

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: October 6, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact legislation
expanding Florida's "Right to
Try Act" to enable individuals to
access certain investigational
drugs, biologics and medical
devices to treat more than just
terminal medical conditions

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: October 6, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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
- ☐ Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) ____) 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)(10)
10-6-26

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT LEGISLATION EXPANDING FLORIDA’S “RIGHT TO
TRY ACT” TO ENABLE INDIVIDUALS TO ACCESS CERTAIN
INVESTIGATIONAL DRUGS, BIOLOGICS AND MEDICAL
DEVICES TO TREAT MORE THAN JUST TERMINAL
MEDICAL CONDITIONS

WHEREAS, the United States Food and Drug Administration (“FDA”) generally oversees the development of new drugs, biologics (biological products such as vaccines, antibodies and gene therapies) and medical devices in the United States; and

WHEREAS, the FDA’s approval process for these new treatments typically takes years to complete, and requires extensive pre-clinical testing followed by phased clinical trials on human participants and submission of comprehensive data as part of the application; and

WHEREAS, while the FDA’s approval process is designed to evaluate safety and effectiveness, no drug treatment is absolutely safe or risk-free; and

WHEREAS, given this fact, as well as the reality that some patients might benefit from breakthrough treatments still under investigation by the FDA, the FDA in 1987 formally adopted the “Expanded Access” program, which provided a standardized pathway for patients to access unapproved drugs and biologics outside clinical trials; and

WHEREAS, while the Expanded Access program permitted patients with life-threatening conditions to access unapproved treatments, such use still required advance review and approval by the FDA, which was generally done on a case-by-case basis; and

WHEREAS, in 2015, the Florida legislature enacted House Bill 269, which created the state’s “Right to Try Act,” comparable to legislation enacted by other states at the time; and

WHEREAS, Florida's Right to Try Act, which is codified at section 499.0295, Florida Statutes, allows manufacturers to make investigational drugs, biologics, and medical devices available to certain terminally ill patients who have considered all approved treatment options and given informed consent, and prohibits state licensing boards from taking action against a physician's medical license solely for recommending access to investigational treatment under the program; and

WHEREAS, in 2018, the United States Congress enacted the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017, which created the federal Right to Try framework; and

WHEREAS, the federal Right to Try framework permits patients to access investigational drugs without the need for advance review or approval by the FDA, so long as the patient is diagnosed with a life-threatening disease or condition, has exhausted approved treatment options and is unable to participate in a clinical trial, and has given informed consent, and as long as the investigational new drug has completed a Phase 1 clinical trial and is still under active development; and

WHEREAS, the importance of allowing terminally ill patients to seek alternative treatments in order to save their own lives cannot be understated, but the need exists for even broader pathways for patients to access medical innovation and cutting-edge treatments; and

WHEREAS, accordingly, some states have recently expanded their respective Right to Try statutes; and

WHEREAS, for example, in 2025, Montana passed Senate Bill 535, which establishes a formal state licensing and regulatory framework for specialized treatment centers to provide investigational drugs, biologics and medical devices, and which does not require that the patient suffer from a terminal condition; and

WHEREAS, this Board supports the passage of state legislation that expands the autonomy of patients to work with their physicians to seek cutting edge, personalized treatments for their health conditions,

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 legislation expanding the state’s “Right to Try Act” to enable individuals to access certain investigational drugs, biologics, and medical devices to treat more than just terminal conditions.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Florida Senate President, the Florida House Speaker, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2027 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Roberto J. Gonzalez. 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:

Anthony Rodriguez, Chairman

Kionne L. McGhee, Vice Chairman

Marleine Bastien

Sen. René García

Roberto J. Gonzalez

Danielle Cohen Higgins

Natalie Milian Orbis

Micky Steinberg

Juan Carlos Bermudez

Oliver G. Gilbert, III

Keon Hardemon

Vicki L. Lopez

Raquel A. Regalado

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2026. 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.



Kevin M. Marker