

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution supporting House Bill
681, Senate Bill 1010, or
similar legislation related to
supported decision-making for
individuals with disabilities

Resolution No. R-184-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

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Gen Bonzon-Keenan
County Attorney

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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)(9)
3-2-21

RESOLUTION NO. R-184-21

RESOLUTION SUPPORTING HOUSE BILL 681, SENATE BILL
1010, OR SIMILAR LEGISLATION RELATED TO
SUPPORTED DECISION-MAKING FOR INDIVIDUALS WITH
DISABILITIES

WHEREAS, individuals with disabilities are sometimes deprived of their ability to make decisions for themselves because of restrictive guardianship requirements; and

WHEREAS, family members of individuals with disabilities are sometimes unaware that there are options related to supporting the decisions of individuals with disabilities without full guardianship; and

WHEREAS, supported decision-making is a tool that allows people with disabilities to make their own decisions and keep their rights with the support of people they trust; and

WHEREAS, supported decision-making permits adults with disabilities to enter into agreements with their supporters allowing their decisions be recognized as their own decisions; and

WHEREAS, Senate Bill (SB) 1010 and House Bill (HB) 681 have been filed for consideration during the Florida Legislature's 2021 session by Senator Joe Gruters (R – Sarasota) and Representative Allison Tant (D – Tallahassee), respectively; and

WHEREAS, SB 1010 and HB 681, which propose creation of the Florida Supported Decision-Making Law, include the following provisions:

- requiring that petitions submitted in support of appointment of a guardian advocate state the petitioner's efforts to use alternatives to guardianship before seeking such appointment; and

- authorizing adults with disabilities to enter into supported decision-making agreements with supporters; and
- requiring that decisions and requests communicated with the assistance of a supporter be recognized as decision and requests of the decisionmaker; and
- prohibiting adults from entering into supported decision-making agreements unless specified conditions are met; and
- requiring public schools to provide information about supported decision-making agreements under certain conditions,

WHEREAS, this Board is supportive of measures designed to provide individuals with disabilities the opportunity to make important decisions about their lives in concert with the people they trust,

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 SB 1010 and HB 681, or similar legislation related to supported decision-making for individuals with disabilities.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Joe Gruters, Representative Allison Tant, and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action set forth in Section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. 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

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MJS

Melanie J. Spencer