

MEMORANDUM

Agenda Item No. 11(A)(20)

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

DATE: November 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution supporting Senate
Bill (SB) 246, House Bill (HB)
85, or similar legislation that
exempts the sale of diapers and
incontinence products from the
sales and use tax; urging the
Florida Legislature to include
similar language in the tax
package

Resolution No. R-1069-21

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

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)(20)
11-2-21

RESOLUTION NO. _____ R-1069-21

RESOLUTION SUPPORTING SENATE BILL (SB) 246, HOUSE BILL (HB) 85, OR SIMILAR LEGISLATION THAT EXEMPTS THE SALE OF DIAPERS AND INCONTINENCE PRODUCTS FROM THE SALES AND USE TAX; URGING THE FLORIDA LEGISLATURE TO INCLUDE SIMILAR LANGUAGE IN THE TAX PACKAGE

WHEREAS, identical Senate and House bills, SB 246 by Senator Lauren Book (D - Plantation) and HB 85 by Representative Anna V. Eskamani (D - Orlando), have been filed for consideration during the 2022 session of the Florida Legislature; and

WHEREAS, SB 246 and HB 85 would exempt the sale of diapers, incontinence undergarments, incontinence pads, and incontinence liners from the state sales and use tax; and

WHEREAS, during the 2021 session of the Florida Legislature, SB 806 was filed for consideration which would have also exempted the sale of diapers, incontinence undergarments, incontinence pads, and incontinence liners from the state sales and use tax; and

WHEREAS, on April 20, 2021, this Board adopted Resolution No. R-373-21, which supported SB 806 and urged the Florida Legislature to include similar language in the tax package; and

WHEREAS, SB 806, however, died in committee; and

WHEREAS, caring for young children and adults with incontinence issues comes with overwhelming costs; and

WHEREAS, currently, one in three families in the United States report experiencing diaper need, according to the National Diaper Bank Network (“NDBN”); and

WHEREAS, diapers cannot be purchased with food stamps, and families cannot receive federal or state cash assistance—except for Special Supplemental Nutrition Program for Women, Infants, and Children—to be eligible to get diapers at no cost from diaper banks; and

WHEREAS, NDBN reports that disposable diapers can cost families \$70.00 to \$80.00 per month, creating a significant cost burden for low-income families; and

WHEREAS, nearly 55 percent of Florida’s children live in or near poverty, as do 10 percent of Florida’s elders, according to the Children’s Campaign, Inc. and America’s Health Rankings, respectively; and

WHEREAS, if enacted, SB 246 and HB 85 would make Florida the 15th state to remove sales tax charges for these essential health and hygiene products; and

WHEREAS, this Board believes that Florida should join other states across the country and stop taxing these necessary healthcare items,

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 246, HB 85, or similar legislation exempting the sale of diapers and incontinence products from the sales and use tax, or to include such language in the tax package.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Lauren Book, Representative Anna V. Eskamani, all cosponsors of SB 246 and HB 85, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the passage of the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** 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	absent
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 November, 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.

RC

Ryan Carlin