

MEMORANDUM

Agenda Item No. 14(A)(5)

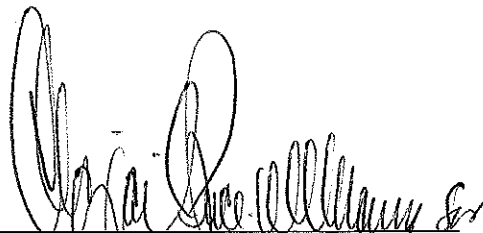
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 17, 2012

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

SUBJECT: Resolution joining other counties and the Florida Association of Counties in filing a lawsuit challenging the Medicaid County Revenue Sharing Mandate enacted by the Florida Legislature in Chapter 2012-33, Laws of Florida (HB 5301); approving Miami-Dade County being a named plaintiff in the lawsuit; authorizing the County Attorney's Office to participate in the lawsuit and take all actions necessary related to the lawsuit; approving an allocation of \$5,000 to the Florida Association of Counties to fund Miami-Dade County's share of the lawsuit

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 17, 2012

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

SUBJECT: Agenda Item No. 14(A)(5)

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

Agenda Item No. 14(A)(5)
4-17-12

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION JOINING OTHER COUNTIES AND THE FLORIDA ASSOCIATION OF COUNTIES IN FILING A LAWSUIT CHALLENGING THE MEDICAID COUNTY REVENUE SHARING MANDATE ENACTED BY THE FLORIDA LEGISLATURE IN CHAPTER 2012-33, LAWS OF FLORIDA (HB 5301); APPROVING MIAMI-DADE COUNTY BEING A NAMED PLAINTIFF IN THE LAWSUIT; AUTHORIZING THE COUNTY ATTORNEYS OFFICE TO PARTICIPATE IN THE LAWSUIT AND TAKE ALL ACTIONS NECESSARY RELATED TO THE LAWSUIT; APPROVING AN ALLOCATION OF \$5,000 TO THE FLORIDA ASSOCIATION OF COUNTIES TO FUND MIAMI-DADE COUNTY'S SHARE OF THE LAWSUIT

WHEREAS, in 1972, the Florida Legislature enacted legislation requiring counties to pay for a portion of the state's Medicaid responsibility; and

WHEREAS, this mechanism provided each county individual Medicaid bill for residents of the county and allowed each county to review and reject Medicaid bills for people who were not residents of the county; and

WHEREAS, since 2008, significant problems have arisen with the state's Medicaid billing system, and the state now claims that counties collectively owe the state as much as \$325 million in back billings, although the billing system contains many flaws and includes the same Medicaid billings resubmitted to counties as re-billings multiple times; and

WHEREAS, during the 2012 Regular Session, the Florida Legislature enacted Chapter 2012-33, Laws of Florida (HB 5301), which changed the county Medicaid billing system to provide that the state would collect the county share of Medicaid billings through an automatic withholding of county revenue sharing and sales tax distributions; and

WHEREAS, Chapter 2012-33 also required automatic withholding of county revenue sharing for backlog billings going back to 2001; and

WHEREAS, while estimates have varied, Chapter 2012-33 could cost Miami-Dade County as much as \$31 million over the next few fiscal years; and

WHEREAS, on April 12, 2012, the Board of Directors of the Florida Association of Counties (“FAC”) voted to authorize the filing of a lawsuit challenging the constitutionality of Ch. 2012-33, Laws of Florida as an unfunded mandate, among other legal arguments; and

WHEREAS, FAC envisions filing the lawsuit against the State of Florida Agency for Healthcare Administration (“AHCA”), which is the state agency that manages the state’s Medicaid program; and

WHEREAS, Leon, Manatee, Pasco, Polk and Seminole Counties already have voted to join with the FAC lawsuit, which would be filed in the 2nd Judicial Circuit in Leon County in the coming weeks; and

WHEREAS, FAC has asked counties to contribute on a voluntary basis a flat fee based on population, with large urban counties contributing \$5,000 each medium counties \$3,500 and small rural counties \$1,000 each, with FAC covering any shortfall from contributions received; and

WHEREAS, this Board desires to join other counties and FAC in filing a lawsuit to challenge Chapter 2012-33 and make a voluntary contribution \$5,000 in support of the lawsuit; and

WHEREAS, in 2004, this Board passed Resolution No. 1126-04 supporting FAC in challenging Chapter 2004-263 (SB 2564), which was a bill that shifted from the state to counties the cost of predisposition juvenile detention required counties,

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

Section 1. Joins Leon, Manatee, Pasco, Polk, Seminole and other counties, along with the Florida Association of Counties in filing a lawsuit challenging the Medicaid county revenue sharing mandate enacted in Chapter 2012-33, Laws of Florida, HB 5301.

Section 2. Approves Miami-Dade County being a named plaintiff in the lawsuit along with other counties and the Florida Association of Counties.

Section 3. Authorizes the County Attorneys Office to participate in the lawsuit and take all actions necessary related to the lawsuit.

Section 4. Approves the allocation of \$5,000 from the Miscellaneous Operating line item of the Non-departmental Countywide General Fund to the Florida Association of Counties to help fund a legal challenge of Chapter 2012-33.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

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The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of April, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ADW/Jmm

Jess M. McCarty

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