



Miami-Dade Legislative Item File Number: 192155

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File Number: 192155 **File Type:** Ordinance **Status:** Adopted
Version: 0 **Reference:** 19-94 **Control:** Board of County Commissioners
File Name: CREATING LESBIAN, GAY, BISEXUAL, QUEER ADVISORY BOARD **Introduced:** 8/26/2019
Requester: NONE **Cost:** **Final Action:** 10/3/2019
Agenda Date: 10/3/2019 **Agenda Item Number:** 7B

Notes: MAYOR'S MEMO & 6WKS REQUIRED BTWN 1ST READING & PH.
Title: ORDINANCE CREATING THE MIAMI-DADE COUNTY LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER ("LGBTQ") ADVISORY BOARD; CREATING ARTICLE CLXII OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM NO. UNDER FILE NO. 191487]

Indexes: ADVISORY BOARD **Sponsors:** Eileen Higgins, Prime Sponsor
 Esteban L. Bovo, Jr., Co-Sponsor
 Daniella Levine Cava, Co-Sponsor
 Jose "Pepe" Diaz, Co-Sponsor
 Audrey M. Edmonson, Co-Sponsor
 Sally A. Heyman, Co-Sponsor
 Barbara J. Jordan, Co-Sponsor
 Jean Monestime, Co-Sponsor
 Dennis C. Moss, Co-Sponsor
 Rebeca Sosa, Co-Sponsor
 Xavier L. Suarez, Co-Sponsor

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

| Acting Body | Date | Agenda Item | Action | Sent To | Due Date | Returned | Pass/Fail |
|-------------------------------|-----------|-------------|---------|---------|----------|----------|-----------|
| Board of County Commissioners | 10/3/2019 | 7B | Adopted | | | | P |

REPORT: Assistant County Attorney Eduardo W. Gonzalez read the proposed ordinance into the record. Hearing no questions or comments, the Board proceeded to vote on the foregoing proposed ordinance, as presented.

Health Care and County Operations Committee

9/12/2019 1G1 Forwarded to BCC with a favorable Substitute recommendation following a public hearing

P

REPORT:

Chairwoman Heyman acknowledged the presence of Commissioner Higgins. Assistant County Attorney Shanika Graves read the title of the foregoing proposed ordinance into the record. She advised Item 1G1 Substitute Supplement was the accompanying Fiscal Impact statement to Item 1G1 Substitute. Commissioner Higgins introduced the foregoing proposed ordinance. She stated unlike major metropolitan areas, Miami-Dade County lacked a Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) board, and noted the City of Miami Beach had an effective LGBTQ board which worked to address issues such as violence against transgender individuals; improving police relations and addressing community-based issues. Commissioner Higgins commented on the importance of the Municipal Quality Index which Miami-Dade County did not yet participate in, pointing out that many conferences and conventions reviewed that rating to ensure the County was an equal and open community. She noted this issue could be addressed by the LGBTQ board which would positively impact the County's economic development. Chairwoman Heyman opened the public hearing on the foregoing proposed ordinance and the following individuals appeared in support: Mr. Steve Adkins, President and Chief Executive Officer, Miami-Dade Gay and Lesbian Chamber of Commerce, 1130 Washington Avenue, Miami Beach Florida, spoke on the LGBT's economic strength and business impact in Miami-Dade County, noting other communities in the United States had LGBT advisory committees that opined on minority procurement issues. He requested to be part of a process that allowed LGBT-owned businesses to receive their fair share of the economic impact of Miami-Dade County's budget. Ms. Robin Schwartz, Chair, LGBTQ Advisory Committee, City of Miami Beach, 2700 N. Miami Avenue, Miami 33127, spoke about the successful partnership with the City including increasing tourism, and noted she welcomed the opportunity to participate in the proposed LGBTQ Advisory Board. Mr. Joe Saunders, 1615 Meridian Avenue, Miami Beach, representing Equality Florida, stated the organization advised County Commissions and City Councils statewide on how they could be more economically competitive and how they could create an equitable community for LGBTQ Floridians. Mr. Amol Jethwani, South Florida organizer for Equality Florida, 800 Claughton Island Drive, Miami, spoke in support. Mr. Tobias Packer, 1033 NW 76 Street, Miami 33150, spoke in support on behalf of himself and the transgender community. Mr. Paul Thomas, 800 West Avenue, Miami Beach, representing the Safeguarding American Values for Everyone (SAVE) Rapid Response Team and member, Miami Beach LGBTQ Advisory Committee, shared the Committee's recent experience involving tourists and the outcome which led to the business involved agreeing to LGBTQ training. Mr. Damian Pardo, 421 NE 51 Street, Miami, Founder, SAVE, said an LGBTQ Advisory Board would keep the County Commission informed and connected with the challenges and opportunities in Miami-Dade County. He commented on intersectional issues such as homelessness, healthcare, discrimination and hate crimes; and noted the proposed Advisory Board would send a clear message to LGBTQ individuals that they and their issues were wanted and respected in Miami-Dade County. Ms. Liz Regalado, 1951 NW 7 Avenue, Suite 600, representing SAVE Inc., spoke in support as a social worker from the LGBTQ perspective regarding domestic violence or intimate partner violence and homelessness. She commented on abuse patterns in the LGBTQ community, noting LGBTQ victims did not have access to welcoming and inclusive services and this could be addressed through the proposed Advisory Board. Mr. Justin Klecha, 6630 SW 64 Street, South Miami 33143, Deputy Director, SAVE, thanked Commissioner Higgins for her leadership on this proposed legislation and for the Co-Sponsors' support. Seeing no one else wishing to speak, Chairwoman Heyman closed the public hearing. Chairwoman Heyman thanked the speakers on behalf of herself and her colleagues who supported the Domestic Violence Act, Human Rights Act, and other legislation, for being part of this proposal and expressing the County's commitment to serving Miami-Dade County's diverse community and for speaking out against discriminatory practices. Commissioners Diaz and Suarez requested to be listed as Co-Sponsors to the proposed ordinance. There being no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance, as presented

County Attorney

8/26/2019

Assigned

Terrence A. Smith

8/27/2019

Legislative Text

TITLE

ORDINANCE CREATING THE MIAMI-DADE COUNTY LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER ("LGBTQ") ADVISORY BOARD; CREATING ARTICLE CLXII OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

WHEREAS, a 2017 Gallup poll concluded that 4.5 percent of adult Americans identified as lesbian, gay, bisexual or transgender ("LGBT"), with 5.1 percent of women identifying as LGBT, compared with 3.9 percent of men; and

WHEREAS, a different survey in 2016, from the Williams Institute, estimated that 0.6 percent of adults in the United States identify as transgender; and

WHEREAS, through activism and the arts, the lesbian, gay, bisexual, transgender, and queer ("LGBTQ") community in Miami has a long track record of leading restoration and revitalization efforts in several of Miami's historic communities; and

WHEREAS, this Board continues to establish policies designed to promote inclusiveness and diversity in the County, including but not limited to the adoption of the County's Human Rights Ordinance, which promotes fairness and equal opportunity in employment, housing, public accommodations, credit and financing practices, family leave and domestic violence leave without regard to race, color, religion, ancestry, national origin, pregnancy, age, disability, marital status, familial status, veteran status, source of income, sexual orientation, and gender identity or expression; and

WHEREAS, because of this diversity and inclusiveness, Miami-Dade County continues to attract more than one million LGBTQ visitors each year as well as individuals, businesses, and professionals seeking to relocate to the area; and

WHEREAS, notwithstanding the strides the County has made to be more inclusive since the passage of the Human Rights Ordinance, this Board recognizes that more needs to be done to include the LGBTQ community at the highest levels of government; and

WHEREAS, the Human Rights Campaign Foundation, which is the nation's largest civil rights organization working to achieve equality for LGBTQ Americans, and which represents more than 3 million members and supporters nationwide, and the Equality Federation Institute, which is a movement builder and strategic partner to state-based organizations advocating for LGBTQ people, published the 2018 "Municipal Equality Index: A Nationwide Evaluation of Municipal Law" ("MEI"), which examines how inclusive municipalities' laws, policies, and services are of LGBTQ people who live and work in those municipalities; and

WHEREAS, for example, the MEI rates municipalities on how extensively their non-discrimination laws protect LGBTQ individuals; how fairly and equally the municipality, as an employer, treats its LGBTQ employees and their families; how justly law enforcement performs its duties with respect to the LGBTQ community; and the city's leadership's public position on LGBTQ equality; and

WHEREAS, although certain Florida municipalities such as Orlando, Tampa, Wilton Manors, Oakland Park, and Fort Lauderdale have scored, on a scale from zero to 100, between 98 to 100, some municipalities in Miami-Dade County have not scored as well, such as Miami Shores and Miami, which scored 81 and 55, respectively; and

WHEREAS, however, Miami Beach, which was not rated by MEI, but volunteered to be rated, in the past scored 100; and

WHEREAS, according to the MEI, by self-reporting, these municipalities "have demonstrated their commitment to equality and sending a message to their LGBTQ citizens that they are welcome and an important part of the community"; and

WHEREAS, this Board wishes to continue to promote Miami-Dade County as a place where LGBTQ and LGBTQ-friendly businesses and professionals and LGBTQ residents and visitors are welcome to work, live, and play in our community; and

WHEREAS, recent studies, such as those conducted by the National LGBT Chamber of Commerce, which is the largest advocacy organization dedicated to expanding economic opportunities and advancements for LGBT people, and the exclusive certifying body for LGBT-owned businesses, have shown that localities which have inclusive policies that embrace and promote the LGBTQ community, are more likely to attract more businesses,

visitors and LGBTQ individuals and families willing to move, live and work in such localities; and WHEREAS, other localities, including but not limited to Miami Beach, Florida; City of West Hollywood, California; Washington, D.C.; San Francisco, California; Westchester County, New York; San Antonio, Texas; Houston, Texas; Essex County, New Jersey; Atlanta, Georgia; Chicago, Illinois; and Philadelphia, Pennsylvania, have created advisory boards to advise such localities on an array of LGBTQ issues; and WHEREAS, accordingly, this Board wishes to create an advisory board to be known as the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer ("LGBTQ") Advisory Board, which would advise this Board [[, the County Mayor, County departments, and other County governmental entities]] on issues that relate to the LGBTQ community and which would promote Miami-Dade County as an LGBTQ-inclusive and -friendly community; and WHEREAS, this Board believes that such an advisory board would be beneficial to the residents of Miami-Dade County,

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

Section 1. Article CLXII of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLXII

MIAMI-DADE COUNTY LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER ("LGBTQ") ADVISORY BOARD

Sec. 2-2391. Creation.

There is hereby created and established the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer ("LGBTQ") Advisory Board.

Sec. 2-2392. Composition; membership.

- a) Composition. The LGBTQ Advisory Board shall be composed of 15 voting members appointed by the Board of County Commissioners and the County Mayor. Each member of the Board of County Commissioners may appoint one person to the LGBTQ Advisory Board and the County Mayor may appoint two members.
- b) Qualifications. Each member of the LGBTQ Advisory Board shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Members shall be appointed in accordance with sections 2-11.38 and 2-11.38.1 of the Code [[of Miami-Dade County]]. The membership of the LGBTQ Advisory Board shall be broadly representative of the various social, racial, religious, linguistic, cultural, economic, national origin and geographic groups comprising the population of Miami-Dade County. Each member shall have an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability and a documented commitment to the LGBTQ community.
- c) Compensation. LGBTQ Advisory Board members shall serve without compensation but shall be entitled to reimbursement for [[necessary expenses incurred in the discharge of their duties]] >>parking in a County leased or owned parking facility<<.
- d) Vacancies. Vacancies shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community.
- e) Tenure [[and Removal]] of Members. All members shall serve terms of three years>>, except the two board members initially appointed by the County Mayor, who shall serve staggered terms of one and two years, respectively. In the event the County Mayor reappoints an initial board member or appoints a new board member to replace an initial board member, such board members shall serve no more than two consecutive and complete terms of three years each<<. [[No member shall be permitted to serve more than two consecutive and complete terms of three years each. Members may be removed in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County for good cause as determined by the Board of County Commissioners, in its sole discretion]]. >>Further, the term limits of board members who are appointed to the LGBTQ Advisory Board by a County Commissioner shall be in accordance with section 2-11.38.2 of the Code, as may be amended from time to time.<<
- f) Attendance. Attendance requirements for members shall be in accordance with section 2-11.39 >>of the

Code<< [[, except that five absences, excused or unexcused, in any fiscal year shall also constitute grounds for removal]]. If a member [[appointed to fill one of the seats fails to maintain the qualifications for membership set forth in Section 2-11.38,]] fails to [[maintain]] >>comply with the<< attendance requirements, >>or<< voluntarily resigns[[, or for other good cause is removed,]] the member shall forfeit their membership.

Sec. 2-2393. Organization.

a) Bylaws, Rules, and Regulations. The LGBTQ Advisory Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance.

b) Officers. The LGBTQ Advisory Board shall elect a chairperson and a vice-chairperson [[from]] >>from<< among its members, who shall serve at the will of the LGBTQ Advisory Board. The chairperson shall preside at all meetings [[at which they are present]]. The [[chair-elect]] >>vice-chairperson<< shall act as chairperson in the absence [[or inability]] of the chairperson.

c) Staff Support. [[The LGBTQ Advisory Board shall have assistance from staff designated by the County Mayor or the County Mayor's designee. The staff shall:]] >>The Office of Community Advocacy, an office that is under and reports directly to the Board of County Commissioners, or its successor office, shall provide to the LGBTQ Advisory Board adequate staff and support services to enable the board to carry out its duties and responsibilities. Among such other duties and responsibilities, the Office of Community Advocacy shall:

- i) maintain and keep the records of the LGBTQ Advisory Board>>, including ensuring the LGBTQ Advisory Board's roster is current<<;
- ii) prepare, in cooperation with the chairperson, the agenda for each meeting;
- iii) be responsible for the preparation of such reports, [[minutes]]documents, resolutions, or correspondences as the LGBTQ Advisory Board may direct; [[and]]

>>(iv) take minutes and make such minutes available on the Miami-Dade County website; and<<

v) generally administer the business and affairs of the LGBTQ Advisory Board, subject to budgetary limitations. >>The Chairperson of the Board of County Commissioners shall have the power to appoint, employ, remove and supervise such staff as deemed necessary to provide appropriate staff and support to the LGBTQ Advisory Board, who shall serve at the will of the Chairperson of the Board of County Commissioners.<<

d) Quorum. To transact any business or exercise any power vested in the LGBTQ Advisory Board, a quorum consisting of no less than eight voting members shall be present. The LGBTQ Advisory Board shall not transact business or exercise its powers unless a majority of the quorum in attendance agrees to the activity.

e) Committees. The LGBTQ Advisory Board may appoint committees to accomplish its tasks.

Sec. 2-2394. Meetings.

The LGBTQ Advisory Board shall hold regular monthly meeting and such other meetings, as it deems necessary. The chairperson, or a minimum of eight LGBTQ Advisory Board members upon written request to the chairperson, may call for a special meeting.

Sec. 2-2395. Powers and duties.

The LGBTQ Advisory Board shall have the following powers, duties, functions, and responsibilities:

a) To serve as a vehicle for a systematic and periodic assessment of the quality of life of LGBTQ residents of and visitors to the County;

b) To foster mutual understanding, tolerance, and respect for the LGBTQ community in the County[[.]]>><<

c) To cooperate in the development of educational programs dedicated to the improvement of the lives of LGBTQ residents and visitors by eliciting support from public and private entities engaged in the inculcation of ideals of tolerance, mutual respect and understanding for the LGBTQ community[[.]]>><<

d) To make recommendations to the Board of County Commissioners[[, the County Mayor and other governmental entities]] with respect to all issues affecting or relating to the LGBTQ community;

e) To recommend solutions to the social, economic, cultural and political problems in the LGBTQ community, as well as to serve as liaison between the LGBTQ community and the County community at large;

f) To >>make recommendations to the Board of County Commissioners as to steps that can be taken to<< encourage and attract LGBTQ businesses to the County, to assist LGBTQ businesses located in the County, and to promote economic development[[, especially job creation in the County:]] >>in the LGBTQ community;<<

- g) To >>make recommendations to the Board of County Commissioners as to steps that can be taken to<< promote positive images and concepts of the LGBTQ community as well as promote their many contributions to our society;
- h) To conduct studies through fact-finding and analysis of problems encountered by the LGBTQ community>>, provided, however, any study that requires an appropriation of funds to cover the cost associated with the study shall be subject to the Board's approval<<;
- i) To [[examine and]] recommend revisions in County policies and procedures having potentially negative consequences for LGBTQ individuals;
- j) To serve as a forum to which individuals and groups can express concerns related to issues of homophobia and transphobia;
- k) To continue to strengthen ties with the larger County community;
- l) To conduct outreach to other entities and the community, including but not limited to the County's LGBTQ community;
- m) To work closely with other County boards, including, but not limited to, the Miami-Dade Commission on Human Rights, Miami-Dade HIV/AIDS Partnership, Miami-Dade Community Relations Board, and similar boards; and
- n) To perform such other duties as may from time to time be assigned to it by the Board of County Commissioners.

Sec. 2-2396. Applicability of County rules and procedures.

The LGBTQ Advisory Board shall at all times operate under all applicable provisions of Florida's open government laws, including but not limited to the Government in the Sunshine Law and the Public Records Act, Section 286.0114, Florida Statutes>>, << which requires that the public be given reasonable opportunity to be heard on any proposition before the LGBTQ Advisory Board. Additionally, the LGBTQ Advisory Board 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.

Sec. 2-2397. Reports.

The chairperson[[, chair-elect]] or >>vice-< Section 2. 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 3. 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 4. 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.

The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

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