

# MEMORANDUM

Agenda Item No. 11(A)(16)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners


**DATE:** December 12, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact Senate Bill 48, or similar legislation that would protect the rights of minors, seniors, and incapacitated persons by providing additional guidelines and procedures applicable to the presiding court, the court-appointed guardian, and the ward's family members

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/jp

MDC001



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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**SUBJECT:** Agenda Item No. 11(A)(16)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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. 11(A)(16)  
12-12-23

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 48, OR SIMILAR LEGISLATION THAT WOULD PROTECT THE RIGHTS OF MINORS, SENIORS, AND INCAPACITATED PERSONS BY PROVIDING ADDITIONAL GUIDELINES AND PROCEDURES APPLICABLE TO THE PRESIDING COURT, THE COURT-APPOINTED GUARDIAN, AND THE WARD'S FAMILY MEMBERS

**WHEREAS**, on September 18, 2023, Senator Ileana Garcia (R – Miami) introduced Senate Bill (“SB”) 48 for consideration during the 2024 session of the Florida Legislature; and

**WHEREAS**, SB 48 is titled “Karilyn’s Law” and amends several Florida Statutes related to guardianship of minors and incapacitated persons; and

**WHEREAS**, among other provisions, SB 48 would require guardians for alleged incapacitated persons or minors to be appointed on a rotating basis, require courts to establish visitation of a minor’s family and of an incapacitated person’s family, and require that courts seeking to deny visitation rights for a minor base this denial on a showing of clear and convincing evidence that visitation is not in the best interest of the minor; and

**WHEREAS**, SB 48 further authorizes the suspension of power of attorney prior to an incapacity determination based on a jury determination; requires a guardian of a ward’s property to file a verified inventory and annual accounting with the court that must be made available to the ward’s family, the ward’s next of kin, and the beneficiaries and heirs of the ward’s valid will; and requires a reevaluation of the need for guardianship every three years for a person who has been determined to be incapacitated, to be presided over by a different judge than the one who handled the initial incapacitation hearing; and

**WHEREAS**, this Board is supportive of changes to Florida law which will protect the rights of minors, seniors, and incapacitated persons in Miami-Dade County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact Senate Bill 48, or similar legislation that would protect the rights of minors, seniors, and incapacitated persons by providing additional guidelines and procedures applicable to the presiding court, the court-appointed guardian, and the ward’s family members.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Ileana Garcia, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County’s state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2024 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez.

It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12<sup>th</sup> day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Handwritten signature of Rochelle A. Hall in black ink, consisting of the letters 'RAH' in a stylized, cursive font, positioned above a horizontal line.

Rochelle A. Hall