

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: November 19, 2024 Consent Regular
 Ordinance Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Justice Services
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion:

- A) **approve and ratify** Amendment 0001 to Interagency Agreement with the Florida Department of Children and Families (DCF) extending the period from June 30, 2024 to August 30, 2024; and
- B) **receive and file** First Amendment to the Agreement with the Florida State University (FSU) extending the period from June 30, 2024 to July 31, 2024.

Summary: A legislative appropriation was approved from the State of Florida FY 2023-FY 2024 General Appropriations Act providing \$110,000 in non-recurring general revenue funds to the Palm Beach County Board of County Commissioners (BCC) for a statewide study on zoning regulations for community residences for people with disabilities and recovery communities for people in recovery from substance use disorder. This was part of a legislative funding request from Palm Beach County through the Office of the State Attorney, 15th Judicial Circuit Court, State Addiction Recovery Task Force (SAART). DCF provided the appropriated funds to the BCC to contract with FSU Institute of Government to provide directly or by sub agreement a zoning study. Due to delays with executing both the DCF and FSU agreements, a 60 day no cost extension was needed to provide sufficient time for the study to be completed. The emergency signature process was used for the Mayor to execute the Interagency Agreement with DCF due to DCF only accepting electronic signatures and to allow time to execute the amendment with FSU before the expiration of the legislative appropriation. On October 17, 2023, R2023-1554, authorized the County Administrator or designee to execute contracts, amendments and administrative documents utilizing funding from the Agreement, on behalf of the BCC, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations that do not substantially change the scope of work, terms, or conditions of the contract. Countywide (RS)

Background and Justification: A number of local governments have done similar independent studies on a local level, and subsequently passed zoning ordinances commensurate with those studies, including Palm Beach County. The statewide study supports reasonable requirements, such as state licensure or certification, in exchange for granting a reasonable accommodation as to the number of unrelated adults living in a residential dwelling unit. A statewide study, supporting subsequent legislation, encourages and provides a uniform approach for all local governments around the state saving time and resources and provides a basis for changes in accordance with Federal law. The Department of Housing and Urban Development and the Department of Justice recommended that in situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent the state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Support for this project was expressed in public meetings by members of the SAART, the Florida Association of Recovery Residences, and the Florida League of Cities.

- Attachments:**
- 1) Emergency Signature Memo
 - 2) Amendment 0001 with DCF
 - 3) First Amendment with FSU (w/ "Exhibit A-1" and "Exhibit B-1")
- =====

Recommended By:		
	Department Director	Date
Approved By:		
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Personal Services	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Grants and Aids	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	*	_____	_____	_____	_____

ADDITIONAL FTE

POSITIONS (Cumulative)	0	0	_____	_____	_____
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Is Item Included In Current Budget? Yes _____ No _____
 Is this item using Federal Funds? Yes _____ No _____
 Is this item using State Funds? Yes _____ No _____

Budget Account Exp No: Fund 0001 Dept. 660 Unit 5200 Obj. 3401
 Rev No: Fund 0001 Dept. 660 Unit 5200 Rev. 6999

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Fund: 0001 - General Fund
 Unit: 5200 – Justice Services Admin

*This items did not have any additional fiscal impact, time extension only. All payments to FSU and reimbursements from DCF were posted to FY24.

C. Departmental Fiscal Review: *Miguel Chaves 10/4/24*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Laura M. ... 10/24/2024
 OFMB *JA 10/23*

... 10/25/24
 Contract Dev. And Control

B. Legal Sufficiency: *VS 10/24*

... *10/28/24*
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Interoffice Correspondence



Department of Public Safety
20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6470
FAX: (561) 712-6490
www.pbcgov.com

Palm Beach County Board of County Commissioners

- Maria Sachs, Mayor
Maria G. Marino, Vice Mayor
Gregg K. Weiss
Michael A. Barnett
Marcy Woodward
Sara Baxter
Mack Bernard

County Administrator
Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

Official Electronic Letterhead

To: The Honorable Maria Sachs, Mayor
Board of County Commissioners
Through: Verdenia C. Baker, County Administrator
Todd J. Bonlarron, Assistant County Administrator
From: Stephanie Sejnoha, Director, Public Safety Department
Date: July 1, 2024
Subject: Emergency request to electronically sign Amendment 0001 to Interagency Agreement (YLH24) with the Florida Department of Children and Families

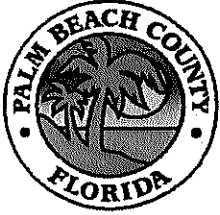
Handwritten signature of Verdenia C. Baker

Digitally signed by Stephanie Sejnoha Date: 2024.07.01 16:51:55 -0400

On October 17, 2023, the Board of County Commissioners (BCC) approved and ratified an Interagency Agreement (Agreement) with the Florida Department of Children and Families (DCF) for the period August 1, 2023 through June 30, 2024 for the county to receive \$110,000 to conduct a statewide study on zoning regulations for community residences for people with disabilities and recovery communities for people in recovery from substance use disorder.

Pursuant to PPM CW-F-003, your signature is being requested on an amendment with DCF to extend the original Agreement to August 30, 2024. Under this original Agreement, DCF is providing legislative appropriated funds to the County to contract with FSU to provide by sub-agreement a zoning study. FSU subcontracted with another vendor to complete the project; however, the subcontractor needs additional time to complete the project, therefore an amendment is necessary. This funding appropriation does not require a County match. The emergency process is being utilized because the new agreement was just finalized by DCF and is only accepting electronic signatures through DocuSign. Staff will work with the Mayor's office to assist with the electronic signature process.

Background: A legislative appropriation was approved from the State of Florida FY23-FY24 General Appropriations Act providing \$110,000 in non-recurring general revenue funds to the Palm Beach County Board of County Commissioners (BCC) for this statewide study. This was part of a legislative funding request from Palm Beach County through the Office of the State Attorney, 15th Judicial Circuit Court, State Addiction Recovery Task Force. The study is necessary to begin the process of creating a system whereby local governments can use to create local zoning ordinances to protect disabled residents living in community residences from exploitation, while protecting communities from human warehouses or flophouses masquerading as community residences for those with disabilities.



The study will create a more statewide standard approach to zoning that recognizes the benefit of these homes, while creating a uniform process that protects individuals and communities. The study will also include guidance in drafting appropriate statewide zoning regulations for sober living homes and recovery communities.

Staff will submit the Interagency Agreement to ratify the Mayor's signature at the next available Board of County Commissioner's meeting.

Reviewed by: **Richard Sena** Digitally signed by Richard Sena
DN: cn=Richard Sena, ou=Emergency, ou=OC, o=Palm Beach County, ou=FL, email=Richard.Sena@pbcgov.org
County Attorney **Date**

Reviewed by: **Venice Johnson** Digitally signed by Venice Johnson
DN: cn=Venice Johnson, ou=Emergency, ou=OC, o=Palm Beach County, ou=FL, email=Venice.Johnson@pbcgov.org
OFMB **Date**

Reviewed by: **Todd Bonlarron** Digitally signed by Todd Bonlarron
Date: 2024.07.15 13:55:55 -04'00'
Assistant County Administrator **Date**

If additional information is needed, please contact me at 561-712-6473.

Attachments:

1. Interagency Agreement with Florida Department of Children and Families (DocuSign is forthcoming)



**State of Florida
Department of Children and Families**

Ron DeSantis
Governor

Shevaun L. Harris
Secretary

APPROVAL MEMORANDUM

DATE: June 7, 2024
TO: Shevaun L. Harris, Secretary
FROM: Jaylon Barnes, MS, FCCM, SAMH Contract Manager
SUBJECT: Approval Memorandum – Amendment 0001, Contract YLH24 with Palm Beach County Board of County Commissioners (PBC)

ROUTING:

Approver	Signature	Date
Programmatic Approval Levels		
Lisa Kirkland-O'Steen Interim Chief of Contracts, SAMH	<i>Lisa Kirkland-O'Steen</i>	6.11.24
William Hardin Policy and Services Director, SAMH	<i>William Hardin</i>	6.11.24
Vacant Deputy Assistant Secretary	N/A	
Administrative Approval Levels		
Aman Punwani Office of Budget Services	<i>Aman Punwani</i>	06/13/2024
Cole Sousa Office of Information Technology Services	N/A	
Parker Campbell Office of Quality & Innovations	N/A	
Laura L. Kirksey Office of Contracted Client Services	<i>Laura L. Kirksey</i>	6.18.24
Michael Greif Office of General Counsel	<i>Michael A. Greif</i>	6.19.24
Executive Approval Levels		
Erica Floyd Thomas, MSW Assistant Secretary of SAMH	<i>Erica Floyd Thomas</i>	6/28/2024
Casey Penn Deputy Secretary		
Molly McKinstry Chief of Staff		
Shevaun L. Harris Secretary	<i>Shevaun L. Harris</i>	6/28/24

Note: When building the approval flow, if an approver's signature is not required, insert N/A. Routing should occur in consecutive order as it appears, beginning with the Programmatic Approval Levels.

2415 North Monroe Street, Suite 400, Tallahassee, Florida 32303-4190

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

CONTRACT INFORMATION					
Contract/Solicitation No	YLH24				
Contract Manager or Procurement Officer	Jaylon Barnes, MS, FCCM				
Provider Name	Palm Beach County Board of County Commissioners (PBC)				
Contract Term	August 1, 2023 – August 30, 2024				
Method of Procurement	Proviso				
PROGRAM BUDGET					
Contract Amount	\$110,000.00			Amendment Amount	N/A
State FY Funds	\$110,000.00	Fed FY Funds	\$0.00	Total Amended Contract Amount	\$0.00

SERVICES PROVIDED:

This interagency agreement implements a statewide study on zoning regulations for community residences for people with disabilities and for communities of people in recovery from substance use disorder. This agreement with Palm Beach County Board of County Commissioners (PBC) will be in partnership with Florida State University’s Institute of Government and will identify the need, if any, for statewide zoning regulation for people in recovery from substance use disorder in conjunction and coordination with other community residences for people with disabilities. It will be used to provide the basis, justification, and framework for consistent statewide zoning regulation by enacting the Legislature’s efforts to standardize zoning templates for local governments to follow. Such a uniform approach will and save time and resources.

REASON FOR AMENDMENT/ADDENDUM (if applicable):

Line 378 of the FY 2023-2024 General Appropriations Act appropriated nonrecurring funds to Palm Beach County (PBC) to implement this study. The request is being made due to the delays in formally executed agreements between the State of Florida (Interagency Agreement between the Florida Department of Children and Families and Palm Beach County), a subsequent agreement between Palm Beach County (PBC) and Florida State University (FSU), and an agreement between FSU and the contracted subject matter consultant conducting the study.

Further information provided as follows:

1. The Interagency Agreement between DCF and PBC was not formally executed until October 2, 2023 (approximately three months from the beginning of FY 2023-2024 funding). This three-month period represents the specific request for the no cost extension.
2. Following the executed Interagency Agreement between DCF and PBC, the contract between PBC and FSU was formerly executed on December 11, 2023. The execution of the contract between FSU and PBC could not occur until after the initial formal agreement was executed between DCF and PBC.
3. Following the executed contract between PBC and FSU, a contract between FSU and the subject matter expert consultant was formerly executed on February 12, 2024. It is vital to recognize the consultant could not begin work on this study until the final executed contract between FSU and the consultant—nearly seven months from the actual appropriation.

The 60-day no cost extension is being requested due to the length of time it took to establish the initial Interagency Agreement between DCF and PBC. After discussions with the consultant, it is not possible to produce a credible and responsible study based on the short time frame and deliverables as listed in the original agreements. If this extension is not granted, the consultant will be required to produce a critical, high-quality study in less than five months, when the study originally contemplated a 12-month timeframe. The consultant has indicated it simply is not possible, and that he cannot risk his credibility and professional reputation trying to produce a reputable product in such a short time frame.

KEY PROVISIONS:

- The agreement's end date is now August 30, 2024.
- The initial draft (3rd of 4 total milestones) of the study will be due on July 15, 2024.
- The final draft (last milestone) of the study will be due on August 15, 2024.
- The Final Expenditure report, ROI report, and Final Invoice will be due on August 30, 2024.
- The table listed in VI.C., of the agreement will reflect the following changes listed in this section.
- Contract Manager's information has been changed.

ATTACHMENTS:

- Amendment #0001

PROVIDER INFORMATION					
Only required when routing contract executions and amendments					
Provider Name	Palm Beach County Board of County Commissioners (PBC)				
Provider FEID #	F596000785244	Provider FY End	6/30/24	Provider UE# (if applicable)	UZA2MELMDZZ1
Provider Contract Manager Name	1.) Marianela Diaz 2.) Stephanie Sejnoha		Provider Contract Manager Email Address	1.) MDiaz@pbcdgov.org 2.) sseinoha@pbcdgov.org	
Provider Signatory Name	Alan S. Johnson		Provider Signatory Email Address	ajohnson@sa15.org	

REVENUE INFORMATION	
Only required when routing contract executions or amendments that change the information below	
Federal Subrecipient vs. Contractor Determination	No Federal Financial Assistance
Assistance Listing Number (ALN) Click to enter text.	
Florida Single Audit Act Determination	Recipient/Subrecipient
Code of State Financial Assistance (CSFA) No. 60.153	

**FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES
CONTRACT NO. YLH24
AMENDMENT NO. 01**

This Amendment shall be effective June 7,2024 or the last party signature date, whichever is later. The above referenced Contract is hereby amended as follows:

1. In III., “**June 30, 2024**” is replaced with “**August 30, 2024.**”
2. In V.A.2., “**May 1, 2024**” is replaced with “**July 15, 2024.**”
3. In V.A.3., “**June 15, 2024a**” is replaced with “**August 15, 2024.**”
4. In V.A.7., “**August 15, 2024**” is replaced with “**August 30, 2024.**”
5. The yellow highlighted portions below amend the table in VI.C. The non-highlighted portions are for contextual purposes only and are unaffected by this amendment.

Milestone	Due On or Before	Amounts
Solicitation & Posting	12/15/23	\$27,500.00
Executed Agreement	2/15/24	\$27,500.00
Initial Draft Study	7/15/24	\$27,500.00
Final Draft Study	8/15/24	\$27,500.00
TOTAL:		\$110,000.00

6. In VII.A., “**August 15, 2024**” is replaced with “**August 30, 2024.**”
7. In VIII.B., The name, address, telephone number and email address of the Contract Manager for the Department will read as:

Jaylon Barnes, FCCM
 SAMH Contracts
 2415 North Monroe Street
 Suite 400, B-261
 Tallahassee, FL 32303-4190
 850-717-4459
Jaylon.Barnes@myflfamilies.com

8. All provisions in the Contract and any attachments thereto in conflict with this Amendment are changed to conform with this Amendment. All provisions not in conflict with this Amendment are still in effect and are to be performed at the level specified in the Contract. This Amendment and all its attachments are made a part of the Contract.

IN WITNESS THEREOF, the parties hereto have caused this Amendment executed by their undersigned officials as duly authorized.

PROVIDER

DEPARTMENT

Signature: *Maria Sachs*

Signature: *Shevaun L. Harris*

Name: Maria Sachs

Name: Shevaun L. Harris

Title: Mayor of Palm Beach County

Title: Secretary

Date: 7/25/2024 | 12:50 PM EDT

Date: 7/25/2024 | 12:55 PM EDT

Signature: *Richard Sena*


Name: Richard Sena

Title: Assistant County Attorney

Date: 7/19/2024 | 10:35 AM EDT

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

PROVIDER

Signature:  _____

Name: Richard Sena _____

Title: Assistant County Attorney _____

Date: 10/28/24 _____

**FIRST AMENDMENT TO THE AGREEMENT WITH FLORIDA STATE UNIVERSITY
TO CONDUCT A STATEWIDE STUDY ON ZONING REGULATIONS**

This First Amendment to the Agreement is made as of the 1 day of July, 2024, between the FLORIDA STATE UNIVERSITY (hereinafter "FSU"), whose FEIN ID is 59-1961248 and Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY, each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH

WHEREAS, on December 8, 2023, the parties entered into an Agreement for FSU to conduct a statewide study on zoning regulations for community residences for people with disabilities and recovery communities for people in recovery from substance use disorder for \$110,000 for the period September 1, 2023 through June 30, 2024 (R 2024-0187); and

WHEREAS, the parties now wish to extend the Agreement for an additional month to July 31, 2024.

NOW THEREFORE, in consideration of the mutual promises contained herein, the above named parties hereby mutually agree to amend the Agreement as follows:

1. The whereas clauses provided above are true and correct and incorporated herein.
2. Section 4, "Effective Date/Term" of the Agreement designating the termination date is hereby amended to replace the termination date of June 30, 2024 with July 31, 2024. The Agreement is extended for an additional month. FSU shall commence services on September 1, 2023 and complete all services by July 31, 2024. The Parties agree that the FSU will be entitled to payment for services rendered beginning on September 1, 2023.
3. Section 7, "Payments/Invoicing and Reimbursement" of the Agreement designating the final invoice due date is hereby amended to August 15, 2024.
4. "Exhibit A-1", "Scope of Work", which is attached hereto and incorporated herein shall hereby replace and supersede previous references to "Exhibit A" in the Agreement, as amended.
5. "Exhibit B-1", "Budget and Deliverables", which is attached hereto and incorporated herein shall hereby replace and supersede previous references to "Exhibit B" in the Agreement, as amended.
6. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of the COUNTY and FSU, for and on behalf of its Board of Trustees has hereunto set its hand the day and year above written.

**PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS**



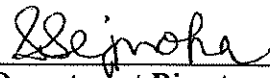
County Administrator or Designee

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**



Assistant County Attorney

**APPROVED AS TO TERMS
AND CONDITIONS**



Department Director

FLORIDA STATE UNIVERSITY:

Taylor Dearman for Digitally signed by Taylor
Dearman for Stacey Patterson,
VPR
Stacey Patterson, VPR Date: 2024.06.17 08:13:26 -04'00'

Signature

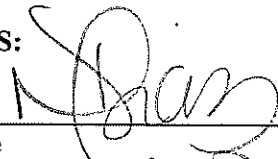
Stacey Patterson

Typed Name

Vice President for Research

Title

WITNESS:



Signature

MARIADELA DIAZ

Typed Name

SCOPE OF WORK

Overview: FY 2023-24 General Appropriation Act appropriated nonrecurring funds to County to implement a statewide study on zoning regulations for community residences for people with disabilities and for communities for people in recovery from substance use disorder. The study will be conducted in partnership with FSU and will identify the need, if any, for statewide zoning regulation for people in recovery from substance use disorder in conjunction and coordination with other community residences for people with disabilities. It will be used to provide the basis, justification, and framework for consistent statewide zoning regulation by informing the legislature's efforts in enacting a standard zoning template for local governments to follow. Such a uniform approach will and save time and resources. Many community residences house persons with substance use disorder. By conducting a statewide study of the needs, conditions and appropriate spacing of these residences, local communities can achieve a system that encourages recovery and assimilation into the community without violating federal laws such as the ADA and FHA.

1. FSU will procure or provide directly a statewide study on zoning regulations for community residences for people with disabilities and for communities for people in recovery from substance use disorder. The study at minimum should analyze:
 - i. Statewide and county level data on the consequences of substance use disorder in Florida including data on fatal opioid overdoses, drug, and related deaths, etc.
 - ii. The extent of clustering and concentrations of community residences including sober homes and recovery communities in the State of Florida from a sampling of jurisdictions.
 - iii. Identification of available community residences for people with disabilities including sober living homes and recovery communities, including locations and where each fits into the continuum of housing options for people in recovery from substance use disorder.
 - iv. How community residences differ from institutional land uses such as nursing homes and from boarding or rooming houses.
 - v. The need for licensing, certification, or other regulatory mechanism to protect occupants of community residences including sober homes and of recovery communities from incompetent and/or exploitative and abusive operators.
 - vi. The findings of other available studies on the impact of community residences including sober living homes on property values.

- vii. The legal treatment in property maintenance code, housing codes, and building codes of community residences and for recovery communities, including local provisions to prevent overcrowding.
 - viii. How the relationship, under Fair Housing Act case law, between local zoning code definitions of “family” affects statewide zoning treatment of community residences including sober living homes and of recovery communities.
 - ix. The distinction between short-term rentals and community residences for people with disabilities including sober homes and recovery communities.
 - x. How current statewide zoning provisions fall short, shortcomings the recommendations of the study are intended to mitigate.
 - xi. The distinction between the family and transitional community residences including sober living homes and the consequences for zoning regulation.
 - xii. A recommended zoning framework for the maximum restrictions that local jurisdictions can impose on community residences including sober living homes and on recovery communities. Factors to consider include maximum number of occupants and off-street parking.
2. FSU shall provide an initial draft of the study to PBC by June 30, 2024;
 3. FSU shall provide a final draft of the study to PBC by July 31, 2024.

BUDGET AND DELIVERABLES

The deliverables and payment schedule are provided below. Deliverables should be submitted to the Department of Public Safety, Director in electronic format via email.

Budget amounts listed support one staff member. The budget includes FSU's indirect rate of 10%. Equipment and supply costs are not requested.

Deliverables	Projected Due Date	Amount
Solicitation & Posting	12/15/23	\$27,500
Executed Agreement	2/15/24	\$27,500
Initial Draft Study	6/30/24	\$27,500
Final Draft Study	7/31/24	\$27,500
TOTAL		\$110,000