

# MEMORANDUM

Agenda Item No. 11(A)(18)

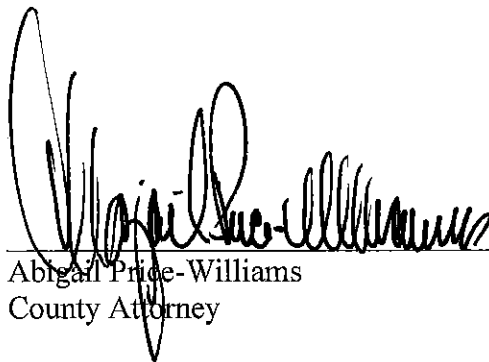
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to amend Chapter 154, Florida Statutes, to provide that any designated facility owned or operated by a Public Health Trust and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the County creating the Public Health Trust and shall be without the jurisdiction of said municipality; amending Resolution No. R-1217-16 to revise the Board's 2017 State legislative priorities to include this item

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



Abigail Price-Williams  
County Attorney

APW/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(18)

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
- 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)(18)  
3-7-17

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND CHAPTER 154, FLORIDA STATUTES, TO PROVIDE THAT ANY DESIGNATED FACILITY OWNED OR OPERATED BY A PUBLIC HEALTH TRUST AND LYING WITHIN THE BOUNDARIES OF A MUNICIPALITY SHALL BE UNDER THE EXCLUSIVE JURISDICTION OF THE COUNTY CREATING THE PUBLIC HEALTH TRUST AND SHALL BE WITHOUT THE JURISDICTION OF SAID MUNICIPALITY; AMENDING RESOLUTION NO. R-1217-16 TO REVISE THE BOARD'S 2017 STATE LEGISLATIVE PRIORITIES TO INCLUDE THIS ITEM

**WHEREAS**, it is the intent of the Florida Legislature to promote, protect, maintain and improve the health and safety of all citizens and visitors of this state through a system of public health facilities; and

**WHEREAS**, county public health trusts were permitted to be created for the purpose of exercising enumerated powers with respect to designated facilities, as defined in Section 154.08, Florida Statutes; and

**WHEREAS**, Chapter 154.08, Florida Statutes, defines such designated facilities as any county-owned or county-operated facilities used in connection with the delivery of health care, the operation, governance, or maintenance of which has been designated by the governing body of that county for transfer to the public health trust of that county; and

**WHEREAS**, public health trust designated facilities may include, but are not limited to, sanatoriums, clinics, ambulatory care centers, primary care centers, hospitals, rehabilitation centers, health training facilities, nursing homes, nurses' residence buildings, infirmaries, out-patient clinics, mental health facilities, residences for the aged, rest homes, health care administration buildings, parking facilities and areas serving health care facilities; and

**WHEREAS**, designated county public health trust facilities are often located within municipal boundaries; and

**WHEREAS**, it is often necessary to obtain permits during construction and remodeling of designated county public health trust facilities; and

**WHEREAS**, it is important to enumerate the exclusive jurisdiction that a county public health trust has over designated facilities within municipal boundaries to enable the public health trust to obtain necessary permits and conduct other required transactions; and

**WHEREAS**, pursuant to the attached Resolution No. PHT 02/17-009, adopted by the Board of Trustees of the Public Health Trust of Miami-Dade County on February 2, 2017, the Board of Trustees supported and amended its 2017 State Legislative Priorities to include advocating for legislation that would provide that any designated facility owned or operated by a public health trust and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the county creating the public health trust and shall be without the jurisdiction of said municipality; and

**WHEREAS**, this Board supports legislation that would provide that any designated facility owned or operated by a public health trust and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the county creating the public health trust and shall be without the jurisdiction of said municipality,

**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 enact legislation that would provide that any designated facility owned or operated by a public health trust and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the county creating the public health trust and shall be without the jurisdiction of said municipality.

**Section 2.** Waives the requirements of Resolution No. R-764-13 and amends Resolution No. R-1217-16 to include this issue as an additional state legislative priority for the 2017 session.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation and the Executive Directors of the Miami-Dade County League of Cities.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item as a priority.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of March, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Suzanne Villano-Charif

**RESOLUTION NO. PHT 02/17 - 009**

**RESOLUTION AMENDING THE 2017 STATE LEGISLATIVE PRIORITIES OF THE PUBLIC HEALTH TRUST TO INCLUDE ADVOCATING FOR AN AMENDMENT TO CHAPTER 154, PART II, FLORIDA STATUTES TO PROVIDE FOR EXCLUSIVE JURISDICTION OF THE COUNTY OVER TRUST DESIGNATED FACILITIES, AND DIRECTING THE PRESIDENT, OR HIS DESIGNEE, TO SEEK COMMISSIONER SPONSORSHIP OF AN ITEM BEFORE THE BOARD OF COUNTY COMMISSIONERS URGING THE FLORIDA LEGISLATURE TO ENACT SUCH LEGISLATION AND TO INCLUDE THE AMENDMENT IN THE COUNTY'S 2017 STATE LEGISLATIVE PACKAGE**

*(Nathan Ray, Associate Vice President, Governmental Relations, Jackson Health System)*

WHEREAS, on November 22, 2016, the Board of Trustees of the Public Health Trust ("Trust") adopted Resolution No. PHT-1116-064, approving the Trust's 2017 Federal and State legislative priorities; and

WHEREAS, on December 20, 2016, pursuant to Resolution No. R-1216-16, the Board of County Commissioners approved its 2017 State Legislative Package, which incorporates and includes the Trust's 2017 State legislative priorities; and

WHEREAS, the President and Chief Executive Officer of the Trust recommends that this Board amend the Trust's 2017 State legislative priorities to include as an additional priority a proposed amendment to Chapter 154, Part II, of the Florida Statutes to provide for exclusive jurisdiction of the County over Trust designated facilities, as reflected in the attached memorandum; and

WHEREAS, this Board seeks to amend its 2017 State legislative priorities and to accomplish the purposes set forth in the attached memorandum.

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby amends the Public Health Trust's 2017 State legislative priorities to include the proposed amendment to Chapter 154, Part II, of the Florida Statutes, to provide for exclusive jurisdiction of the County over Trust designated facilities, as reflected in the attached memorandum, and directs the President, or his designee, to seek Commissioner sponsorship of an item before the Board of County Commissioners urging the Florida Legislature to enact legislation such legislation, and amending the County's 2017 State Legislative Package to include advocating for the amendment.

**Agenda Item 4 (h)  
Public Health Trust Board of Trustees  
February 2, 2017**


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The foregoing resolution was offered by Walter T. Richardson and the motion was seconded by William J. Heffernan as follows:

Joe Arriola	Absent
Representative Bryan Avila	Aye
William J. Heffernan	Aye
Mojdeh L. Khaghan	Aye
Irene Lipof	Aye
Rev. Walter T. Richardson, Ph.D.	Aye
Robert Zarco	Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of February 2017.

**PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA**

BY:   
Irene Lipof, Secretary

Approved by the Miami-Dade County Attorney's Office as to form  
and legal sufficiency 





**TO:** Joe Arriola, Chairman  
and Members, Public Health Trust Board of Trustees

**FROM:** Carlos A. Migoya, President and Chief Executive Officer

**DATE:** February 2, 2017

**RE:** Amending the Trust's 2017 State Legislative Priorities

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**Recommendation**

Staff recommends that the Public Health Trust Board of Trustees approve amending the Trust's 2017 State legislative priorities.

**Scope**

The Trust's 2017 State legislative priorities encompass the major issues likely to impact Jackson Health System during the 2017 session of the Florida Legislature.

**Fiscal Impact/Funding Source**

There is no fiscal impact to setting the Trust's 2017 State legislative priorities. Policy and funding changes made by the Florida Legislature reflecting these priorities can have a significant impact on the health system.

**Track Record/Monitor**

Nathan Ray, Associate Vice President of Government Affairs, will monitor the advancement of these priorities throughout the year.

**Background**

On November 22, 2016, the Board of Trustees approved the Trust's 2017 Federal and State legislative priorities pursuant to Resolution No. PHT 1116-064. The Trust's 2017 State legislative priorities were incorporated and included in the County's 2017 Legislative Package as set forth in Resolution No. R-1216-16 which was adopted by the Commission on December 20, 2016. Staff believes it is advisable to amend the Trust's 2017 State legislative priorities to advocate for an amendment to Chapter 154, Part II, of the Florida Statutes, which is the enabling chapter of the Florida Statutes for county public health trusts. The proposed amendment would create a new Section 154.13, providing for exclusive jurisdiction of the county creating the public health trust over designated facilities, defined in Section 154.08, which includes, but is not limited to, hospitals, clinics and other health club facilities owned or operated by a public health trust, even where the designated facility is located within municipal boundaries.

The specific priorities recommended for 2017 are attached.

## **2017 Legislative Priorities**

### **FEDERAL PRIORITIES**

Advocate for changes to hospital payment reimbursement including but not limited to changes in outpatient hospital department payments to permit programs “under construction” to continue to receive reimbursements under the previous hospital outpatient reimbursement levels;

Monitor changes to Medicaid payments in conjunction with any proposed changes to the Affordable Care Act;

Block any changes to the Federal 340B drug discount program that would limit hospital and patient eligibility;

Advocate for modification of the Affordable Care Act requirements to adjust flexibility for states to expand or modify services;

Advocate for changes to the State/Federal Exchange programs to ensure competition and financial stability.

Advocate for a supplemental payment system that keeps Jackson Health System whole;

### **STATE PRIORITIES**

Advocate for appropriations to mitigate losses created by a dwindling supplemental payment system that continues to erode financial support for treating uninsured and underinsured patients;

Protect against further cuts in state-appropriated funding;

Monitor any changes to the certificate of need system and ensure that safeguards are included to protect teaching hospitals and public hospitals; and

Protect trauma centers from further dilution of the trauma system, which can lower the overall community standard of care and incentivize specialist physicians to leave Florida.

Amend Part II of Chapter 154 of the Florida Statutes governing county public health trusts, by providing a new Section 154.13. The new section provides the county creating the public health trust with the exclusive jurisdiction over designated facilities, defined in Section 154.08 to include hospitals, clinics and other health club facilities owned or operated by a public health trust, even where the designated facility is located within municipal boundaries.

# Memorandum



Date: January 19, 2017  
To: Esther Caravia-Abolila  
Chief of Staff to Carlos A. Migoya  
President and Chief Executive Officer  
From: Hugo Benitez  
Assistant County Attorney  
Subject: Amendments to Florida Statutes - Proposed Bill

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## PROPOSED BILL

Part II of Chapter 154 of the Florida Statutes is hereby amended by the addition of a new Section 154.13 as follows:

### PART II

### COUNTY PUBLIC HEALTH TRUSTS

\* \* \*

**154.13 Designated facilities; jurisdiction – Any designated facility owned or operated by a public health trust and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the county creating the public health trust and shall be without the jurisdiction of said municipality.**

**BILL SUMMARY:** The bill amends Part II of Chapter 154 of the Florida Statutes governing county public health trusts, by providing a new Section 154.13. The new section provides the county creating the public health trust with the exclusive jurisdiction over designated facilities, defined in Section 154.08 to include hospitals, clinics and other health club facilities owned or operated by a public health trust, even where the designated facility is located within municipal boundaries.