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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(26)

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

DATE: December 7, 2010

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

SUBJECT: Resolution urging the Florida Legislature to pass legislation providing that counties pay for inmate medical care at Medicaid rates; opposing legislation that would require counties to pay at Medicare rates; urging the Florida Association of Counties not to take a position on any inmate medical legislation except at Medicaid rates

Resolution No. R-1218-10

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/cp

MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 11(A)(26)

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)(26)
12-7-10

RESOLUTION NO. R-1218-10

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING THAT COUNTIES PAY FOR INMATE MEDICAL CARE AT MEDICAID RATES; OPPOSING LEGISLATION THAT WOULD REQUIRE COUNTIES TO PAY AT MEDICARE RATES; URGING THE FLORIDA ASSOCIATION OF COUNTIES NOT TO TAKE A POSITION ON ANY INMATE MEDICAL LEGISLATION EXCEPT AT MEDICAID RATES

WHEREAS, Florida law currently requires the cost of medical care, treatment, hospitalization and transportation for county inmates to be paid from the county's general fund if the arrest was for a violation of state law or county ordinance pursuant to section 901.35, Florida Statutes; and

WHEREAS, at least ten states have laws limiting the amount that health care providers can charge for inmate medical care, including Colorado, Illinois, Maine, Minnesota, Mississippi, Montana, New Hampshire, Oklahoma, Washington and Wisconsin; and

WHEREAS, Colorado has passed a state law providing for payments at Medicaid rates for inmate medical care; and

WHEREAS, many inmates would qualify for Medicaid if they were not incarcerated; and

WHEREAS, Miami-Dade County currently pays health care providers at Medicaid rates for inmate medical care, but passage of state legislation would ensure that the County would continue to pay medical providers at the Medicaid rate for inmate medical care; and

WHEREAS, bills were filed for consideration during the 2010 regular session, SB 218 by Senator Dennis Jones (R – Seminole) and HB 319 by Representative Ed Hooper

(R - Clearwater), that as initially filed would have required counties to pay for inmate medical services at the state's Medicaid rate; and

WHEREAS, Miami-Dade County supported SB 218 and HB 319 when they included Medicaid rates pursuant to Resolution No. 1441-09; and

WHEREAS, SB 218 and HB 319 were amended during the committee process to require counties to pay for inmate medical services at Medicare, rather than Medicaid rates; and

WHEREAS, Medicare rates are substantially higher than Medicaid rates, and Miami-Dade County opposed SB 218 and HB 319 in this form because of the significant negative fiscal impact; and

WHEREAS, some counties supported SB 218 and HB 319 based on Medicare rates, while others joined Miami-Dade County in opposing these bills are Medicare rates; and

WHEREAS, SB 218 and HB 319 did not pass during the 2010 session; and

WHEREAS, similar legislation is likely to be filed for consideration during the 2011 session,

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 pass legislation providing that counties pay health care providers at Medicaid rates for inmate medical care.

Section 2. Opposes legislation that would require counties to pay for inmate medical care at Medicare rates or any other rate higher than Medicaid rates.

Section 3. Urges the Florida Association of Counties not to take a position on legislation related to inmate medical care rates during the 2011 session, except for legislation that requires reimbursement at the Medicaid rate.

Section 4. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Executive Director of the Florida Association of Counties.

Section 5. Directs the County's state lobbyists to advocate for the policies set forth in sections 1, 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty