

MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: May 6, 2014

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

SUBJECT: Resolution directing the Mayor to determine, with input from the Miami-Dade County Addiction Service Board, what local action can be taken by the Board of County Commissioners to regulate sober houses to the extent permissible under the Fair Housing Act and the Americans with Disabilities Act and directing the Mayor to present a report and recommendations to this Board

Resolution No. R-442-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp



MEMORANDUM

(Revised)

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

DATE: May 6, 2014

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
Veto _____
Override _____

Agenda Item No. 11(A)(7)
5-6-14

RESOLUTION NO. R-442-14

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO DETERMINE, WITH INPUT FROM THE MIAMI-DADE COUNTY ADDICTION SERVICE BOARD, WHAT LOCAL ACTION CAN BE TAKEN BY THE BOARD OF COUNTY COMMISSIONERS TO REGULATE SOBER HOUSES TO THE EXTENT PERMISSIBLE UNDER THE FAIR HOUSING ACT AND THE AMERICANS WITH DISABILITIES ACT AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PRESENT A REPORT AND RECOMMENDATIONS TO THIS BOARD

WHEREAS, sober houses function under the belief that housing addicts in an environment that fosters recovery, such as low crime, drug free, single family neighborhoods, is essential to the success of an addict's treatment; and

WHEREAS, sober houses have sprouted in residential areas all over South Florida, including Miami-Dade County; and

WHEREAS, sober houses advertise to attract individuals with addictive problems to sober houses in Florida, charge individuals for care or housing, but are not required to provide any counseling, rehabilitation, or drug treatment or be affiliated with an addiction treatment program; and

WHEREAS, currently, Florida state law does not define sober houses, and there is no licensure or oversight of where or how they operate,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or Mayor's Designee to determine, with input from the Miami-Dade County Addiction Service Board, what local action can be taken by the BCC to regulate sober houses to the extent

permissible under the Fair Housing Act and the Americans with Disabilities Act and present a report and recommendations to this Board for committee review within 60 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara Jordan. It was offered by Commissioner **Barbara J. Jordan**, 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2014. 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.

MP

Matthew Papkin