



MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: May 15, 2012

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

SUBJECT: Resolution urging the Florida Legislature to require assisted living facilities and community residential homes located within areas zoned as residential that serve residents with substance abuse disorders or with severe mental illnesses to implement effective monitoring and security measures to help ensure the safety of both residents of the facilities and of surrounding residential neighborhoods

Resolution No. R-439-12

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: May 15, 2012

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

SUBJECT: Agenda Item No. 11(A)(4)

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)(4)
5-15-12

RESOLUTION NO. R-439-12

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE ASSISTED LIVING FACILITIES AND COMMUNITY RESIDENTIAL HOMES THAT ARE LOCATED WITHIN AREAS ZONED AS RESIDENTIAL AND THAT SERVE RESIDENTS WITH SUBSTANCE ABUSE DISORDERS OR WITH SEVERE MENTAL ILLNESSES TO IMPLEMENT EFFECTIVE MONITORING AND SECURITY MEASURES TO HELP ENSURE THE SAFETY OF BOTH RESIDENTS OF THE FACILITIES AND OF SURROUNDING RESIDENTIAL NEIGHBORHOODS

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, Section 394.457, Florida Statutes, also states that DCF has responsibility for the statewide program of mental health, which includes responsibility for receiving and treatment facilities for patients suffering from mental illness; and

WHEREAS, Section 394.9223, Florida Statutes recognizes that, by permitting the use of reasonable force under certain circumstances as described therein, security measures may sometimes be needed to protect citizens in the surrounding community from patients of a mental health facility; 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; and

WHEREAS, patients suffering from mental illness or substance abuse disorders may not be fully aware of their actions and may pose a risk of violence toward others,

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 requiring assisted living facilities and community residential homes that are located within areas zoned as residential and that serve residents with substance abuse disorders or with severe mental illnesses to implement effective monitoring and security measures to help ensure the safety of both residents of the facilities and of surrounding residential neighborhoods.

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.

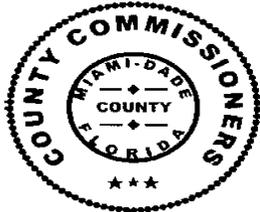
Section 3. Directs the County's state lobbyists to advocate as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** 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
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	aye	Dennis C. Moss
Rebeca Sosa	aye	Sen. Javier D. Souto
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of May, 2012. 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 S. Resnik