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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 11(A)(35)

**TO:** Honorable Chairman Jean Monestime and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact SB 1174, HB 885, or similar legislation that would create additional site selection requirements for community residential homes

Resolution No. R-84-16

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

Abigail Price-Williams
County Attorney

APW/cp

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(35)

**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**

_____ **Statement of social equity 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)(35)
1-20-16

RESOLUTION NO. R-84-16

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 1174, HB 885, OR SIMILAR LEGISLATION THAT WOULD CREATE ADDITIONAL SITE SELECTION REQUIREMENTS FOR COMMUNITY RESIDENTIAL HOMES

**WHEREAS**, community residential homes are operated and regulated as homelike-residential environments with supportive services for elderly persons, persons with disabilities and mental illnesses as well as children found to be dependent; and

**WHEREAS**, Chapter 419, Florida Statutes, generally allows for community residential homes to operate in predominately single-family and multi-family residential neighborhoods, with certain restrictions; and

**WHEREAS**, the statute authorizes local governments to approve the location of some community residential homes; and

**WHEREAS**, Senate Bill (SB) 1174 has been filed by Senator Miguel Diaz de la Portilla (R – Miami) for consideration during the 2016 session of the Florida Legislature; and

**WHEREAS**, House Bill (HB) 885 has been filed by Representative Bryan Avila (R – Hialeah) for consideration during the 2016 session of the Florida Legislature; and

**WHEREAS**, SB 1174 and HB 885 would specify distance requirements between certain community residential homes, and for the distance requirements between a home housing six or fewer residents and a home housing seven to 14 residents, the greater distance would apply; and

**WHEREAS**, requiring a greater distance between community residential homes would help prevent a cluster of these homes from forming in residential areas; and

**WHEREAS**, this Board would like the Florida Legislature to enact SB 1174, HB 885, or consider enacting other legislation that would create additional site selection requirements for community residential homes,

**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 SB 1174, HB 885, or similar legislation that would create additional site selection requirements for community residential homes.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Miguel Diaz de la Portilla, Representative Bryan Avila, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **José "Pepe" Diaz**, 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:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

| | | | |
|---|---|---|---|
| Bruno A. Barreiro | **aye** | Daniella Levine Cava | **aye** |
| Jose "Pepe" Diaz | **aye** | Audrey M. Edmonson | **aye** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Dennis C. Moss | **aye** | Rebeca Sosa | **aye** |
| Sen. Javier D. Souto | **absent** | Xavier L. Suarez | **absent** |
| Juan C. Zapata | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. APP

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