

MEMORANDUM

Agenda Item No. 11(A)(2)

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

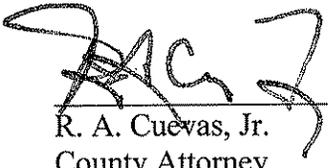
DATE: December 19, 2011

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

SUBJECT: Resolution urging the Florida
Legislature to restrict the location
of assisted living facilities
serving substance abuse patients
in densely populated, residential
areas within Miami-Dade County
to the extent permitted by any
federal and applicable law

Resolution No. R-1116-11

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/jls



MEMORANDUM
(Revised)

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

DATE: December 19, 2011

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SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
12-19-11

RESOLUTION NO. R-1116-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO RESTRICT THE LOCATION OF ASSISTED LIVING FACILITIES SERVING SUBSTANCE ABUSE PATIENTS IN DENSELY POPULATED, RESIDENTIAL AREAS WITHIN MIAMI-DADE COUNTY TO THE EXTENT PERMITTED BY ANY FEDERAL AND APPLICABLE LAW

WHEREAS, the State of Florida, through the Department of Children and Families (“DCF”), licenses and regulates facilities serving substance abuse patients under Chapter 397 of the Florida Statutes and Chapter 65D-30 of the Florida Administrative Code; and

WHEREAS, the Fair Housing Act, 42 U.S.C. 3605 et. seq., prohibits discrimination in residential real estate transactions on the basis of race, color, religion, sex, handicap, familial status, or national origin; and

WHEREAS, the United States Department of Justice has found a link between substance abuse and crime,

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 restrict the location of assisted living facilities serving substance abuse patients in densely populated, residential areas within Miami-Dade County to the extent permitted by any federal and applicable law.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Florida Senate President, Florida House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Children and Families.

Section 3. Directs the County's state lobbyists to advocate as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 State Legislative Package approved by this Board to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of December, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Estephanie Resnik

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