

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 4-10-18)
February 21, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the
Miami-Dade Opioid Addiction
Task Force created by Resolution
No. R-198-17; extending the
sunset date for a certain period of
time; providing for membership,
organization and procedures;
and setting forth purpose,
function, responsibility, and
repeal provisions of the Code
of Miami-Dade County, Florida

Ordinance No. 18-32


The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr. and Co-Sponsor Commissioner Sally A. Heyman.

APW/jls

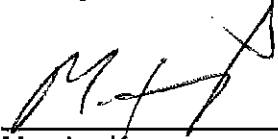

Abigail Price-Williams
County Attorney

Memorandum



Date: April 10, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement for Ordinance Relating to the Miami-Dade Opioid Addiction
Task Force

Implementation of this ordinance extending the sunset date of the Miami-Dade Opioid Addiction Task Force will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.



Maurice Kemp
Deputy Mayor

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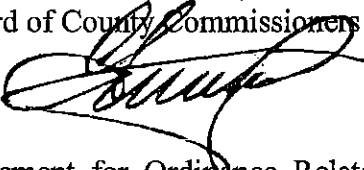
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Memorandum



Date: April 10, 2018

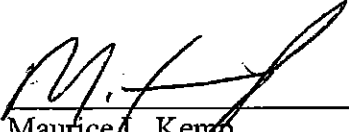
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Related to the Miami-Dade County Opioid
Addiction Task Force

The proposed ordinance extends the sunset date of the Miami-Dade Opioid Addiction Task Force for a period of one year.

The additional time is necessary for the implementation of the Task Force's action plan to halt the opioid addiction epidemic in Miami-Dade County.



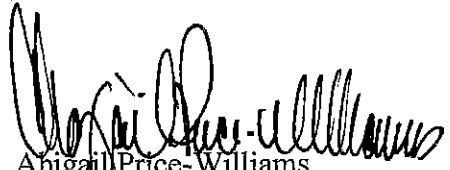
Maurice L. Kemp
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: April 10, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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. 7(A)
4-10-18

ORDINANCE NO. 18-32

ORDINANCE RELATING TO THE MIAMI-DADE OPIOID ADDICTION TASK FORCE CREATED BY RESOLUTION NO. R-198-17; EXTENDING THE SUNSET DATE FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; AND SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND REPEAL PROVISIONS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, opioids are a class of drugs that include the illicit drug heroin as well as the prescription pain relievers oxycodone, hydrocodone, codeine, morphine, fentanyl and others; and

WHEREAS, individuals, families, communities and health care systems are struggling to cope with substance use, misuse and substance use disorder; and

WHEREAS, opioid use disorder, which is also referred to as opioid abuse, opioid dependence and opioid addiction, is based on specific criteria such as unsuccessful efforts to cut down or control use, as well as use resulting in social problems and a failure to fulfill obligations at work, school, or home; and

WHEREAS, opioid use disorder is a problematic pattern of opioid use that causes clinically significant impairment or distress; and

WHEREAS, in November 2016, the U.S. Surgeon General released "Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs and Health" ("Report"); and

WHEREAS, the Report states that substance use disorders represent one of the most pressing public health crises of our times; and

WHEREAS, opioid overdose incidents and deaths pose serious threats to public health; and

WHEREAS, according to the 2015 annual report by the Florida Department of Law Enforcement, in the first half of 2015, heroin deaths jumped 100 percent in Miami-Dade County compared to the same period from the previous year and deaths linked to fentanyl rose by 310 percent; and

WHEREAS, in an effort to address the opioid epidemic, this Board adopted:

(1) Resolution No. R-298-16, supporting SB 524, the Comprehensive Addiction Recovery Act of 2015 or similar legislation, that would, among other things, convene a pain management best practices inter-agency task force to develop best practices for pain management and prescribing medication;

(2) Resolution No. R-561-16, supporting a provision of H.R. 953, the Comprehensive Addiction and Recovery Act of 2015, that would require the Attorney General, in awarding grants to help combat opioid abuse, to give priority to states that have legislation or a policy under which the state shall not terminate, but may suspend enrollment under the state's Medicaid plan for individuals incarcerated for less than two years; and

(3) Resolution No. R-1053-16, directing the Mayor to evaluate the extent to which Miami-Dade County Police and Fire Rescue personnel carry naloxone or similar medication to help combat opioid and heroin overdoses, urging municipalities within Miami-Dade County to consider implementing a policy requiring all municipal first responders to carry naloxone or similar medication, and urging the Florida Governor, Legislature and State Surgeon General to issue a statewide standing order allowing naloxone to be dispensed by designated pharmacies throughout the state, without a prescription; and

WHEREAS, because of the growing number of people affected by opioid addiction and in an effort to enhance the health and well-being of opioid users and to prevent opioid addiction,

WHEREAS, in January 2016, the Centers for Disease Control and Prevention (“CDC”) reported that since 2000 the rate of deaths from opioid overdoses in the United States increased 200 percent; and

WHEREAS, the CDC reports that drug overdose deaths in the United States hit record numbers in 2014; and

WHEREAS, opioids are involved in more than six out of every ten drug overdose deaths; and

WHEREAS, since 1999, the rate of overdose deaths involving opioids, including prescription opioid pain relievers and heroin, nearly quadrupled, and over 165,000 people have died from prescription opioid overdoses; and

WHEREAS, according to a June 2016 report from the United States Department of Health and Human Services, the economic impact of the opioid epidemic is \$55 billion in health and social costs related to prescription opioid abuse each year and \$20 billion in emergency department and inpatient care for opioid poisonings; and

WHEREAS, the impact of this national epidemic can especially be seen and felt in Florida where opioid addiction has become an increasingly alarming public safety and health crisis; and

WHEREAS, Florida ranks fourth in the nation for total health care costs attributed to opioid abuse; and

WHEREAS, additionally, Florida has the 11th highest drug overdose mortality rate in the nation, with the number of drug overdose deaths in the state doubling since 1999; and

there is a growing and urgent need to confront the opioid addiction epidemic and its devastating impact on the health, safety, social and economic welfare of the community with immediate action; and

WHEREAS, through raising awareness and knowledge of the possible adverse effects of opioid use, identifying effective responses to rapidly reverse opioid overdoses and prevention efforts, facilitating improved access to health care, developing and increasing treatment options, identifying and removing barriers to medication-assisted treatment options for opioid use disorders and developing action plans to address said barriers, this Board seeks to prevent opioid addiction and improve opioid use outcomes; and

WHEREAS, on January 24, 2017, in response to the crippling impact the opioid epidemic is causing on Miami-Dade County, this Board through Resolution No. R-198-17, created the Miami-Dade Opioid Addiction Task Force (“Task Force”) and charged it with developing a comprehensive opioid addiction action plan to halt the opioid addiction epidemic in Miami-Dade County, with recommendations to (1) reduce opioid overdoses, (2) prevent opioid misuse and addiction, (3) increase the number of persons seeking treatment, and (4) support persons in Miami-Dade County who are recovering from addiction; and

WHEREAS, Resolution No. R-198-17 provides that the Task Force shall sunset and stand dissolved on the 365th day from the effective date of the resolution, unless this Board extends the term; and

WHEREAS, Resolution No. R-198-17 became effective on February 3, 2017; therefore, as of February 3, 2018 the Task Force stands dissolved; and

WHEREAS, in June 2017 the Task Force released its action plan and has since worked to implement recommendations included therein; and

WHEREAS, additional time is necessary for implementation of the Task Force's action plan; and

WHEREAS, Section 2-11.36.1 of the Code of Miami-Dade County requires that County boards created for more than one year be created by ordinance; and

WHEREAS, this Board would like to reestablish the Task Force and extend its sunset period for one year and upon the expiration of said year, the Task Force shall terminate,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that:

Section 1. The foregoing recitals are incorporated herein.

Section 2. *Creation.* The sunset date of Miami-Dade Opioid Addiction Task Force created by Resolution No. R-198-17, is reestablished and its sunset date hereby extended for one year as set forth in Section 13 below. The purpose, function, membership, responsibility, organization and procedures of the Miami-Dade Opioid Addiction Task Force are also set out herein.

Section 3. *Purpose.* The purpose of the Miami-Dade Opioid Addiction Task Force is to develop and implement a comprehensive opioid addiction action plan to halt the opioid addiction epidemic in Miami-Dade County.

Section 4. *Limitations on Authority.* The Miami-Dade Opioid Addiction Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 5. *Membership.* The Miami-Dade Opioid Addiction Task Force shall consist of 28 members, which shall include: (1) one seat to be appointed by or from each of the following boards, departments and offices: Miami-Dade County Board of County Commissioners, Miami-Dade County Mayor's Office, Miami-Dade County Public Defender's Office, Miami-Dade County State Attorney's Office, Miami-Dade County Medical Examiner Department, Miami-Dade County Homeless Trust, Miami-Dade County Addiction Services Board, City of Miami Police Department, Miami-Dade County Fire Rescue Department, City of Miami Fire Rescue Department, Miami-Dade County Community Action and Human Services Department, Florida Department of Health in Miami-Dade County, Miami-Dade County Police Department and Department of Children and Families Behavioral Health Division; and (2) one seat to be appointed by or from each of the following entities: the Florida Legislature, City of Miami, Miami-Dade County Association of Chiefs of Police, University of Miami, Florida International University, United States Drug Enforcement Administration, Jackson Health System, Marvin's Corner Therapeutic Community, Inc., Eleventh Judicial Circuit in and for Miami-Dade County, Jessie Trice Community Health Center, West Care Foundation, South Florida Behavioral Health Network, Dade County American Medical Association and South Florida High Intensity Drug Trafficking Area Program.

- (a) Members of the Miami-Dade Opioid Addiction Task Force already appointed shall remain the same, and in the event of a vacancy, members shall be filled in the manner provided for in the initial appointment described above.
- (b) Members of the Miami-Dade Opioid Addiction Task Force shall reflect the diversity of the community.

- (c) The currently selected chairperson and vice chairperson of the Miami-Dade Opioid Addiction Task Force shall remain the same. The chairperson shall preside at all meetings which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson. In the event of a chairperson vacancy, the vice chairperson shall conduct the next meeting and the members of the Miami-Dade Opioid Addiction Task Force shall select a new chairperson at that meeting. In the event of a the vice chairperson vacancy, the chairperson shall conduct the next meeting and the members of the Miami-Dade Opioid Addiction Task Force shall select a new vice chairperson at that meeting. In the event of both a chairperson and vice chairperson vacancy, the Miami-Dade Opioid Addiction Task Force shall select, by majority of the members present, a temporary presiding chair of the Miami-Dade Opioid Addiction Task Force to perform the duties of the chair for the meeting in which the vacancies exist and shall select their chairperson and vice chairperson by majority vote of its membership.

Section 6. *Organization and procedures at meetings.* Upon the effective date of this ordinance, the Miami-Dade Dade Opioid Addiction Task Force shall continue to conduct its meetings on a quarterly basis. Additional meetings may be held at the discretion of the Task Force.

The Miami-Dade Opioid Addiction Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. In order to transact any business or to exercise any power vested in the Miami-Dade Opioid Addiction Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Miami-Dade Opioid Addiction Task Force shall serve without compensation.

Section 7. *Regulations.* All proceedings of the Miami-Dade Opioid Addiction Task Force shall be conducted in accordance with the Government in the Sunshine Law (Fla. Stat. Sec. 286.011) and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Miami-Dade Opioid Addiction Task Force shall be deemed an “agency” for purposes of the Public Records Law. The Miami-Dade Opioid Addiction Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County. The Miami-Dade County Opioid Addiction Task Force shall provide members of the public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes. Accordingly, rule 6.06 of the Miami-Dade County Board of County Commissioners Rules of Procedures is incorporated herein.

Section 8. *Reports, functions and responsibilities.* The functions and responsibilities of the Miami-Dade Opioid Addiction Task Force shall include:

- (a) Conducting a comprehensive assessment of the opioid addiction epidemic in Miami-Dade County;
- (b) Identifying best practices to address and curtail the opioid addiction epidemic in Miami-Dade County, including, but not limited to prevention and treatment options;
- (c) Identifying and recommending existing resources, such as rehabilitation and other treatment programs, including inpatient and outpatient facilities, to assist individuals who are addicted to opioids;
- (d) Identifying available long-term medical treatment options for individuals who are or were addicted to opioids;
- (e) Identifying effective intervention training for individuals affected by opioid addiction;

(f) Compiling information and developing a comprehensive opioid addiction action plan, which includes community-based and other strategies to halt the opioid addiction epidemic in Miami-Dade County; and

(g) Oversight of implementation of the action plan.

The Miami-Dade Opioid Addiction Task Force shall provide a report (“Implementation Plan”) that assesses the status of recommendations set forth in the action plan, which was presented to and adopted by the Board of County Commissioners at its July 6, 2017 meeting. Said report shall, among other things, identify: (1) all recommendations that were implemented and the results of such implementation; (2) all recommendations that were not implemented and the reasons why; and (3) additional recommendations, which shall be presented to the Miami-Dade Opioid Addiction Task Force no later than August 1, 2018, for consideration by the Board of County Commissioners pertaining to implementation of the opioid addiction action plan. The Implementation Plan shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 9. *Staff.* The Miami-Dade Opioid Addiction Task Force shall be provided adequate staff and support services by the County Mayor or County Mayor’s designee. The staff shall maintain and keep records of the Miami-Dade Opioid Addiction Task Force; prepare, in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, or correspondence as the Miami-Dade Opioid Addiction Task Force may direct; and, generally administer the business and affairs of the Miami-Dade Opioid Addiction Task Force, subject to budgetary limitations. The Office of Community Advocacy shall transcribe the meeting minutes for The Miami-Dade Opioid Addiction Task Force. The Miami-

Dade Opioid Addiction Task Force may request that the Board provide such other specialized consulting expertise as it may determine are necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed, to the Miami-Dade Opioid Addiction Task Force.

Section 10. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 11. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

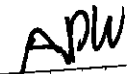
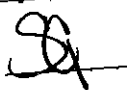
Section 12. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 13. This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED: April 10, 2018

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Shanika A. Graves

Prime Sponsor: Chairman Esteban L. Bovo, Jr.
Co-Sponsor: Commissioner Sally A. Heyman