

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

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: February 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to identify and allocate from the Fiscal Year 2023-2024 County budget, and in the County Mayor's proposed budget for every subsequent fiscal year, up to \$85,600.00 in legally available funds to the Miami-Dade County State Attorney's Office to fund a dedicated staff person to support the work of the Elder and Vulnerable Adults Task Force and investigations and prosecutions of individuals who commit elder abuse and abuse of persons with disabilities; authorizes the County Mayor to negotiate and execute agreements and other required documents with the Miami-Dade County State Attorney's Office, and to exercise all provisions contained therein; requiring a report

Resolution No. R-120-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM

(Revised)

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

DATE: February 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
2-6-24

RESOLUTION NO. R-120-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY AND ALLOCATE FROM THE FISCAL YEAR 2023-2024 COUNTY BUDGET, AND IN THE COUNTY MAYOR’S PROPOSED BUDGET FOR EVERY SUBSEQUENT FISCAL YEAR, UP TO \$85,600.00 IN LEGALLY AVAILABLE FUNDS TO THE MIAMI-DADE COUNTY STATE ATTORNEY’S OFFICE TO FUND A DEDICATED STAFF PERSON TO SUPPORT THE WORK OF THE ELDER AND VULNERABLE ADULTS TASK FORCE AND INVESTIGATIONS AND PROSECUTIONS OF INDIVIDUALS WHO COMMIT ELDER ABUSE AND ABUSE OF PERSONS WITH DISABILITIES; AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO NEGOTIATE AND EXECUTE AGREEMENTS AND OTHER REQUIRED DOCUMENTS WITH THE MIAMI-DADE COUNTY STATE ATTORNEY’S OFFICE, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; REQUIRING A REPORT

WHEREAS, reports show that cases of abuse of older persons and persons with disabilities surged during the coronavirus disease 2019 pandemic (“pandemic”); and

WHEREAS, according to the National Institute on Aging, each year, hundreds of thousands of adults over the age of 60 are subject to elder abuse; and

WHEREAS, elder abuse is generally defined as an intentional act or failure to act that causes or creates a risk of harm to an older adult; and

WHEREAS, elder abuse can include physical, sexual, emotional, or psychological abuse or neglect, and it can also involve financial abuse, or the illegal, unauthorized, or improper use of an elder person’s money, benefits, belongings, property, or assets for the benefit of someone other than the older adult; and

WHEREAS, abuse of an elder person or person with disabilities can happen in the person's home, a family member's house, or an assisted living facility and can be done by family members, strangers, health care providers, caregivers, or friends; and

WHEREAS, the pandemic enhanced the already increased risk for abuse among elder persons and persons with disabilities; and

WHEREAS, during the pandemic families could not easily visit their elders or persons with disabilities at assisted living facilities or nursing homes and monitor the care being provided; and

WHEREAS, many assisted living facilities and nursing homes faced a workforce shortage and had to hire temporary workers who were untrained to fill the need gap; and

WHEREAS, some elder persons and persons with disabilities lost their social connections to families and friends due to social distancing and shelter-at-home orders or were forced to shelter at home with family or caregivers who were abusers; and

WHEREAS, due to social distancing and other pandemic health restrictions, social workers and others who investigate allegations of abuse had difficulties meeting with persons who were the subject of abuse reports; and

WHEREAS, an article in the *Wall Street Journal* highlighted the financial abuse on elder persons that took place during the pandemic; and

WHEREAS, the article featured a Miami woman whose property had been in her family for a century and was stolen by three people who forged the octogenarian's name on a deed and sold it in a virtual transaction, which had become commonplace during the pandemic; and

WHEREAS, elder abuse is expected to continue to rise even though the pandemic and associated restrictions have ended, due, in part, to the aging population and to the shortage of trained and licensed caregivers; and

WHEREAS, this Board has a longstanding interest in and concern for the senior population in Miami-Dade County, as demonstrated by its funding of services, programing, and facilities for elderly persons, and by its Elder Affairs Advisory Board, charged with serving as a liaison between the elderly population, this Board, and the County Mayor on matters that affect seniors in our community; and

WHEREAS, this Board has also had a longstanding interest in and concern for persons with disabilities in Miami-Dade County, as demonstrated by its funding of services and programming for persons with disabilities, and by its Commission on Disability Issues, which serves in an advisory capacity to the Board and the County in respect to matters pertaining to the status of persons with disabilities; and

WHEREAS, in May of 2022, in recognition of the need for specialized expertise to combat complex financial crimes committed against the elderly and other vulnerable adults, the Miami-Dade County State Attorney, along with the County Mayor, Senator René García, and other key stakeholders, announced the formation of a workgroup called the Elder and Vulnerable Adults Task Force (“EVA Task Force”); and

WHEREAS, the EVA Task Force is designed to bring together law enforcement agencies throughout Miami-Dade County to train and discuss best practices, and to foster cooperation among law enforcement agencies, on issues and initiatives related to investigating and prosecuting the abuse and neglect of older adults and adults with disabilities; and

WHEREAS, the task force is in need of a dedicated staff person who can act as a forensic accountant and conduct analyses and audits of personal and business financial records in support of investigations and prosecutions of such crimes; and

WHEREAS, the Miami-Dade County State Attorney's Office has advised that \$85,600.00 will cover the salary, including fringe benefits, for such dedicated staff person; and

WHEREAS, this Board supports the work of the EVA Task Force and wishes to assist the Miami-Dade County State Attorney's Office in its investigations and prosecutions of individuals who commit these abuses,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to identify and allocate from the Fiscal Year 2023-2024 County budget, and in the County Mayor's proposed budget for every subsequent fiscal year, up to \$85,600.00 in legally available funds to the Miami-Dade County State Attorney's Office to fund a dedicated staff person to support the work of the Elder and Vulnerable Adults Task Force and investigations and prosecutions of individuals who commit elder abuse and abuse of persons with disabilities ("Condition Precedent"). If the County Mayor or County Mayor's designee is unable to identify and allocate such funds in the fiscal year 2023-2024 County budget, this Board directs the County Mayor or County Mayor's designee to include such funding in the County Mayor's proposed fiscal year 2024-2025 County budget.

Section 2. Subject to the satisfaction of the Condition Precedent, authorizes the County Mayor or County Mayor's designee to take all actions that may be necessary to effectuate the purpose of this resolution and to negotiate and execute agreements and other required documents with the Miami-Dade County State Attorney's Office, subject to approval for form and legal

sufficiency by the County Attorney's Office. This Board further authorizes the County Mayor or County Mayor's designee to exercise amendments, extensions, renewals, termination, waiver, and other provisions set forth in such agreements and other required documents, following approval for form and legal sufficiency by the County Attorney's Office.

Section 3. Directs the County Mayor or County Mayor's designee to, within 90 days of the effective date of this resolution, provide this Board a written report describing whether the funding has been identified, where the funding is from, the amount of funding available, and the status of the agreement with the Miami-Dade County State Attorney's Office. Directs the County Mayor or County Mayor's designee to place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** 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	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
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 6th day of February, 2024. 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.

LCK

Leigh C. Kobrinski