

ARTICLE XXXIV. COMMISSION ON DISABILITY ISSUES*

***Editor's note:** Ord. No. 77-23, nonamendatory of the Code, has been included as Art. XXXIV at the editor's discretion.

Cross references: Discrimination, Ch. 11A.

Sec. 2-311. Short title.

This article, enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Miami-Dade County Commission on Disability Issues."

(Ord. No. 77-23, § 1, 4-19-77; Ord. No. 94-04, § 1, 1-18-94; Ord. No. 02-133, § 1, 7-23-02)

Sec. 2-312. Commission on Disability Issues established.

The Miami-Dade County Commission on Disability Issues is hereby created and established. The commission shall consist of thirteen (13) members appointed by the Board of County Commissioners.

(Ord. No. 77-23, § 2, 4-19-77; Ord. No. 79-90, § 1, 10-16-79; Ord. No. 94-04, § 2, 1-18-94; Ord. No. 02-133, § 2, 7-23-02)

Sec. 2-313. Qualifications of members.

Members of the Commission shall be individuals who have demonstrated their dedication to issues affecting persons with disabilities or representatives of organizations or agencies dedicated to the advancement of persons with disabilities. At least fifty (50) percent of the members of the Commission shall be persons with disabilities as defined from time to time in the Americans with Disabilities Act. In the event that the percentage of Commission members with disabilities falls below fifty (50) percent, all succeeding appointees shall be persons with disabilities until persons with disabilities constitute a majority of Commission membership.

Members of the Commission shall work in or be permanent residents of Miami-Dade County.

Members, while serving, shall not become candidates for election to any public office.

(Ord. No. 77-23, § 3, 4-19-77; Ord. No. 79-90, § 2, 10-16-79; Ord. No. 94-04, § 3, 1-18-94; Ord. No. 02-133, § 3, 7-23-02)

Annotation--CAO 77-37.

Sec. 2-314. Appointments and terms of office.

All appointments to the Commission shall be for a term which begins on the day of appointment and expires when the appointing Commissioner's term of office expires or the appointing Commissioner leaves office. A Commissioner who has appointed a Commission member may at any time, with or without cause, remove the member. A member of the Commission may be removed pursuant to the provisions of any general county ordinance relating to advisory boards or by the Board of County Commissioners when the member's absenteeism is generally excessive or the continued membership of the individual would be detrimental to the Commission on Disability Issues as determined by a majority of that Commission. The Commission on Disability Issues will make its determination by a formal motion and vote and the chairperson shall certify said vote to the Clerk of the Board of County Commissioners who shall place the matter on the next available agenda.

When any vacancy occurs on the Commission, the remaining members of the Commission shall recommend up to three (3) persons to the Commissioner responsible for recommending an appointment to that vacancy. That Commissioner shall either recommend to the Board of County Commissioners one of the individuals on the list or the commissioner shall request a new list of three (3) people either including or excluding, at the Commissioner's discretion, specific names from the original list. The Board of County Commissioners shall fill the vacancy from the names submitted.

Terms of office for CODI members shall run from the day of appointment by the Commission and expire when the appointing Commissioner's term of office expires or the appointing Commissioner leaves office. Notwithstanding any other provision of the Code, no member shall serve more than a cumulative total of eight (8) years on the Commission unless reappointed after a hiatus of two (2) years. If a seat remains vacant for more than thirty (30) days then any Commissioner may fill the vacancy. The positions vacated or expiring shall be filled by the Board of County Commissioners in the manner stated above.
(Ord. No. 77-23, § 4, 4-19-77; Ord. No. 79-90, § 3, 10-16-79; Ord. No. 94-04, § 4, 1-18-94; Ord. No. 02-133, § 4, 7-23-02)

Sec. 2-315. Organization of the Commission.

The members of the Commission shall elect a Chairperson, two (2) Vice-Chairpersons and a Secretary. Fifty-one (51) percent of the current members of the Commission shall constitute a quorum necessary to hold a meeting and to take any action provided that at least one-half (1/2) of the Commission's members have been appointed. The Chairperson shall set date, time and place of the meetings of the Commission, but special meetings may be called upon with agreement by fifty-one (51) percent of the members of the Commission. There shall be at least eight (8) meetings a year. Minutes shall be kept of all meetings of the Commission, under the supervision of the Secretary. All meetings shall be open to the public. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission. The Chairperson, the two (2) Vice-Chairpersons and the Secretary shall constitute the Executive Committee.
(Ord. No. 77-23, § 5, 4-19-77; Ord. No. 79-80, § 4, 10-16-79; Ord. No. 94-04, § 5, 1-18-94; Ord. No. 02-133, § 5, 7-23-02)

Sec. 2-316. Prerogatives and powers of the Commission.

The Commission shall have the following prerogatives and powers:

- (a) To serve in an advisory capacity to the Board of County Commissioners and, upon request, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to all matters pertaining to the status of persons with disabilities, including but not limited to discrimination against persons with disabilities, employment of persons with disabilities, vocational training for persons with disabilities, establishment of residential facilities in the community for persons with disabilities, transportation needs of persons with disabilities and attitudes towards persons with disabilities in the community, and to make reports and recommendations to these bodies in respect to such matters.
- (b) To serve as liaison between the Board of County Commissioners and persons with disabilities of the community, and to consult with representatives of said bodies from time to time as requested and necessary in order to carry out the Commission's functions.
- (c) When feasible and desirable, to institute studies and to have studies made of all existing County institutions, facilities, services and programs dealing with or affecting persons with disabilities, and to consider the future needs of Miami-Dade County in respect to such institutions, facilities, services and programs.
- (d) To institute studies and to have studies made in respect to, but not limited to, discrimination against persons with disabilities in employment, education, transportation, and architecture; the problems involving the establishment of a residential center for persons with disabilities; the treatment, recreational service and other facilities for persons with disabilities; and the problems of attitudinal barriers toward persons with disabilities.
- (e) To formulate and recommend plans and programs for the coordination of the activities of all governmental entities and nongovernmental agencies dealing with problems of persons with disabilities.
- (f) To serve as a resource facility to persons with disabilities and to those interested in advancing the welfare of persons with disabilities.
- (g) To seek and accept appropriations or funds from interested persons and entities in order to carry out studies and activities for the advancement of persons with disabilities.
- (h) To perform any other activities as may from time to time be assigned to the Commission by resolution of the Board of County Commissioners.

(i) To prepare and submit an annual report on the studies and activities of the Commission to the Board of County Commissioners.
(Ord. No. 77-23, § 6, 4-19-77; Ord. No. 02-133, § 6, 7-23-02)

Sec. 2-317. Limitations of powers.

The powers and jurisdiction of the Commission shall be purely advisory, voluntary and persuasive. The Commission shall not have any power or authority to subpoena or compel the attendance of witnesses. The Commission shall have no power to appoint County officers or employees or to make policy decisions, or to manage, control or administer institutions or programs relating to persons with disabilities in Miami-Dade County.
(Ord. No. 77-23, § 7, 4-19-77; Ord. No. 02-133, § 7, 7-23-02)

Sec. 2-318. Staff support.

The Office of Americans With Disabilities Act Coordination shall coordinate, support and provide liaison services for the Commission on Disability Issues.
(Ord. No. 77-23, § 8, 4-19-77; Ord. No. 79-90, § 5, 10-16-79; Ord. No. 94-04, § 6, 1-18-94)