

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda item No. 7(B)

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

DATE: (Second Reading 6-21-23)
April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer (“LGBTQ”) Advisory Board; amending article CLXII and sections 2-11.43 and 2-2427 of the Code; renaming such board the “Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Plus (‘LGBTQIA+’) Advisory Board”; making conforming changes

Ordinance No. 23-39

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: June 21, 2023

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to LGBTQ Advisory Board Name Change

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer

Memorandum



Date: June 21, 2023

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Impact Statement for Ordinance Relating to LGBTQ Advisory Board Name Change

This ordinance proposes to rename the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Board as the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Plus (LGBTQIA+) Advisory Board.

The implementation of this ordinance will expand the representation of and advocacy for residents in Miami-Dade County to include those who are asexual, those who identify as intersex, and those who do not identify as heterosexual, straight, cisgender, LGBTQ, intersex, or asexual.

This ordinance will positively benefit residents from diverse sexual orientations and gender identities by expanding the opportunity to serve on a County advisory board dedicated to the issues and concerns of the LGBTQIA+ community. County advisory boards allow residents to advise the Board of County Commissioners and the Mayor on policies and issues which may impact their constituencies. This ordinance will ensure that Miami-Dade County remains a welcoming and inclusive community to members of diverse sexual orientations and gender identities.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: June 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
6-21-23

ORDINANCE NO. 23-39

ORDINANCE RELATING TO THE MIAMI-DADE COUNTY LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER (“LGBTQ”) ADVISORY BOARD; AMENDING ARTICLE CLXII AND SECTIONS 2-11.43 AND 2-2427 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RENAMING SUCH BOARD THE “MIAMI-DADE COUNTY LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEX, ASEXUAL, PLUS (‘LGBTQIA+’) ADVISORY BOARD”; MAKING CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on October 3, 2019, this Board adopted Ordinance No. 19-94, which established the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer (“LGBTQ”) Advisory Board and created article CLXII of the Code of Miami-Dade County, Florida, to promote Miami-Dade County as an LGBTQ-inclusive and -friendly community; and

WHEREAS, the LGBTQ Advisory Board is charged with, among other things: (1) making recommendations to the Board of County Commissioners with respect to all issues affecting or relating to the LGBTQ community; (2) recommending solutions to the social, economic, cultural and political problems in the LGBTQ community, as well as serving as liaison between the LGBTQ community and the County community at large; and (3) making recommendations to the Board of County Commissioners as to steps that can be taken to encourage and attract LGBTQ businesses to the County, to assist LGBTQ businesses located in the County, and to promote economic development in the LGBTQ community; and

WHEREAS, intersex individuals are individuals born with differences in their sex traits or reproductive anatomy that do not fit typical definitions of female or male; and

WHEREAS, asexual individuals are individuals who lack sexual attraction or desire for other people; asexuality is different from celibacy, which is the choice to abstain from sexual activity; and

WHEREAS, by not identifying as heterosexual, straight, or cisgender, the intersex and asexual communities share much in common with the LGBTQ community; and

WHEREAS, other individuals may not identify as heterosexual, straight, or cisgender but also do not identify as LGBTQ, intersex, or asexual; and

WHEREAS, to promote diversity and inclusivity in Miami-Dade County and to help ensure that this Board is well-advised on matters pertaining to communities of diverse sexual orientations and gender identities, this Board finds it appropriate to rename the LGBTQ Advisory Board as the LGBTQIA+ Advisory Board to include the intersex, asexual, and other communities of diverse sexual orientations and gender identities,

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

Section 1. The foregoing recitals are incorporated herein and approved.

Section 2. Article CLXII of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**ARTICLE CLXII. - MIAMI-DADE COUNTY LESBIAN,
GAY, BISEXUAL, TRANSGENDER, QUEER>>, INTERSEX,
ASEXUAL, PLUS<< ("[[LGBTQ]]>>LGBTQIA+<<")
ADVISORY BOARD**

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. 2-2401. - Creation.

There is hereby created and established the Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer>>, Intersex, Asexual, Plus<< ("[[LGBTQ]]>>LGBTQIA+<<") Advisory Board.

Sec. 2-2402. - Composition; membership.

- (a) Composition. The [[LGBTQ]]>>LGBTQIA+<< Advisory Board shall be composed of 15 voting members appointed by the Board of County Commissioners and the County Mayor. Each member of the Board of County Commissioners may appoint one person to the [[LGBTQ]]>>LGBTQIA+<< Advisory Board and the County Mayor may appoint two members.
- (b) Qualifications. Each member of the [[LGBTQ]]>>LGBTQIA+<< Advisory Board shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds ($\frac{2}{3}$) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Members shall be appointed in accordance with sections 2-11.38 and 2-11.38.1 of the Code. The membership of the [[LGBTQ]]>>LGBTQIA+<< Advisory Board shall be broadly representative of the various social, racial, religious, linguistic, cultural, economic, national origin and geographic groups comprising the population of Miami-Dade County. Each member shall have an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability and a documented commitment to the [[LGBTQ]]>>LGBTQIA+<< community.
- (c) Compensation. [[LGBTQ]]>>LGBTQIA+<< Advisory Board members shall serve without compensation but shall be entitled to reimbursement for parking in a County leased or owned parking facility.
- (d) Vacancies. Vacancies shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community.

- (e) Tenure of Members. All members shall serve terms of three years, except the two board members initially appointed by the County Mayor, who shall serve staggered terms of one and two years, respectively. In the event the County Mayor reappoints an initial board member or appoints a new board member to replace an initial board member, such board members shall serve no more than two consecutive and complete terms of three years each. Further, the term limits of board members who are appointed to the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board by a County Commissioner shall be in accordance with section 2-11.38.2 of the Code, as may be amended from time to time.
- (f) Attendance. Attendance requirements for members shall be in accordance with section 2-11.39 of the Code. If a member fails to comply with the attendance requirements, or voluntarily resigns the member shall forfeit their membership.

Sec. 2-2403. - Organization.

- (a) Bylaws, Rules, and Regulations. The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance.
- (b) Officers. The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board shall elect a chairperson and a vice-chairperson from among its members, who shall serve at the will of the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board. The chairperson shall preside at all meetings. The vice-chairperson shall act as chairperson in the absence of the chairperson.
- (c) Staff Support. The Office of Community Advocacy, or its successor office, shall provide to the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board appropriate support to enable the board to carry out its duties and responsibilities. Among such other duties and responsibilities, the Office of Community Advocacy shall:
 - (1) Maintain and keep the records of the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board, including ensuring the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board's roster is current;

- (2) Prepare, in cooperation with the chairperson, the agenda for each meeting;
 - (3) Be responsible for the preparation of such reports, documents, resolutions, or correspondences as the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board may direct;
 - (4) Take minutes and make such minutes available on the Miami-Dade County website; and
 - (5) Generally administer the business and affairs of the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board, subject to budgetary limitations.
- (d) Quorum. To transact any business or exercise any power vested in the ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board, a quorum consisting of no less than eight voting members shall be present. The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board shall not transact business or exercise its powers unless a majority of the quorum in attendance agrees to the activity.
- (e) Committees. The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board may appoint committees to accomplish its tasks.

Sec. 2-2404. - Meetings.

The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board shall hold regular monthly meeting and such other meetings, as it deems necessary. The chairperson, or a minimum of eight ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board members upon written request to the chairperson, may call for a special meeting.

Sec. 2-2405. - Powers and duties.

The ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board shall have the following powers, duties, functions, and responsibilities:

- (a) To serve as a vehicle for a systematic and periodic assessment of the quality of life of ~~[[LGBTQ]]~~>>LGBTQIA+<< residents of and visitors to the County;

- (b) To foster mutual understanding, tolerance, and respect for the ~~[[LGBTQ]]~~>>LGBTQIA+<< community in the County;
- (c) To cooperate in the development of educational programs dedicated to the improvement of the lives of ~~[[LGBTQ]]~~>>LGBTQIA+<< residents and visitors by eliciting support from public and private entities engaged in the inculcation of ideals of tolerance, mutual respect and understanding for the ~~[[LGBTQ]]~~>>LGBTQIA+<< community;
- (d) To make recommendations to the Board of County Commissioners with respect to all issues affecting or relating to the ~~[[LGBTQ]]~~>>LGBTQIA+<< community;
- (e) To recommend solutions to the social, economic, cultural and political problems in the ~~[[LGBTQ]]~~>>LGBTQIA+<< community, as well as to serve as liaison between the ~~[[LGBTQ]]~~>>LGBTQIA+<< community and the County community at large;
- (f) To make recommendations to the Board of County Commissioners as to steps that can be taken to encourage and attract ~~[[LGBTQ]]~~>>LGBTQIA+<< businesses to the County, to assist ~~[[LGBTQ]]~~>>LGBTQIA+<< businesses located in the County, and to promote economic development in the ~~[[LGBTQ]]~~>>LGBTQIA+<< community;
- (g) To make recommendations to the Board of County Commissioners as to steps that can be taken to promote positive images and concepts of the ~~[[LGBTQ]]~~>>LGBTQIA+<< community as well as promote their many contributions to our society;
- (h) To conduct studies through fact-finding and analysis of problems encountered by the ~~[[LGBTQ]]~~>>LGBTQIA+<< community, provided, however, any study that requires an appropriation of funds to cover the cost associated with the study shall be subject to the Board's approval;
- (i) To recommend revisions in County policies and procedures having potentially negative consequences for ~~[[LGBTQ]]~~>>LGBTQIA+<< individuals;

- (j) To serve as a forum to which individuals and groups can express concerns related to issues of homophobia>>_<< ~~[[and]]~~ transphobia>>, and other forms of discrimination against or hatred toward individuals on account of individuals' actual or perceived identification as LGBTQIA+<<;
- (k) To continue to strengthen ties with the larger County community;
- (l) To conduct outreach to other entities and the community, including but not limited to the County's ~~[[LGBTQ]]>>~~ LGBTQIA+<< community;
- (m) To work closely with other County boards, including, but not limited to, the Miami-Dade Commission on Human Rights, Miami-Dade HIV/AIDS Partnership, Miami-Dade Community Relations Board, and similar boards; and
- (n) To perform such other duties as may from time to time be assigned to it by the Board of County Commissioners.

Sec. 2-2406. - Applicability of County rules and procedures.

The ~~[[LGBTQ]]>>~~ LGBTQIA+<< Advisory Board shall at all times operate under all applicable provisions of Florida's open government laws, including but not limited to the Government in the Sunshine Law and the Public Records Act, Section 286.0114, Florida Statutes, which requires that the public be given reasonable opportunity to be heard on any proposition before the ~~[[LGBTQ]]>>~~ LGBTQIA+<< Advisory Board. Additionally, the ~~[[LGBTQ]]>>~~ LGBTQIA+<< Advisory Board 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, Section 2-11.1 of the Code of Miami-Dade County.

Sec. 2-2407. - Reports.

The chairperson or vice-chairperson shall present to the Board of County Commissioners on an annual basis a written report describing the ~~[[LGBTQ]]>>~~ LGBTQIA+<< Advisory Board's activities and shall appear as needed before the Board of County Commissioners to present any matters pertinent to the ~~[[LGBTQ]]>>~~ LGBTQIA+<< Advisory Board. The completed

reports required by this section shall be placed on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65.

Sec. 2-2408. Financial Support for the ~~[[LGBTQ]]>>LGBTQIA+<<~~ Advisory Board.

There is hereby created the Miami-Dade County ~~[[LGBTQ]]>>LGBTQIA+<<~~ Advisory Board Trust Fund (the "Trust Fund"). The County Mayor or County Mayor's designee is hereby authorized and directed to establish the Trust Fund, in which will be placed all donations, contributions, and funds received by the ~~[[LGBTQ]]>>LGBTQIA+<<~~ Advisory Board. All monies in the Trust Fund shall be disbursed following approval by the ~~[[LGBTQ]]>>LGBTQIA+<<~~ Advisory Board and in accordance with the provisions of this article. The funds placed into the Trust Fund shall be used only to fund conferences, projects, activities, and special events which further the purposes of the ~~[[LGBTQ]]>>LGBTQIA+<<~~ Advisory Board.

Section 3. Section 2-11.43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE IC. - INDEPENDENT CIVILIAN PANEL

* * *

Sec. 2-11.43. - Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

* * *

(b) Appointments.

- (1) Nominating committee. There shall be a nominating committee consisting of nine members to make recommendations to each County Commissioner for his or her appointment to the Panel. The Office of Community Advocacy shall request that each of the following County advisory boards submit the name of one member appointed to each board to serve as a member of the nominating committee:

A. Asian-American Advisory Board;

- B. Black Affairs Advisory Board;
- C. Commission for Women;
- D. Community Relations Board;
- E. Elder Affairs Advisory Board;
- F. Hispanic Affairs Advisory Board;
- G. Interfaith Advisory Board;
- H. ~~[[LGBTQ]]~~>>LGBTQIA+<< Advisory Board;
and
- I. Military Affairs Advisory Board.

* * *

Section 4. Section 2-2427 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**ARTICLE CLXVI. - OFFICE OF COMMUNITY
ADVOCACY**

Sec. 2-2427. - Creation and Functions.

The Office of Community Advocacy is hereby established. The Office of Community Advocacy shall provide administrative support to those advisory boards established by the County Commission as set forth in this section and perform any other functions established by the County Commission. The following advisory boards shall receive administrative support from the Office of Community Advocacy:

- (a) Community Relations Board;
- (b) Miami-Dade County Interfaith Advisory Board;
- (c) Commission for Women;
- (d) Miami-Dade County Hispanic Affairs Advisory Board;
- (e) Miami-Dade County Black Affairs Advisory Board;

- (f) Miami-Dade County Domestic Violence Oversight Board;
- (g) Miami-Dade County Asian-American Advisory Board;
- (h) Elder Affairs Advisory Board;
- (i) Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer>>, Intersex, Asexual, Plus<< ("~~[[LGBTQ]]>>LGBTQIA+<<~~") Advisory Board;
- (j) The Dr. Antonio Jorge Social and Economic Development Council for Miami-Dade County; and
- (k) South Dade Black History Center Advisory Board.

Section 5. 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 6. 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 7. 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:

June 21, 2023

Approved by County Attorney as
to form and legal sufficiency:

GBK
CJW

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Keon Hardemon