July 18, 2011

Ms. Elizabeth Dudek, Secretary
Florida Agency for Health Care Administration
Agency for Health Care Administration Office
2727 Maham Drive
Tallahassee, Florida 32308

Dear Secretary Dedek:

A copy of Resolution No. R-586-11, adopted on July 7, 2011, is provided to you at the request of the Miami-Dade Board of County Commissioners.

If you have any questions or need additional information, please contact this office.

Respectfully yours,

HARVEY RUVIN, Clerk
Circuit and County Courts

By: [Signature]
Christopher Agrippa, Division Chief
Clerk of the Board Division

CA/fcd
Attachment
MEMORANDUM
Agenda Item No. 11(A)(30)

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

DATE: July 7, 2011

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

SUBJECT: Resolution urging the Florida Legislature to enact legislation providing increased protection for senior citizens and other vulnerable people living in assisted living facilities

Resolution No, R-586-11

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

[Signature]
R. A. Cuevas, Jr.
County Attorney

RAC/up
MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
    and Members, Board of County Commissioners
FROM: R. A. Cuevas, Jr.
    County Attorney

DATE: July 7, 2011
SUBJECT: Agenda Item No. 11(A)(30)

Please note any items checked.

[Checkboxes and items listed]

"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
RESOLUTION NO. R-586-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION PROVIDING INCREASED PROTECTION FOR SENIOR CITIZENS AND OTHER VULNERABLE PEOPLE LIVING IN ASSISTED LIVING FACILITIES; URGING THE GOVERNOR TO INCREASE ENFORCEMENT OF LAWS GOVERNING ASSISTED LIVING FACILITIES

WHEREAS, assisted living facilities (ALFs) are licensed facilities that provide housing, meals, personal care services and supportive services to older persons and disabled adults who are unable to live independently; and

WHEREAS, ALFs are an alternative to more restrictive, institutional settings for individuals who need housing and supportive services, but who do not need 24-hour nursing supervision; and

WHEREAS, ALFs are licensed and regulated by the Florida Agency for Health Care Administration (AHCA); and

WHEREAS, currently there are almost 2,500 ALFs licensed in the State of Florida; and

WHEREAS, the Miami Herald recently did a series entitled “Neglected to Death” in which the newspaper reviewed state ALF records and found disturbing cases of abuse and neglect in some ALFs; and

WHEREAS, the Herald further found that the ALFs where this abuse and neglect occurred were rarely closed, but were instead allowed to remain open; and

WHEREAS, the Herald series found that in 2009, AHCA could have imposed more than $6 million in fines related to ALFs, but took in just $650,000; and
WHEREAS, one ALF in Broward County was allowed to stay open despite more than 1,200 police and rescue calls in the past five (5) years; and

WHEREAS, another ALF in Pinellas County was granted renewal licenses three times despite AHCA finding that the facility had broken state laws 51 times and was placing residents in immediate danger; and

WHEREAS, operators of ALFs rarely lose their ALF licenses or face significant fines or prosecution for abuse or neglect; and

WHEREAS, legislation is urgently needed at the state level to reform the operation and oversight of ALFs and strengthen laws governing ALFs; and

WHEREAS, the State of Florida also needs to significantly improve enforcement of existing laws governing ALFs; and

WHEREAS, this Board supports state legislative efforts, as well as increased enforcement of laws governing ALFS, to provide increased protection for vulnerable residents of ALFs, including senior citizens and the disabled,

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 legislation increasing protection for senior citizens and other vulnerable adults living in assisted living facilities.

Section 2. Urges the Governor to increase enforcement of laws governing assisted living facilities.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Secretary of the Florida Agency for Health Care Administration.
Section 4. Directs the County’s state lobbyists to advocate for the legislation and action set forth in sections 1 and 2 above, and authorizes and directs that this item be included in the 2012 state legislative package.

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

<table>
<thead>
<tr>
<th>Joe A. Martinez, Chairman</th>
<th>aye</th>
</tr>
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<tbody>
<tr>
<td>Audrey M. Edmonson, Vice Chairwoman</td>
<td>aye</td>
</tr>
<tr>
<td>Bruno A. Barreiro</td>
<td>absent</td>
</tr>
<tr>
<td>Esteban L. Bovo, Jr.</td>
<td>aye</td>
</tr>
<tr>
<td>Sally A. Heyman</td>
<td>aye</td>
</tr>
<tr>
<td>Jean Monestime</td>
<td>aye</td>
</tr>
<tr>
<td>Rebeca Sosa</td>
<td>aye</td>
</tr>
<tr>
<td>Xavier L. Suarez</td>
<td>aye</td>
</tr>
<tr>
<td>Lynda Bell</td>
<td>aye</td>
</tr>
<tr>
<td>Jose &quot;Pepe&quot; Diaz</td>
<td>aye</td>
</tr>
<tr>
<td>Barbara J. Jordan</td>
<td>aye</td>
</tr>
<tr>
<td>Dennis C. Moss</td>
<td>aye</td>
</tr>
<tr>
<td>Sen. Javier D. Souto</td>
<td>aye</td>
</tr>
</tbody>
</table>

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 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.

Jess M. McCarty
STATE OF FLORIDA  
)  
) SS:  
COUNTY OF MIAMI-DADE  
)

I, HARVEY RUVIN, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution R-586-11, which was adopted by the Miami-Dade Board of County Commissioners at its meeting held on July 7, 2011, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 18th day of July, A.D., 2011.

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

[Signature]
Deputy Clerk

Board of County Commissioners
Miami-Dade County, Florida