

## **MEMORANDUM**

Agenda Item No. 7(C)

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<b>TO:</b>	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	<b>DATE:</b>	May 5, 2026
<b>FROM:</b>	Geri Bonzon-Keenan County Attorney	<b>SUBJECT:</b>	Ordinance relating to County boards; amending section 2-11.38 of the Code; requiring Clerk of the Board to notify County Commissioners when any position on a County board becomes vacant

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Ordinance No. 26-26

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**A substitute was presented and forwarded to the BCC with a favorable recommendation at the April 15, 2026 Intergovernmental and Economic Impact Committee.**

**This substitute differs from the original version in that it requires the County board, on its own or through administrative support staff, to immediately advise the Clerk of any vacancy to facilitate the Clerk providing notice of the vacancy to the County Commission.**

**Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and a substitute item should be uniquely identified in the substitute by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding description of the differences between the original item and the substitute item is provided in lieu of double underlining and double strike-through.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Micky Steinberg and Co-Sponsors Commissioner Juan Carlos Bermudez and Senator René García.



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Geri Bonzon-Keenan  
County Attorney

GBK/ks

MDC001

# Memorandum



**Date:** May 5, 2026

**To:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava *Daniella Levine Cava*  
Mayor

**Subject:** Fiscal Impact and Social Equity Statements for Ordinance Relating to Miami-Dade County Board Vacancies

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The proposed ordinance amending Section 2-11.38 of the Code of Miami-Dade County will require the Clerk of the Board to notify County Commissioners of vacancies on County boards.

In addition, we have been in communication with the sponsoring Commissioner to include an amendment to expand the item to also provide notice to the Office of the Mayor of any vacancy subject to the Mayor's appointment.

### **Fiscal Impact Statement**

It is not anticipated that this ordinance will have a fiscal impact to the County. The responsibilities outlined in this ordinance fall within the existing administrative duties of the Clerk of the Board and can be carried out using current staff and resources. As such, no additional funding, personnel, or operational expenditures are required to implement the provisions of this ordinance.

### **Social Equity Statement**

The proposed ordinance could provide a social equity benefit to the residents of Miami-Dade County by increasing transparency around available board positions and supporting more timely appointments of community members to County boards.

A handwritten signature in blue ink, appearing to read "C Edwards", written over a horizontal line.

Carladenise Edwards  
Chief Administrative Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**DATE:** May 5, 2026

**FROM:**   
Geni 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**
- \_\_\_\_\_ **Requires more than a majority vote (i.e., 2/3’s present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5’s \_\_\_\_, unanimous \_\_\_\_, majority plus one \_\_\_\_, CDMP 7 votes (majority of membership) \_\_\_\_, CDMP 2/3 members present but not less than 7 votes (majority of membership) \_\_\_\_, CDMP 9 votes (2/3 membership) \_\_\_\_\_) 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)  
5-5-26

ORDINANCE NO.      26-26

ORDINANCE RELATING TO COUNTY BOARDS;  
AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA; REQUIRING CLERK OF THE  
BOARD TO NOTIFY COUNTY COMMISSIONERS WHEN  
ANY POSITION ON A COUNTY BOARD BECOMES  
VACANT; PROVIDING SEVERABILITY, INCLUSION IN THE  
CODE, AND AN EFFECTIVE DATE

**WHEREAS**, section 2-11.38 of the County Code sets forth certain requirements for membership on County boards, including that a person cannot serve on a County board if such person: (1) ceases to reside in the County, unless such requirement is waived by two-thirds vote of the Board; (2) files a lawsuit against the County challenging Board policy, unless such requirement is waived by two-thirds vote of the Board; (3) qualifies as a candidate for elective political office; (4) already serves on another County board, unless the Board unanimously approves service on an additional County board, subject to certain limitations; or (5) fails to file a required financial disclosure; and

**WHEREAS**, in addition to the circumstances listed above, positions on County boards may become vacant for other reasons, such as resignation, excessive absenteeism, or expiration of term; and

**WHEREAS**, however, the County Code only requires County Commissioners to be provided notice when some of those circumstances occur rather than every time a vacancy occurs; and

WHEREAS, this Board wishes to amend the Code to ensure that County Commissioners are appropriately notified every time a vacancy on a County board occurs,

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

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

**Section 2.** Section 2-11.38 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-11.38. Membership on boards.**

(a) *Residency requirement.* All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement, and should have reputations for integrity and community service.

(b) *Demonstrated interest.*

(i) All board members should have demonstrated an interest in the field, activity, or sphere covered by the board.

(ii) Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered, or dealt with by the board.

(c) >>Vacancies.<<[[~~Vacancy for cessation of residency.~~]]

(i) >>Vacancy for cessation of residency.<< Unless the Board of County Commissioners by two-thirds vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the County Commissioner who nominated or appointed the board member and the Clerk of the Board of County Commissioners (the "Clerk").

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<sup>1</sup> 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.

~~[(ii)]~~ Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of Section 2-11.38.1.

>>(ii) Notification of vacancies. If any position on a County board subject to individual commissioner appointment becomes vacant, the County board, on its own or through administrative support staff, shall immediately advise the Clerk of the vacancy and the Clerk shall immediately provide notice of such vacancy to the relevant appointing County Commissioner, or his or her successor. If any position on a County board subject to appointment by the full County Commission becomes vacant, the County board, on its own or through administrative support staff, shall immediately advise the Clerk of the vacancy and the Clerk shall immediately provide notice of such vacancy to the Chair of the Commission and each County Commissioner. In addition, the Clerk shall provide each County Commissioner with a quarterly report of all current vacancies on County boards.<<

(d) *Considerations for board membership.*

- (i) The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise.
- (ii) The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

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**Section 3.** 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 4.** 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 5.** 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: May 5, 2026

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Michael B. Valdes

Prime Sponsor: Commissioner Micky Steinberg  
Co-Sponsors: Commissioner Juan Carlos Bermudez  
Senator René García