

# MEMORANDUM

Agenda Item No. 14(A)(2)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 1, 2013

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

**SUBJECT:** Resolution regarding Affordable  
Care Act Health Insurance  
Options

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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)(2)

Veto \_\_\_\_\_

10-1-13

Override \_\_\_\_\_

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

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO (I) IDENTIFY APPROPRIATE COUNTY FACILITIES AND PROPERTY THROUGHOUT THE COUNTY THAT NAVIGATORS COULD USE TO EDUCATE MIAMI-DADE COUNTY RESIDENTS ABOUT AFFORDABLE CARE ACT HEALTH INSURANCE OPTIONS AND (II) FACILITATE USE BY NAVIGATORS OF SUCH COUNTY FACILITIES AND PROPERTY FOR SUCH PURPOSES; FURTHER DIRECTING THE MAYOR OR DESIGNEE TO REVIEW LEASES AND OTHER AGREEMENTS THE COUNTY HAS ENTERED INTO WITH OR ON BEHALF OF THE FLORIDA DEPARTMENT OF HEALTH FOR COUNTY HEALTH DEPARTMENT FACILITIES AND PROVIDE A REPORT AS TO AVAILABLE OPTIONS TO REQUIRE THE FLORIDA DEPARTMENT OF HEALTH TO ALLOW AFFORDABLE CARE ACT NAVIGATORS ACCESS TO COUNTY HEALTH DEPARTMENT FACILITIES; URGING THE FLORIDA DEPARTMENT OF HEALTH TO REVISIT ITS DIRECTIVE PROHIBITING NAVIGATORS FROM EDUCATING FLORIDA RESIDENTS AT COUNTY HEALTH DEPARTMENT FACILITIES ABOUT HEALTH INSURANCE OPTIONS UNDER THE AFFORDABLE CARE ACT

**WHEREAS**, the 111<sup>th</sup> United States Congress passed the Patient Protection and Affordable Care Act of 2010 (“Affordable Care Act”), and on March 23, 2010, the President signed the bill into law; and

**WHEREAS**, on October 1, 2013, open enrollment will begin under the Affordable Care Act; and

**WHEREAS**, among its sweeping changes to the U.S. health care system, the Affordable Care Act requires health insurers to make coverage available to all individuals and employers,

without exclusions for preexisting conditions and without basing premiums on any health-related factors; and

**WHEREAS**, beginning on October 1, 2013, individuals and small businesses will be able to purchase private health insurance through state-based marketplaces called affordable insurance exchanges; and

**WHEREAS**, exchanges must certify qualified health plans offered by insurers through the exchange, and coverage can be effective beginning on January 1, 2014; and

**WHEREAS**, under the Affordable Care Act, the United States Department of Health and Human Services is directed to establish and operate exchanges within states that do not elect to establish an exchange, which is the current situation in the State of Florida; and

**WHEREAS**, the Affordable Care Act provides for “navigators” who will educate and raise awareness of the availability of qualified health plans, distribute fair and impartial information concerning enrollment in qualified health plans and facilitate enrollment in qualified health plans; and

**WHEREAS**, on September 9, 2013, a Deputy Secretary of the Florida Department of Health distributed an email to County Health Department administrators indicating that while County Health Departments could receive materials from Affordable Care Act navigators, such navigators could not conduct educational or informational activities on the grounds of County Health Department facilities; and

**WHEREAS**, County Health Departments, including the Miami-Dade County Health Department, are not county entities, but are instead state agencies under the purview of the Florida Department of Health; and

**WHEREAS**, on September 24, 2013, the Broward County Board of County Commissioners adopted a resolution expressing its disapproval of the directive by the Florida Department of Health that ordered all local health departments to ban Affordable Care Act navigators from all Florida Department of Health locations, including County Health Departments; and

**WHEREAS**, the Broward County resolution also directed the Broward County Administrator to permit access to Affordable Care Act navigators for the purpose of providing information relating to the Affordable Care Act to any appropriate Broward County facilities or property, including any facility leased from Broward County to the Florida Department of Health; and

**WHEREAS**, according to the most recent data from the American Community Survey of the United States Census Bureau, an estimated 4 million Floridians have no health insurance, the second highest rate of uninsured in the United States; and

**WHEREAS**, it has been reported that Miami-Dade County has Florida's largest number of uninsured residents under the age of 65, with more than one-third of all Miami-Dade County residents being uninsured; and

**WHEREAS**, given the large number of uninsured residents, there is a substantial and urgent need among Miami-Dade County residents for health care coverage and assistance in navigating the new health care law; and

**WHEREAS**, this Board supports using appropriate Miami-Dade County facilities dispersed throughout the County to educate Miami-Dade County residents about health insurance coverage options available under the Affordable Care Act; and

**WHEREAS**, Miami-Dade County has entered into leases with and on behalf of the Florida Department of Health for Health Department facilities located in Miami-Dade County; and

**WHEREAS**, this Board would like to direct the Mayor or designee to review such leases and identify options that may be available to the Board to require the Florida Department of Health to allow access for Affordable Care Act navigators to County Health Department facilities; and

**WHEREAS**, this Board also would like to urge the Florida Department of Health to revisit its directive to all County Health Departments to prohibit Affordable Care Act navigators from conducting education activities on the grounds of the County Health Departments,

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

**Section 1.** Directs the Mayor or designee to identify appropriate County facilities and property throughout Miami-Dade County including, but not limited to, administration buildings, libraries and parks, that Affordable Care Act navigators could use to educate Miami-Dade County residents about health insurance options available under the Affordable Care Act, and to provide a report to the full Board, without committee review, identifying such facilities and property within 30 days of the effective date of this resolution.

**Section 2.** Further directs the Mayor or designee to allow access for Affordable Care Act navigators to appropriate County facilities and property, and to facilitate such navigators providing fair, accurate and impartial information and services to Miami-Dade County residents about health insurance options under the Affordable Care Act.

**Section 3.** Directs the Mayor or designee to review leases Miami-Dade County has entered into with or on behalf of the Florida Department of Health for County Health Department facilities and to provide a report to the full Board, without committee review, within 30 days of the effective date of this resolution as to what options the Board may have available to require Florida Department of Health to allow access for Affordable Care Act navigators to County Health Department facilities under such leases or otherwise.

**Section 4.** Urges the Florida Department of Health to revisit its directive to all County health departments to prohibit Affordable Care Act navigators from conducting education activities on the grounds of the County Health Departments.

**Section 5.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Florida Surgeon General/Secretary of Health.

**Section 6.** Directs the County's state lobbyists to advocate for the issue identified in Section 4 above, and authorizes and directs the Officer of Intergovernmental Affairs to include this item in the 2014 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of October, 2013. 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.



Jess M. McCarty

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