

MEMORANDUM

Agenda Item No. 11(A)(16)

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


DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 48, or similar legislation that would protect the rights of minors, seniors, and incapacitated persons by providing additional guidelines and procedures applicable to the presiding court, the court-appointed guardian, and the ward's family members

Resolution No. R-1163-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

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

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FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(16)

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)(16)
12-12-23

RESOLUTION NO. _____ R-1163-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 48, OR SIMILAR LEGISLATION THAT WOULD PROTECT THE RIGHTS OF MINORS, SENIORS, AND INCAPACITATED PERSONS BY PROVIDING ADDITIONAL GUIDELINES AND PROCEDURES APPLICABLE TO THE PRESIDING COURT, THE COURT-APPOINTED GUARDIAN, AND THE WARD'S FAMILY MEMBERS

WHEREAS, on September 18, 2023, Senator Ileana Garcia (R – Miami) introduced Senate Bill (“SB”) 48 for consideration during the 2024 session of the Florida Legislature; and

WHEREAS, SB 48 is titled “Karilyn’s Law” and amends several Florida Statutes related to guardianship of minors and incapacitated persons; and

WHEREAS, among other provisions, SB 48 would require guardians for alleged incapacitated persons or minors to be appointed on a rotating basis, require courts to establish visitation of a minor’s family and of an incapacitated person’s family, and require that courts seeking to deny visitation rights for a minor base this denial on a showing of clear and convincing evidence that visitation is not in the best interest of the minor; and

WHEREAS, SB 48 further authorizes the suspension of power of attorney prior to an incapacity determination based on a jury determination; requires a guardian of a ward’s property to file a verified inventory and annual accounting with the court that must be made available to the ward’s family, the ward’s next of kin, and the beneficiaries and heirs of the ward’s valid will; and requires a reevaluation of the need for guardianship every three years for a person who has been determined to be incapacitated, to be presided over by a different judge than the one who handled the initial incapacitation hearing; and

WHEREAS, this Board is supportive of changes to Florida law which will protect the rights of minors, seniors, and incapacitated persons in Miami-Dade County,

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 Senate Bill 48, or similar legislation that would protect the rights of minors, seniors, and incapacitated persons by providing additional guidelines and procedures applicable to the presiding court, the court-appointed guardian, and the ward’s family members.

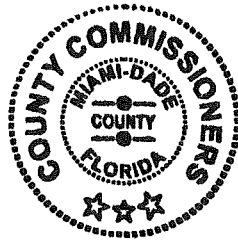
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Ileana Garcia, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2024 State Legislative Package to include this item.

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

	Oliver G. Gilbert, III, Chairman	aye	
	Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	absent	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "RAH", written over a horizontal line.

Rochelle A. Hall