOMES

WHEREAS, Assisted Living Facilities play an important role in providing housing, meals and personal services for elderly and other vulnerable people who do not need ongoing hospital or nursing home care, but need ongoing assistance; and

WHEREAS, Assisted Living Facilities take many different forms, with some housing as few as seven residents, and others housing hundreds of residents, with around one-half of all Assisted Living Facilities licensed to care for ten or fewer residents; and

WHEREAS, the Agency for Healthcare Administration licenses Assisted Living Facilities in Florida; and

WHEREAS, other state agencies, including the Florida Department of Children and Families and the Agency for Persons with Disabilities, also license other congregate living facilities in Florida; and

WHEREAS, the vast majority of licensed Assisted Living Facilities and other congregate living facilities in Florida provide safe and high quality housing and services for their residents; and

WHEREAS, the Miami Herald recently published an article identifying numerous congregate living facilities that were actually operating as unlicensed Assisted Living Facilities, avoiding state licensing and inspection; and

WHEREAS, when inspected, it was revealed that some of these facilities had unsanitary conditions and were being run by convicted felons; and

WHEREAS, staff at these facilities was also dispensing medication without authority to do so; and

WHEREAS, it was reported that hundreds of unlicensed Assisted Living Facilities and other congregate living facilities were operating in Florida; and

WHEREAS, it is a third degree felony to operate an unlicensed Assisted Living Facility under Florida law; and

WHEREAS, this Board has shown a strong commitment to protecting the elderly and other vulnerable populations; and

WHEREAS, on March 26, 2004, this Board enacted Resolution No. 1311-03, which created a task force to study and make recommendations on the detection and prevention of elder abuse and/or neglect in Assisted Living Facilities, nursing homes, convalescent homes or other facilities that house or care for the elderly within Miami-Dade; and

WHEREAS, on October 2, 2012, this Board enacted Resolution No. 825-12, which urged the Florida Legislature to enact comprehensive Assisted Living Facility legislation during the 2013 session to protect the elderly and other vulnerable populations that reside in such facilities; and

WHEREAS, there is an opportunity for state agencies and local governments to work together to quickly identify and take action related to unlicensed Assisted Living Facilities and other congregate living facilities,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Governor, the Florida Legislature, the Florida Agency for Healthcare Administration and other applicable state agencies to work in close cooperation with local government law enforcement and code enforcement, including entering into memoranda of understanding if applicable, to quickly identify and take action related to unlicensed Assisted Living Facilities and other community residential homes.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Agency for Healthcare Administration, the Interim Secretary of the Florida Department of Children and Families and the Director of the Florida Agency for Persons with Disabilities.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation and action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairwoman 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of October, 2013. 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