

MEMORANDUM

Agenda Item No. 7(C)

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

DATE: (Second Reading: 3-7-23)
January 17, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Miami-Dade County Addiction Services Board ("ASB"); amending Article XLIV of the Code; revising membership, organization, and duties and powers of the ASB; creating section 2-424.1 relating to applicability of State and County rules and procedures to the ASB; creating section 2-425.1 relating to financial support for the ASB and providing for creation of the Addiction Services Trust Fund; making technical revisions

Ordinance No. 23-15

The accompanying ordinance was prepared by the Community Action and Human Services Department and placed on the agenda at the request of Prime Sponsor Health, Emergency Management and Intergovernmental Affairs Committee.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: March 7, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Ordinance Amending article XLIV of the Code of Miami-Dade County, Florida, Pertaining to the Miami-Dade County Addiction Services Board, Revising the Membership, Organization, and Duties Provisions, Providing for Applicability of State and County Rules and Procedures and Financial Support for the Board

Executive Summary

This ordinance proposes to amend article XLIV of the Code of Miami-Dade County, Florida, pertaining to the Miami-Dade County Addiction Services Board (ASB). The proposed amendments, include, but are not limited to: (1) increasing the membership of the ASB from 18 members to 29 members; (2) designating certain agencies and organizations that engage in substance abuse prevention and intervention work in Miami-Dade County as members on the board; (3) adding qualifications for members to serve on the board; (4) revising the organization and duties and powers of the board; (5) creating the Addiction Services Trust Fund; and (6) providing for the County Mayor, County Attorney's Office, and Clerk of the Board of County Commissioners to support the ASB. This ordinance is being presented at the request of the ASB, in collaboration with Community Action and Human Service Department's staff (CAHSD), and has received extensive input and subsequent approval by the ASB for submission to the Board.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance, which amends Article XLIV of the Code of Miami Dade County to: (1) increase the membership of the ASB; (2) designate certain agencies and organizations as members on the board; (3) add qualifications for members to serve on the board; (4) revise the organization and duties and powers of the board; (5) create the Addiction Services Trust Fund; (6) provide for support to the board; and (7) make technical revisions.

Scope

The scope of this ordinance is Countywide.

Delegation of Authority

There is no delegation of authority in this item.

Social Impact Statement

The proposed ordinance amending article XLIV of the Code of Miami-Dade County, Florida, pertaining to the Miami-Dade County Addiction Services Board (ASB) provides for the following: (1) increasing the membership of the ASB from 18 members to 29 members; (2) designating certain agencies and organizations that engage in substance abuse prevention and intervention work in Miami-Dade County as members on the ASB; (3) adding qualifications for members to serve on the ASB; (4) revising the organization and duties and powers of the

ASB; (5) creating the Addiction Services Trust Fund; and (6) providing for the County Mayor, County Attorney's Office, and Clerk of the Board of County Commissioners to support the ASB.

The proposed ordinance will benefit the community by enabling the ASB members to further the work of the ASB as well as expand its scope. Expanding the membership of the ASB, incorporating the participation of certain expert agencies and organizations, and requiring certain qualifications from its members will result in a more inclusive ASB comprising of local community leaders and stakeholders that will respond more efficiently to community priorities and needs and provide solution-focused recommendations that will help residents thrive.

The creation of a trust fund would allow the ASB and the County to raise private dollars and thereby allow the ASB to supplement and support future endeavors to meet its goals. The fund would also allow for ASB members to attend and host conferences and events pertaining to addiction and co-occurrent disorders using these trust fund monies. These conferences and events will assist ASB members in expanding the profile of the ASB, aid in furthering the ASB's understanding of challenges facing residents suffering from addiction and co-occurrent disorders in Miami-Dade County, identify best practices, and further the mission of the ASB.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources or generate additional operational expenses.

Track Record/Monitor

The Community Action and Human Services Department (CAHSD) Assistant Director, or other supervisory staff will be responsible for assisting and monitoring the ASB.

Background

The ASB was established by the Board, through Ordinance 90-144, to foster a culturally-competent substance abuse delivery system that was accessible, coordinated, cost-effective, successful and scientifically validated. The ASB is a county advisory board that, among other things, serves as a resource to this Board on matters related to substance abuse prevention and treatment issues. The ASB also disseminates important information regarding developments in the field, e.g., legislative efforts that affect service delivery, funding priorities, and upcoming events related to addiction treatment services.

On April 17, 2002, the Board approved Ordinance 92-93, which expanded the ASB's duties and powers to include oversight of substance abuse prevention. The ASB, recognizes that addiction is a public health and safety issue, and is committed to the development and implementation of a comprehensive continuum of addiction treatment services. The ASB allows for dialogue between the private and public sectors on issues relating to the prevention and treatment of addiction disorder. Additionally, among other efforts, the ASB will work to provide better coordination between treatment and prevention services and coalesce existing and future prevention efforts to build a seamless set of services from primary prevention to addiction treatment.

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

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To achieve its goals, the ASB will:

- continue to study and review existing substance abuse prevention and treatment services in Miami-Dade County;
- work with public and private sector providers to make recommendations regarding the need for prevention and treatment services in Miami-Dade County and provide a forum for discussion of the state of treatment and prevention services in Miami-Dade County;
- continue serving in an advisory capacity to the Board on all aspects of substance use and related behavioral health issues;
- make recommendations regarding substance abuse prevention and treatment services; and
- continue to advocate for the availability of and access to substance abuse treatment and prevention for Miami-Dade County residents.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(C)

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. 7(C)
3-7-23

ORDINANCE NO. 23-15

ORDINANCE RELATING TO THE MIAMI-DADE COUNTY ADDICTION SERVICES BOARD (“ASB”); AMENDING ARTICLE XLIV OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING MEMBERSHIP, ORGANIZATION, AND DUTIES AND POWERS OF THE ASB; CREATING SECTION 2-424.1 RELATING TO APPLICABILITY OF STATE AND COUNTY RULES AND PROCEDURES TO THE ASB; CREATING SECTION 2-425.1 RELATING TO FINANCIAL SUPPORT FOR THE ASB AND PROVIDING FOR CREATION OF THE ADDICTION SERVICES TRUST FUND; MAKING TECHNICAL REVISIONS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Article XLIV of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE XLIV. – MIAMI-DADE COUNTY ADDICTION SERVICES BOARD

Sec. 2-421. Created.

There is hereby created and established in Miami-Dade County an advisory board to be known as the Miami-Dade County Addiction Services Board >>(“ASB”)<<.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 2-422. – >>Composition; membership<< [~~Membership; qualifications; terms~~]].

- (a) >>Composition.<< [~~This Board~~] >>The ASB<< shall consist of [~~eighteen (18)~~] >>29<< members appointed by the [~~County Commission~~] >>Board of County Commissioners<< in [~~a~~] >>the<< manner set forth below. [~~Each member of the Board shall be a resident and elector of Miami Dade County and shall have an outstanding reputation for integrity, responsibility, and commitment to serving the community.~~]

~~(b) Nine (9) of the members shall be appointed from the public sector and nine (9) of the members shall be appointed from the private sector. In filling any “private sector” seat, the County Commission shall select from a list to be submitted by The Miami Coalition for a Drug Free Community. The “public sector” members appointed by the Board of County Commissioners shall include the following.] >>The following individuals or entities, or successor entities, shall each recommend one representative to serve on the ASB, subject to the approval of the Board of County Commissioners:<<~~

- ~~(1) [A State HRS Administrator] >>Florida Department of Children and Families<<;~~
- ~~(2) [A representative of the State Attorney’s Office] >>Miami-Dade Office of the State Attorney<<;~~
- ~~(3) [A member of the Circuit Court of the 11th Judicial Circuit] >>Eleventh Judicial Circuit of Florida<<;~~
- ~~(4) [A representative from the Public Defender’s Office] >>Miami-Dade Office of the Public Defender<<;~~
- ~~(5) [The Superintendent of Schools, or the Superintendent’s designee] >>Miami-Dade County Public Schools<<;~~
- ~~(6) [The Director of the Miami Dade Department of Human Resources or the Director’s designee] >>Miami-Dade County Community Action and Human Services Department<<;~~
- ~~(7) [The Director of Miami Dade Police Department or the Director’s designee] >>Miami-Dade Police Department<<;~~
- ~~(8) [The County Manager or the Manager’s designee] >>County Mayor or County Mayor’s designee<<;~~
- ~~(9) [The Chief of Police of the City of Miami or the Chief’s designee] >>Miami Police Department;~~
- (10) United States Drug Enforcement Administration;
- (11) Miami-Dade County Medical Examiner Department;
- (12) South Florida High Intensity Drug Trafficking Area;

- (13) Miami-Dade Board of County Commissioners;
- (14) Miami-Dade County Homeless Trust;
- (15) City of Miami Department of Fire-Rescue;
- (16) Dade County Medical Association Inc;
- (17) Miami-Dade Corrections and Rehabilitation Department;
- (18) Florida Department of Juvenile Justice State Advisory Group;
- (19) Eleventh Judicial Circuit of Florida, Unified Children's Court;
- (20) Florida Department of Juvenile Justice, Probation and Community Intervention Division;
- (21) Florida Department of Health in Miami-Dade County;
- (22) Miami-Dade County Human Resources Department Benefits and Employee Support Services Division;
- (23) Thriving Mind South Florida; and
- (24) Jackson Health System.

(b) Additionally, the Board of County Commissioners shall also appoint five members from the private sector. County staff will solicit applications from interested members of the private sector and such applications will be provided to the ASB. Thereafter, the ASB will empanel a Nominating Committee to review and identify applicants to be recommended to the Board of County Commissioners for appointment to the ASB.

(c) Qualifications. Each member of the ASB shall be a permanent resident and duly qualified elector of Miami-Dade County in accordance with section 2-11.38 of the Code of Miami-Dade County, Florida, as may be amended, and shall have an outstanding reputation for integrity, responsibility, and commitment to serving the community.

(d) Terms.<< [[(e)]] All private sector members shall be appointed for terms of three [[(3)]] years. [[The public sector members shall be permanent appointments.]]

>>(e) Vacancies.<< Appointments to fill any vacancy of a private sector member shall be for the remainder of the >>vacating member's<< unexpired term. >All private sector member vacancies shall be filled in the same manner described above in subsection (b).<<

~~[(d)]~~ >>(f) Reappointment.<< Each >>ASB<<member shall be eligible for reappointment and shall hold office until his or her successor is duly appointed ~~[[and qualified]]~~.

~~[(e)]~~ >>(g) Attendance.<< If any >>private sector ASB<< member ~~[[of the Board]]~~ fails to attend three ~~[(3)]~~ consecutive meetings without due cause, >>as determined by the ASB,<< the ~~[[Chairperson]]~~ >>chairperson<< shall ~~[[certify the same to]]~~ >>notify<< the ~~[[County Commission]]~~ >>Board of County Commissioners<<, and such member shall then be deemed to have been removed and a vacancy created. >>If a representative appointed by an entity fails to attend three consecutive meetings without due cause, as determined by the ASB, the chairperson or the chairperson's designee shall advise such entity of its representative's absences and may request the appointment of a new representative.<<

~~[(f)]~~ >>(h) Compensation.<< ~~[[The]]~~ >>ASB<< members shall serve without compensation >>, but shall be entitled to reimbursement for parking in parking facilities leased or owned by the County<<. ~~[[The County Commission or other sources may provide funds for appropriate and necessary expenses incurred by the Board or any of its members in the performance of Board functions; provided, however, that no County funds will be expended without prior approval of the County Commission.]]~~

Sec. 2-423. –Organization

- (a) >>Officers.<< The members of the ~~[[Board]]~~ >>ASB<< shall elect a ~~[[Chairperson]]~~ >>chairperson and a vice-chairperson<< and such other officers as may be deemed necessary or desirable, who shall serve at the will of the ~~[[Board]]~~ >>board. All officers shall serve one-year terms. No member shall remain in the same office for more than two consecutive years. After one year of not holding the same office, any member may be elected to an office that he or she previously held, for up to two additional consecutive years. Officer elections shall take place each November, with newly elected officers installed in January of the following year.

The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall act as the chairperson. In the absence of the chairperson and the vice-chairperson, the ASB, through a majority vote of appointed

members, may select a member of the board to preside over meetings.~~<< [[Ten (10) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the members present shall be necessary to take any action.]]~~

(b) >>Committees. The ASB may create committees and subcommittees to accomplish its tasks, including but not limited to an Executive Committee, a Nominating Committee, and other ad hoc committees.~~<< An Executive Committee consisting of all officers and such other persons as the [[Chairperson]]~~ >>chairperson~~<< may appoint from time to time is authorized to exercise all [[powers,]] duties and [[functions]]~~ >>powers~~<< of the [[Board]]~~ >>board~~<< between [[Board]]~~ >>board~~<< meetings. Any action taken by the Executive Committee shall be reported to the [[Board]]~~ >>board~~<< at its next regular meeting and the [[Board]]~~ >>board~~<< shall either ratify or rescind the action of the Executive Committee.~~

(c) >>Meetings. The ASB shall hold regular monthly meetings and such other meetings, as it deems necessary.~~<< The [[Chairperson]]~~ >>chairperson, or a minimum of 17 members of the ASB, upon written request to the chairperson,~~<< may call~~ >>a special meeting. Further, the ASB, at any duly noticed public meeting, may fix and call a meeting at a future date.~~<< [[meetings of the Board. Meetings may also be called by written notice signed by ten (10) members. The Board at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Board. All meetings shall be public. The County Manager and the Miami Dade County Office of Substance Abuse shall provide appropriate staff support to the Miami Dade County Addiction Services Board.]]~~

>>(d) Bylaws, Rules, and Regulations. The ASB shall establish adopt, and amend bylaws, rules, and regulations for its own governance. In the event that the ASB does not adopt rules or policies, or its adopted rules or policies do not address a particular situation, the applicable provisions of the Board of County Commissioners' Rules of Procedures, as such may be amended from time to time, shall apply.

(e) Staff Support. The County Mayor, County Attorney, and the Clerk of the Board shall provide appropriate support to the ASB.

(1) The County Mayor shall provide adequate staff and support services to the ASB. Such support shall enable the ASB to carry out its duties. Among such other duties, the ASB shall:

A. maintain and keep the records of the ASB, including ensuring the ASB's roster is current;

B. prepare, in cooperation with the chairperson, the agenda for each meeting;

C. be responsible for the preparation of such reports, documents and resolutions, or correspondences as the ASB may direct;

D. take minutes and make such minutes available on the County's website; and

E. generally administer the business and affairs of the ASB, subject to budgetary limitations.

The County Mayor shall have the power to appoint, employ, remove, and supervise staff as deemed necessary to provide appropriate staff and support to the ASB, who shall serve at the will of the County Mayor.

(2) The County Attorney's Office shall provide legal counsel to the ASB.

(3) The Clerk of the Board shall maintain a current roster of the ASB membership and maintain the minutes of the ASB's meetings.

(f) *Quorum*. A quorum shall be required to transact any business or exercise any power vested in the ASB. A quorum for the ASB shall consist of a majority of those persons duly appointed to the board, provided that at least half of the full board membership has been appointed. If at least half of the full board membership has not been appointed, a quorum shall consist of a majority of the duly appointed members. The ASB or the Executive Committee shall not transact business or exercise its powers unless a quorum is present and votes in favor of the activity.<<

Sec. 2-424. – Duties>>:;<< [[and]] powers.

The ~~[[Board]]~~ >>ASB<< shall have the following duties ~~[[functions,]]~~ >>and<< powers ~~[[and responsibilities]]~~:

~~[[(1) To assist in the establishment, operation and oversight of a central intake system providing twenty four hour access to addiction therapy.~~

~~(2) To serve in an advisory capacity to the Board of County Commissioners, the County Manager, and the community concerning substance abuse prevention and treatment services in Miami Dade County.~~

~~(3) To make a continuous study and review of all existing substance abuse prevention and treatment services, both public and private, in Miami Dade County.]]~~

>>(a) To serve in an advisory capacity to the Board of County Commissioners on all aspects of substance use and related behavioral health issues.

(b) To periodically study and review all existing substance use, prevention, and treatment services, both public and private, in Miami-Dade County.<<

~~[[(4)]]~~ >>(c)<< To make recommendations >>to the County Mayor or Board of County Commissioners<< on the administration and distribution of monies directed to substance ~~[[abuse]]~~ >>use, misuse,<< prevention >>and<< and treatment services from all sources.

~~[[(5)]]~~ >>(d)<< To make recommendations >>to the County Mayor or Board of County Commissioners<< on the administration and distribution of ~~[[nondesignated]]~~ >>unallocated<< trust funds held for substance ~~[[abuse]]~~ >>use, misuse,<< prevention >>and<< and treatment services in Miami-Dade County.

>>(e) Make efforts to lead the nation in creating a healthy, alcohol and drug free community for all residents across the life span.<<

~~[[(6) To make recommendations on the coordination, organization, utilization, and implementation of substance abuse prevention and treatment services in Miami Dade County as well as public education as to the addiction problems faced by Miami Dade County and as to the substance abuse prevention and treatment services available to the County.~~

7]] >>(f)<< To work with the existing governmental providers of treatment and care as well as ~~[[those providers in the,]]~~ >>certain private sector providers<< and to make recommendations to these groups regarding the needs of Miami-Dade County for treatment programs and facilities.

~~[[8]]~~ >>(g)<< To >>make administrative and legislative recommendations<< ~~[[recommend]]~~ to the ~~[[Manager and the]]~~ Board of County Commissioners ~~[[such ordinances as]]~~ >>that<< will aid in carrying out the purposes of this article.

~~[[9]]~~ >>(h)<< To submit an annual report to the ~~[[Manager and the]]~~ Board of County Commissioners.

~~[[10]]~~ >>(i)<< To accept grants and donations ~~[[on behalf of the County from foundations and others]]~~ for the purpose of carrying out the above listed ~~[[functions]]~~ >>duties and powers<< ~~[[, subject to approval by the Board of County Commissioners]]~~.

>>(j) To make recommendations to the County Mayor or Board of County Commissioners on the use of grants, donations, and any other funding the County receives in relation to substance use, misuse, prevention, and treatment services.<<

~~[[11]]~~ >>(k)<< To perform such other duties as may from time to time be assigned to it by the Board of County Commissioners or that are reasonable, necessary>>,<< or proper to the exercise of the powers and duties enumerated above.

>>Sec. 2-424.1. – Applicability of State and County rules and procedures.

The ASB shall at all times operate under Florida’s open government laws, including, but not limited to the Government in Sunshine Law and Citizens’ Bill of Rights of the Miami-Dade County Home Rule Charter as well as other laws applicable to public advisory board membership. Additionally, the ASB shall be deemed an “agency” for the purposes of the State’s public records laws and 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, as may be amended from time to time, including, but not limited to section 2-11.1 of the Code of Miami-Dade County, Florida.

The ASB shall also provide members of the public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes. Accordingly, rule 6.06 of the Miami-Dade County Board of County Commissioners Rules of Procedures is incorporated herein.<<

Sec. 2-425. – Reports.

Within the first ninety 90 days of each calendar year, the ~~[[Board]]~~ >>ASB<< shall make a report to the Board of County Commissioners of the ~~[[Board's]]~~ >>ASB's<< activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during such year.

>>Sec. 2-425.1. - Financial Support for the board.

Subject to the County's budgetary process and the availability of funds, the County Mayor shall include in the County's annual budget, administrative costs and additional funds for the implementation of the ASB's duties and powers. There is hereby created the Addiction Services Trust Fund, in which donations, contributions, and other funds received by or allocated to the ASB shall be placed. The County Mayor or County Mayor's designee is hereby authorized and directed to establish the Addiction Services Trust Fund and disburse monies following approval by the ASB and in accordance with the provisions of this Ordinance as well as for matters related to substance use, misuse, treatment, and prevention services.<<

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.

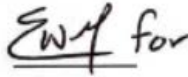
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered 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.

PASSED AND ADOPTED:

March 7, 2023

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature of E. W. H. for

Prepared by:

Handwritten signature of S. G.

Shanika A. Graves