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**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Miami-Dade County, Florida

AGENCY FOR HEALTH  
CARE ADMINISTRATION

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS**  
STEPHEN P. CLARK MIAMI-DADE GOVERNMENT CENTER  
SUITE 17-202  
111 N.W. 1st Street  
Miami, FL 33128-1983  
Telephone: (305) 375-5126

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

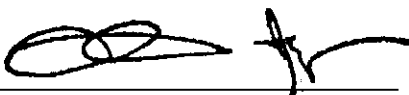
Dear Secretary Dedek:

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:   
\_\_\_\_\_  
Christopher Agrippa, Division Chief  
Clerk of the Board Division

CA/fcd  
Attachment

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**



**MEMORANDUM**

Agenda Item No. 11(A) (30)

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

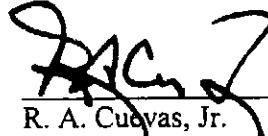
**DATE:** July 7, 2011

**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.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up




# MEMORANDUM

(Revised)

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

**DATE:** July 7, 2011

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

**SUBJECT:** Agenda Item No. 11(A)(30)

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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)(30)  
7-7-11

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:

	Joe A. Martinez, Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	absent	Lynda Bell	absent
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 7<sup>th</sup> 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

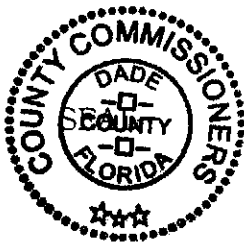
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STATE OF FLORIDA            )  
  ) SS:  
COUNTY OF MIAMI-DADE    )

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



By Tara C. Wiley  
Deputy Clerk

Board of County Commissioners  
Miami-Dade County, Florida