

# MEMORANDUM

Agenda Item No. 11(A)(6)

---

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** October 19, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to adopt legislation  
extending sovereign immunity  
to the University of Miami and  
its Miller School of Medicine  
for providing healthcare services  
to Miami-Dade County Public  
Health Trust patients

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** October 19, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(6)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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)(6)

10-19-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION EXTENDING SOVEREIGN IMMUNITY TO THE UNIVERSITY OF MIAMI AND ITS MILLER SCHOOL OF MEDICINE FOR PROVIDING HEALTH CARE SERVICES TO MIAMI-DADE COUNTY PUBLIC HEALTH TRUST PATIENTS RECEIVING CARE AT COUNTY PUBLIC HEALTH TRUST DESIGNATED FACILITIES AND IDENTIFYING ADOPTION OF THE SOVEREIGN IMMUNITY LEGISLATION AS A CRITICAL PRIORITY FOR THE 2011 SESSION

**WHEREAS**, the Public Health Trust of Miami-Dade County (the "Trust"), which operates Jackson Memorial Hospital and other Trust designated facilities (collectively "Jackson Health System"), is currently facing a financial crisis which significantly threatens its sustainability and survival; and

**WHEREAS**, the University of Miami, its Miller School of Medicine and its physicians (collectively "the Medical School") have affiliated with the Trust to meet the Trust's mission of providing high quality medical care to all patients at Jackson Health System, regardless of the patient's ability to pay; and

**WHEREAS**, the Board of County Commissioners (the "Board") agrees with the recommendation of PricewaterhouseCoopers -- consultants charged with advising the Trust on how to overcome its current fiscal crisis -- that the key to the long-term viability of Jackson Health System lies in strengthening the affiliation between the Trust and the Medical School; and

**WHEREAS**, the Medical School and the Trust wish to further strengthen the affiliation; and

**WHEREAS**, the primary obstacle to further strengthening the affiliation between the Trust and the Medical School is the Medical School's exposure to significant medical malpractice liability when providing care to patients admitted to Jackson Health System; and

**WHEREAS**, all patients admitted to Jackson Health System, regardless of the patient's ability to pay, receive the same quality care from the Trust and the Medical School; and

**WHEREAS**, all revenues earned from paying patients admitted to Jackson Health System are used to support the public mission of providing the same quality care to patients who do not have an ability to pay; and

**WHEREAS**, the capacity of the Trust and the Medical School to provide high quality care to all residents of Miami-Dade County, regardless of the patient's ability to pay, would be greatly improved if sovereign immunity protections were extended to the Medical School; and

**WHEREAS**, the extension of sovereign immunity to the Medical School will allow the Medical School and the Trust to build a stronger affiliation that will ensure the financial sustainability of Jackson Health System,

**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 adopt legislation extending sovereign immunity to the University of Miami and its Miller School of Medicine while providing health care services to the Public Health Trust patients receiving care at Jackson Memorial Hospital and other Trust designated facilities.

Section 2. Identifies the adoption of such legislation as a County critical priority for the 2011 state legislative session.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County’s state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package as a critical priority.

The Prime Sponsor of the foregoing resolution is Commissioner Natacha Seijas. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                      |                                 |
|----------------------|---------------------------------|
|                      | Dennis C. Moss, Chairman        |
|                      | Jose "Pepe" Diaz, Vice-Chairman |
| Bruno A. Barreiro    | Audrey M. Edmonson              |
| Carlos A. Gimenez    | Sally A. Heyman                 |
| Barbara J. Jordan    | Joe A. Martinez                 |
| Dorrin D. Rolle      | Natacha Seijas                  |
| Katy Sorenson        | Rebeca Sosa                     |
| Sen. Javier D. Souto |                                 |

