

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

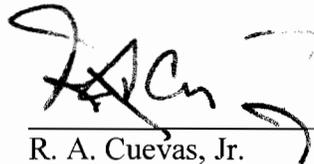
DATE: October 7, 2008

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

SUBJECT: Resolution urging Congress
to pass legislation facilitating
living organ donations by
extending benefits under the
Family Medical Leave Act

Resolution R-1071-08

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/up



MEMORANDUM

(Revised)

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Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
10-7-08

RESOLUTION NO. R-1071-08

RESOLUTION URGING CONGRESS TO PASS LEGISLATION FACILITATING LIVING ORGAN DONATIONS BY EXTENDING BENEFITS UNDER THE FAMILY MEDICAL LEAVE ACT TO COVERED EMPLOYEES WISHING TO DONATE ORGANS AND BY ALLOWING TAX CREDITS AND OTHER FINANCIAL INCENTIVES TO ASSIST DONORS IN OFFSETTING UNREIMBURSED COSTS OF DONATION

WHEREAS, while most organ and tissue donations occur after a donor has died, some organs and tissues can be donated while the donor is alive; and

WHEREAS, living donations have increased substantially in recent years, and about 6,000 living donations currently take place each year; and

WHEREAS, federal legislation encouraging living organ donation has been championed on a bipartisan basis for many years, culminating in the passage of the Organ Donation Improvement Act of 2001; and

WHEREAS, the Organ Donation Improvement Act of 2001 funded transportation and subsistence expenses incurred by donors and public education and outreach activities to promote the importance of organ donation; and

WHEREAS, according to the Transplants Professional Association, the two most common reasons now reported for eligible donors choosing not to donate was finances and employment issues; and

WHEREAS, bills have been filed in Congress, H.R. 2808 and H.R. 1035, to address both the financial and employment concerns; and

WHEREAS, H.R. 2808 would extend benefits under the Family Medical Leave Act (FMLA) to covered employees wishing to donate an organ, including (1) time spent for tests to determine medical sustainability of the employee for donation; (2) physical, psychological and social evaluations; (3) pre-transplant outpatient services; (4) post-transplant inpatient and outpatient transplantation services; (5) travel in connection with such tests, evaluations, and services; and (6) recuperation; and

WHEREAS, H.R. 1035 would create a tax credit in an amount not to exceed \$5,000 for individuals donating a qualified life-saving organ, such as a kidney, liver, lung, pancreas, intestine, bone marrow or any part thereof, for unreimbursed costs and lost wages incurred by an organ donor in connection with a donation,

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

Section 1. Urges Congress to pass H.R. 2808, H.R. 1035 or similar legislation that would facilitate living organ donations by extending benefits under the Family Medical Leave Act to covered employees wishing to donate organs and by allowing tax credits and other financial incentives to assist in offsetting unreimbursed costs of donation.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 and 2009 Federal Legislative Packages.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty