

MEMORANDUM

Amended
Agenda Item No. 7(D)

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

DATE: February 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating the Miami-
Dade County Behavioral Health
Advisory Board; establishing
article XLV of the Code;
providing for purpose,
composition, and duties of the
Board and other related matters

O-24-8

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



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: February 6, 2024

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Mental Health Facility Advisory Board-
File NO. 231650

Members of the Board shall serve without compensation but shall be entitled to reimbursement for parking in a County leased or owned parking facility only when parking to attend a Mental Health Advisory Board meeting or function or other event related to their membership on the Board.

A handwritten signature in blue ink, reading "Morris Copeland".

Morris Copeland
Chief Community Services Officer

Date: February 6, 2024

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

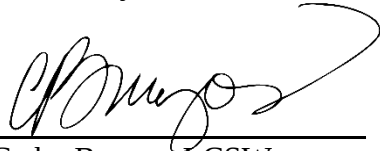
From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for the Ordinance Creating the Miami-Dade County Behavioral Health Advisory Board; Establishing Article XLV of the Code of Miami-Dade County, Florida – File No. #231650

The proposed ordinance establishing Article XLV of the Code of Miami-Dade County provides for the creation of the Miami-Dade County Behavioral Health Advisory Board (BHAB). The purpose of the BHAB is to assist public and private entities in addressing certain matters impacting individuals in the Miami-Dade County community, who are affected by behavioral health disorders, or other related ailments with respect to behavioral health.

The proposed ordinance will benefit the community by creating an advisory board for advocates and subject matter experts to come together and discuss, advise, and propose recommendations to the County and the Miami-Dade Board of County Commissioners (BCC) on how the County, and other related agencies or community based-organizations, can best address, coordinate, collaborate, and streamline behavioral health related services to members of the community so that the community at-large can secure the help and assistance they need in an organized, compassionate, and timely manner.

Given the sensitive and prescient topic of behavioral health both as a national and local conversation, the creation of this board additionally creates a social benefit as it informs the community that the County, through its various departments, offices, agencies, and boards, that it is taking the topic seriously and professionally, and aims to bring forward subject matter expertise, peer-reviewed scientific findings, and industry leaders together to develop best practices on an on-going basis through the BHAB's purpose, duties, roles, and through presentations of annual reports to the BCC, that aim to keep the BCC, and the community, abreast of the most cutting-edge solutions surrounding behavioral health.



Cathy Burgos, LCSW
Interim Chief Community Services Officer

Memorandum



Date: February 6, 2024

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

From: Daniella Levine Cava 
Mayor

Subject: Report on the Creation of the Miami-Dade County Behavioral Health Advisory Board establishing article XLV of the Code; providing for purpose, composition, and duties of the board and other related matters

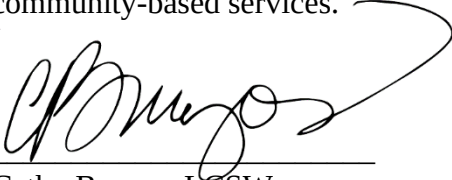
The following items listed in this report are provided pursuant to Section 2-11.37 of the Miami-Dade County Code regarding the creation of a new advisory board:

1. The proposed ordinance to create a Miami-Dade County Behavioral Health Advisory Board (BHAB) has merits in creating and establishing an expert-led advisory group for assisting Miami-Dade County (County) to address what are not just national, but regional crises in regard to insufficient access to behavioral health and substance use disorder infrastructure by individuals suffering from behavioral health and/or substance use disorders, disabilities, other co-occurring disorders or conditions, and of the overall state of the mental and physical health of the American populace, especially with that of our children.
2. There are no other County boards that are currently or would potentially provide direct oversight of County behavioral health programming; there is however, a semi-centralized system of service provision through the Florida Department of Children and Families' contracting network of over 300 local providers through certain managing entities, e.g., Thriving Minds South Florida, and of different professional boards which oversee complimentary professions and disciplines, e.g., the Florida Board of Psychology or the Florida Board of Clinical Social Work, that would provide indirect oversight through the setting of professional standards or the enforcement of existing rules and regulations. Additionally, there is a statewide commission, the Florida Department of Children and Families Commission on Mental Health and Substance Abuse Disorder, which was established in 2021 to improve mental health services overall. A local entity similar to the previously mentioned commission would be the Miami-Dade County Addiction Services Board, which is an independent expert-led advisory board specializing in the treatment and abatement of substance abuse and co-occurring disorders and is charged with advising such matters to the County.
3. The implementation of this ordinance as written will require the County to provide gratuitous parking for BHAB members at County leased or owned parking facilities only when attending a BHAB meeting or function related to the BHAB. However, it should be noted that the creation, establishment, and management of this BHAB

would require the utilization of County personnel hours and resources, as necessary and applicable.

4. Additionally, the BHAB would not be necessary to apply for, receive, and expend state and federal grant funding as the County already receives such monies without this Board as it is being proposed.
5. The BHAB will not have bonding authority.
6. The BHAB will only be advisory in nature and will not have any contracting authority.

The BHAB gives residents a direct and active role to assist public and private entities in addressing matters impacting residents in the county who are affected by behavioral health and/or substance use disorders and other co-occurring disorders, disabilities, and conditions. The goal of the BHAB is to foster and coordinate systems that adequately connect residents, who may be facing a crisis, to access to quality behavioral health and substance use disorder services, inclusive of increasing access to quality care, and to provide direct linkages to community-based services.

A handwritten signature in black ink, appearing to read 'C. Burgos', written over a horizontal line.

Cathy Burgos, LCSW
Interim Chief Community Services Officer



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: Amended
Agenda Item No. 7(D)

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 _____

Amended
Agenda Item No. 7(D)
2-6-24

ORDINANCE NO. O-24-8

ORDINANCE CREATING THE MIAMI-DADE COUNTY
BEHAVIORAL HEALTH ADVISORY BOARD;
ESTABLISHING ARTICLE XLV OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; PROVIDING FOR PURPOSE,
COMPOSITION, AND DUTIES OF THE BOARD AND OTHER
RELATED MATTERS; AND PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, behavioral health encompasses emotional, psychological, and social well-being and impacts how people handle stress and relate to others and decision-making skills; and

WHEREAS, behavioral health disorders are health conditions that affect a person's brain and may alter their cognitive functioning, perception, emotional reactions, or behavior; and

WHEREAS, according to the Mayo Clinic, the classes of behavioral health disorders, include, but are not limited to:

- (1) Anxiety disorders;
- (2) Depressive and other mood disorders;
- (3) Feeding and eating disorders;
- (4) Obsessive-compulsive and related disorders;
- (5) Schizophrenia spectrum and other psychotic disorders; and
- (6) Trauma- and stressor-related disorders; and
- (7) Self-medication disorders; and

WHEREAS, behavioral health disorders, like depression, can increase the risk for various physical health problems, such as heart disease, stroke, and type 2 diabetes; and

WHEREAS, conversely, chronic physical health conditions can also influence and increase the risk for behavioral health disorders; and

WHEREAS, according to the Centers for Disease Control and Prevention, about half of all chronic behavioral health disorders begin by age 14 and about three quarters of the cases occur by the age of 24; and

WHEREAS, further, using 2021 data, the National Alliance on Mental Illness Florida reports that in the State of Florida:

- (1) Approximately 180,000 adolescents aged 12–17 have depression;
- (2) High school students with depression are more than two times more likely to drop out than their peers;
- (3) Seven in 10 youth in the juvenile justice system have a behavioral health disorder;
- (4) Approximately 2,889,000 adults have a behavioral health disorder and approximately 648,000 adults have a serious mental illness;
- (5) About two in five adults in jail or prison have a history of a behavioral health disorder; and
- (6) one in six homeless people live with a serious mental illness; and

WHEREAS, millions of people in this community are directly impacted by behavioral health disorders, whether they have a behavioral health condition or love someone who does; and

WHEREAS, robust behavioral health systems that provide individuals, irrespective of their backgrounds or means, with access to a wide array of services, is vital for strong and healthy communities, individuals, and families; and

WHEREAS, this Board is committed to expanding behavioral health services throughout the community and believes that the creation of the Behavioral Health Advisory Board will streamline efforts and facilitate reaching that goal,

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

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

ARTICLE XLV

**MIAMI-DADE COUNTY
BEHAVIORAL HEALTH ADVISORY BOARD**

Sec. 2-426. Creation and Purpose.

There is hereby created and established the Miami-Dade County Behavioral Health Advisory Board (“Behavioral Health Advisory Board”). The purpose of the Behavioral Health Advisory Board is to assist public and private entities address certain matters impacting individuals in this community affected by behavioral health disorders.

The goal is to create a coordinated system of care and ensure adequate capacity to assure that citizens in crisis have access to quality behavioral health and substance use disorder services, increase access to quality care, and provide direct linkages to community-based services.

Sec. 2-427. Composition; membership.

- (a) *Composition.* The Behavioral Health Advisory Board shall be comprised of a total of 21 voting members, with one member who is:
- (1) The Director of the Miami-Dade Police Department or the Sheriff of Miami-Dade County or his or her designee;
 - (2) The Director of the Miami-Dade Corrections and Rehabilitation Department or his or her designee;
 - (3) The Executive Director of the Homeless Trust of Miami-Dade County or his or her designee;
 - (4) The State Attorney for the 11th Judicial Circuit of Florida or his or her designee;
 - (5) The Public Defender for the 11th Judicial Circuit of Florida or his or her designee;
 - (6) The Director of the Miami-Dade Community Action and Human Services Department or his or her designee;

- (7) The Director of the Miami-Dade Juvenile Services Department or his or her designee;
- (8) The Superintendent of Schools of Miami-Dade County or his or her designee;
- (9) The Chief Executive Officer of South Florida Behavioral Health Network d/b/a Thriving Mind South Florida, or a successor managing entity, or his or her designee; and
- (10) The Chief Executive Officer of the Public Health Trust or his or her designee.

The remaining members shall be individuals who have the following relevant experiences:

- (11) A current member of the Miami-Dade Board of County Commissioners;
- (12) A representative from the judicial system in Florida;
- (13) A representative from the State of Florida Department of Children and Families;
- (14) An individual involved with veteran services;
- (15) Representatives from two different behavioral health service providers licensed in Florida and representing the field of psychiatry, behavioral health, or medical health;
- (16) Two people diagnosed with or suffering from a behavioral health disorder;
- (17) Two people who are family members of people diagnosed with or suffering from a behavioral health disorder; and
- (18) A subject matter expert in the field of behavioral health sciences.

The Board of County Commissioners, by majority vote of the members present, shall appoint the members to the Behavioral Health Advisory Board identified in subsections (a)(11) through (a)(18). Appointments of any designee of an official identified in subsections (a)(1) through (a)(10) shall be made by submission of a memorandum to the Clerk of the Board by the relevant appointing official.

(b) *Qualifications.*

- (1) Each member of the Behavioral Health Advisory Board shall have knowledge and interest in matters concerning behavioral health in Miami-Dade County.

- (2) Each member shall be a permanent resident and duly qualified elector of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement in accordance with section 2-11.38 of the Code, as may be amended from time to time. Unless the Board of County Commissioners by a two-thirds vote of its membership waives the residency requirement, any member of the Behavioral Health Advisory Board who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners, and upon advising the Clerk of such circumstances, the position shall be deemed vacant.
- (c) *Compensation.* Members of the Behavioral Health Advisory Board shall serve without compensation but shall be entitled to reimbursement for parking in a County leased or owned parking facility only when parking to attend a Behavioral Health Advisory Board meeting or function or other event related to their membership on the board.
- (d) *Vacancies.* Vacancies shall be filled in the same manner by which original members were appointed.
- (e) *Term.* Members of the Behavioral Health Advisory Board identified in section 2-427 (a)(11) through (a)(18) shall serve four-year terms. The remaining public members shall not be subject to the four-year term limit. The Miami-Dade Board of County Commissioners may remove members of the Behavioral Health Advisory Board, with good cause, if it is determined to be in the best interest of the County or board. In the event the Miami-Dade Board of County Commissioners votes to remove any member of the Behavioral Health Advisory Board, the Clerk of the Board shall transmit a memorandum to the Behavioral Health Advisory Board member who was removed, with a copy to the members of the Behavioral Health Advisory Board, advising of the removal and setting forth the good cause for such removal.
- (f) *Attendance.* Attendance requirements for members shall be in accordance with section 2-11.39 of the Code, as may be amended from time to time.

Sec. 2-428. Organization and procedures at meetings.

- (a) *Bylaws, Rules, and Regulations.* The Behavioral Health Advisory Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. In the event that the Behavioral Health Advisory Board does not adopt rules, or its adopted rules or policies do not address a particular situation, then the applicable provisions of the Board of County Commissioners' Rules of Procedure, as may be amended from time to time, shall apply.
- (b) *Officers.* The members of the Behavioral Health Advisory Board shall select, from among its own members, a chairperson and vice-chairperson, and such other additional officers as the board deems necessary. All officers shall serve two-year terms. No member shall remain in the same office for more than four consecutive years. The chairperson shall preside at all meetings at which he or she is present. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the chairperson or vice-chairperson are absent from a meeting, the members of the Behavioral Health Advisory Board shall vote on a member to serve as the presiding officer at any such meeting.
- (c) *Committees.* The Behavioral Health Advisory Board may create committees and subcommittees to accomplish its tasks, including but not limited to an Executive Committee, and other ad hoc committees. An Executive Committee consisting of all officers and such other persons as the chairperson may appoint from time to time is authorized to exercise all duties and powers of the board between board meetings. Any action taken by the Executive Committee shall be reported to the board at its next regular meeting and the board shall either ratify or rescind the action of the Executive Committee.
- (d) *Staff Support.* The County Mayor or the Mayor's designee shall provide adequate staff and support services to the Behavioral Health Advisory Board. The Office of the County Attorney shall provide legal counsel to the Behavioral Health Advisory Board. The Clerk of the Board shall: (1) ensure the Behavioral Health Advisory Board's membership is current; (2) maintain and keep records of the Behavioral Health Advisory Board, including its reports and recommendations; (3) take minutes; and (4) make minutes available on the Miami-Dade County website.

- (e) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the Behavioral Health Advisory Board. A quorum shall consist of seven members of 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.
- (f) *Meetings.* The Behavioral Health Advisory Board shall hold regular meetings as it deems necessary but not less than once per quarter. A special meeting may be called by the chairperson or by a written request of the majority of those persons duly appointed to the board.

Sec. 2-429. Duties and powers.

The Behavioral Health Advisory Board shall have the following powers, duties, functions, and responsibilities:

- (a) Advise the Board of County Commissioners on behavioral health issues impacting individuals in Miami-Dade County.
- (b) Recommend resolutions, ordinances, policies, activities, or programming that pertain to and help address matters related to behavioral health, including but not limited, to improve access to behavioral health treatment in Miami-Dade County.
- (c) Develop a needs assessment for behavioral health services in Miami-Dade County.
- (d) Foster collaboration among behavioral health professionals, individuals with behavioral health disorders and their families, law enforcement and criminal justice advocates and stakeholders in order to divert individuals with behavioral health disorders to treatment services rather than criminal justice facilities.
- (e) Promote and support research into the causes, early symptoms, and treatment of behavioral health disorders in children, adults and the elderly.
- (f) Review and monitor program achievements of the behavioral health programming and services provided or funded by Miami-Dade County through its departments, grants or contracts with third parties.

- (g) Review and monitor the management and operations of all behavioral health centers owned, operated or under the control of Miami-Dade County, including but not limited to, the mental health diversion facility, commonly referred to as the Miami-Dade Mental Health Center located at a 2200 NW 2nd Avenue, a facility of countywide importance and significance.
- (h) Perform such other duties as may from time to time be assigned to it by the Board of County Commissioners.
- (i) Obtain all records and data from Miami-Dade County departments and agencies, and from the County's third-party contractors reasonably necessary to fulfill all of the Behavioral Health Advisory Board's duties, responsibilities and functions set forth herein.
- (j) Identify high-service utilizers.
- (k) Develop and publish a comprehensive list of behavioral health service providers in Miami-Dade County.
- (l) Identify "best practices" to improve behavioral health care in Miami-Dade County, to include medication-assisted treatment, assisted outpatient treatment, and residential treatment.
- (m) Advise and assist the Board and County Mayor with the establishment of a behavioral health data collaborative for data sharing collection and outcomes reporting pursuant to section 163.62, Florida Statutes.

Sec. 2-430. Applicability of State and County laws, rules, and procedures.

- (a) All proceedings of the Behavioral Health Advisory Board shall be conducted in accordance with Florida's open government laws, including but not limited to, the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.
- (b) The Behavioral Health Advisory Board 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, section 2-11.1 of this Code, as may be amended from time to time.

- (c) The Behavioral Health Advisory Board shall provide members of the public a reasonable opportunity to be heard on any proposition before the board, which shall be consistent with section 286.0114, Florida Statutes. Accordingly, Rule 6.06 of the Miami-Dade Board of County Commissioners Rules of Procedures is incorporated herein.

Sec. 2-431. Reports.

The chairperson or vice-chairperson shall present to the Board of County Commissioners on an annual basis a written report describing the Behavioral Health Advisory Board's recommendations and activities and shall appear as needed before the Board of County Commissioners to present on matters pertinent to the Behavioral Health 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.

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 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:

February 6, 2024

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Monica Rizo Perez
Shanika A. Graves

Prime Sponsor: Senator René García