

RESOLUTION NO. 10- 802

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, SUPPORTING PROPOSED HOUSE BILL 577, AS YET UNTITLED, TO PROVIDE FOR ADDITIONAL NOTICE REQUIREMENTS BY THE APPLICANT FOR PROPOSED COMMUNITY RESIDENTIAL HOMES WITH LESS THAN SIX (6) RESIDENTS AND RECOMMENDING ADDITIONAL COORDINATION WITH REGULATORY AGENCIES AND LOCAL GOVERNMENTS IN THE MONITORING OF SUCH FACILITIES; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THIS RESOLUTION; DIRECTING THE STATE LOBBYIST TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes currently supersede local zoning regulations regarding the siting, location and regulation of community residential homes in single-family zoning districts; and

WHEREAS, pursuant to Chapter 419.001 F.S., currently an applicant for a community residential home with less than six (6) residents does not have to comply with the notification provisions of Chapter 419.001; and

WHEREAS, currently an applicant for a community residential home with less than six (6) residents is not required to notice the local government until occupancy of the facility; and

WHEREAS, pursuant to Florida Administrative Code (FAC) 58A-5.033 the State agency responsible for licensing an Assisted Living Facility (ALF) is required to inspect an ALF under eight (8) specific circumstances but is not required to provide copies of the inspections to the local government wherein the facilities are located; and

WHEREAS, pursuant to FAC 58A-5.026 the operator or sponsoring agency of an ALF is required to submit an emergency management plan (which also indicates the number of residents to be cared for) to the local county emergency management agency prior to licensure

(and reviewed annually) but the local county emergency management agency is not required to provide copies of the emergency management plan to the local government wherein the facility is located; and

WHEREAS, pursuant to FAC 58A-5.023 the local county health department shall inspect an ALF annually to determine if the ALF meets all of the physical plant standards enumerated in the Administrative Code but the local county health department is not required to provide copies of the inspections to the local government wherein the facility is located; and

WHEREAS, House Bill 577 has been proposed to require additional notice requirements for community residential homes with less than six (6) residents; and

WHEREAS, the Town Council supports the revision of the Florida Statutes to require applicants for community residential homes with less than six (6) residents to notify the local government of its intent to establish operations; and

WHEREAS, the Town Council finds that the lack of notification by community residential homes with less than six (6) residents to the Town may result in conditions where such community residential homes end up being located closer to each other than the minimum distance allowed under State law; and

WHEREAS, the Town Council finds that the inadvertent location of community residential homes closer to each other than the minimum distance allowed under State law would have an adverse effect on the public health, safety and welfare of the community; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to support the proposed House Bill 577, amending section 419.001 of the Florida Statutes; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town including the residents of ALF and community residential homes located within the Town, to increase coordination between local governments and various regulatory agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Supporting Adoption of Legislation. The Town Council requests the Florida State Legislature approve HB 577 and further, in order to protect the residents of ALF's and community residential homes, that the Legislature amend the proposed legislation to:

1. Require State licensing agencies to provide a copy of each inspection report of an ALF/community residential home, for any reason, to the executive officer of the local government wherein the facility is located.
2. Require the county emergency management agency to provide a copy of each emergency management plan for an ALF/community residential home to the executive officer of the local government wherein the facility is located, prior to licensure.
3. Require the county health department to provide a copy of each inspection of an ALF/community residential home with regard to maintaining the required physical plant standards to the executive officer of the local government wherein the facility is located.

4. Authorize local governments to review and enforce the state mandated physical plant standards for ALF/community residential homes.

Section 3. **Authorization of Town Manager.** The Town Manager and/or his designee are authorized to coordinate with the Town's State Lobbyist to draft proposed amendments to HB 577 achieving the goals set forth herein.

Section 4. **Direction to Lobbyist.** The Town's State Lobbyist is hereby directed to work to affect amendment and approval of HB 577 as directed herein.

Section 5. **Transmittal.** The Town Clerk is directed to forward a certified copy of this Resolution together with the proposed language developed by staff and the Town's lobbyist implementing the directives herein, to the Town's State Representative.

Section 6. **Effective Date.** This Resolution shall become effective immediately upon adoption.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED this 31 day of March, 2010.

Motion to adopt by Pizzi, second by SIMON.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi
Vice Mayor Nick Perdomo
Councilmember Mary Collins
Councilmember George Lopez
Councilmember Robert Meador II
Councilmember Richard Pulido
Councilmember Nancy Simon

YES
YES
YES
YES
YES
YES
YES

Michael A. Pizzi
Michael Pizzi
MAYOR

ATTEST:

M. Tejeda
Marjorie Tejeda
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:

M&B
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.
TOWN ATTORNEY