

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT SENATE BILL 896, WHICH REQUIRES THE FLORIDA PUBLIC SERVICE COMMISSION TO ENSURE THAT PUBLIC UTILITIES EFFECTIVELY PRIORITIZE THE RESTORATION OF SERVICES TO CERTAIN HEALTH CARE FACILITIES IN THE EVENT OF EMERGENCIES; ESTABLISHING AN OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN WITHIN THE DEPARTMENT OF ELDERLY AFFAIRS TO ADMINISTER THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM; DIRECTING CITY ADMINISTRATION TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BROWARD LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, THE BROWARD COUNTY LEGISLATIVE DELEGATION, THE PALM BEACH COUNTY LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEAGUE OF CITIES AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, fourteen (14) frail and elderly residents of the Rehabilitation Center at Hollywood Hills tragically died during the aftermath of Hurricane Irma as a result of power outages and lack of alternate power supplies; and

WHEREAS, it was reported that the body temperature of the residents transported to Memorial Regional Hospital reached as high as 107 degrees Fahrenheit; and

WHEREAS, the City of Hollywood has several nursing homes and assisted living facilities within its municipal boundaries that lost power as a result of Hurricane Irma and did not have generators for air conditioners; and

WHEREAS, numerous other nursing homes across Florida had no electricity, and most of those had no generator capable of powering air conditioning; and

WHEREAS, on or about September 16, 2017, Governor Rick Scott directed Florida AHCA Secretary Justin Senior and Florida Department of Elder Affairs Secretary Jeffry Bragg to issue emergency rules to keep Floridians safe in health care facilities during emergencies; and

WHEREAS, pursuant to the emergency action, within 60 days, all ALFs and nursing homes must obtain ample resources, including a generator and the appropriate amount of fuel, to sustain operations and maintain comfortable temperatures for at least 96 hours following a power outage; and

WHEREAS, AHCA issued emergency rule 59AER17-1 titled: Nursing Home Emergency Power Plan; and

WHEREAS, the Department of Elder Affairs issued a Notice of Emergency Rule No.: 58AER17-1, titled: Procedures Regarding Emergency Environmental Control for Assisted Living Facilities; and

WHEREAS, on November 14, 2017, Senator Gary M. Farmer, Jr. (Sponsor) filed Senate Bill 896 ("SB896"); and

WHEREAS, SB 896, among other things, requires the Office of the State Long-Term Care Ombudsman to conduct unannounced quality of care evaluations of certain health and long term care facilities and requires nursing homes to allow residents, and certain individuals on their behalf, to monitor the residents' rooms through the use of electronic monitoring devices.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: The City Commission of the City of Hollywood urges all members of the Florida House of Representatives, the Florida Senate, and the Governor to approve and enact Senate Bill 896, with a provision that retains local government's authority, in their discretion, to inspect in protection of the public health, safety and welfare pursuant to Section 553.72(2), Florida Statutes.

Section 3: The City Commission further directs City Administration to transmit a copy of this Resolution to the Broward League of Cities, the Florida League of Cities, the Broward County Legislative Delegation, the Palm Beach County League of Cities, the Miami Dade County League of Cities and any other interested parties.

Section 4: All Resolutions or parts of Resolutions in conflict are repealed to the extent of such conflict.

Section 5: If any section, sentence, clause or phrase of the Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

A RESOLUTION URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO
SUPPORT SENATE BILL 896.

Section 6: That this Resolution shall be in full force and effect
immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY