

103.01-14

TO Honorable Mayor and Members,  
Board of County Commissioners

DATE June 18, 1991

SUBJECT

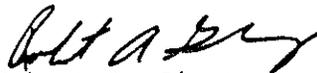
Chapter 25A- Public Health  
Trust Alternate  
Ordinance

FROM Robert A. Ginsburg  
Dade County Attorney

0491-63

This alternate was prepared and placed on the agenda at the request of Commissioner Larry Hawkins. This alternate differs from the original proposal as follows:

1. There are modifications to membership requirements. 25A-3(a)(1).
2. Members from the governing boards of certain health care facilities are included, instead of administrators. 25A-3(a)(4) and (5).
3. The president of the South Florida Hospital Association is a voting member on the Board of Trustees. 25A-3(a)(6).
4. The Public Health Trust Nominating Council includes the chairperson of the Board of Trustees. 25A-3(d).
5. Gender has been added as a consideration for membership on the Board of Trustees. 25A-3(d).
6. At least seven current members of the Trust will continue as Board members. 25A-3(e).
7. The Trust's office staff is limited to four (4) persons. 25A-3(g).

  
Robert A. Ginsburg  
County Attorney

RAG/ydl

Amended  
Alternate  
Agenda Item No. 2(a)  
6-18-91

ORDINANCE NO. 91-63

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST; AMENDING CHAPTER 25A OF THE CODE OF METROPOLITAN DADE COUNTY; AMENDING PROVISIONS RELATING TO TRUST MEMBERSHIP, TERMS, NOMINATING PROCEDURES, POWERS AND DUTIES, FINANCIAL SUPPORT, PURCHASING POLICIES AND SUPPORTING SERVICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Chapter 25A, PUBLIC HEALTH TRUST, is hereby amended to read as follows:<sup>1/</sup>

Chapter 25A

PUBLIC HEALTH TRUST

Sec. 25A-1. Creation of trust.

There is hereby created and established by authority of Chapter 73-102, Laws of Florida 1973, as an agency and instrumentality of Dade County, a revocable statutory trust the terms of which may be modified by Dade County, which trust shall be named and known as the "Public Health Trust of Dade County, Florida" (hereinafter also referred to as the "trust"). The trust shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

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<sup>1/</sup> Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 25A-2. Designated facilities and transfer of property in trust.

(a) Designated facilities. The trust, acting through its governing body as hereinafter defined, shall be responsible for the operation, maintenance and governance of the following facilities which are hereby declared to be "designated facilities" as that term is defined and used in Chapter 73-102, Laws of Florida 1973:

Jackson Memorial Hospital and all related facilities and real and personal property used in connection therewith either presently existing or which may come into existence in which Dade County has a legal interest and which are located within the area bounded by NW 15 Avenue on the west, NW 20 Street on the north, NW 7 Avenue on the east, and NW 14 Street on the south; and all facilities and real and personal property which the trust may acquire pursuant to the terms of this chapter.

By resolution, the board of county commissioners may designate additional facilities or declassify and remove from the jurisdiction of the trust facilities which have previously been designated.

(b) Transfer of property in trust. Pursuant to the provisions of this chapter, the trust shall have possession and operating control of, but not title to, all real property within the meaning of "designated facilities," as that term is defined by this chapter. Title to all items of personal property within the meaning of "designated facilities," as that term is defined by this chapter, shall be transferred to the trust to be held in trust pursuant to the provisions of this chapter, provided, however, that the trust shall be empowered to sell or otherwise lawfully dispose of such personal property. ~~A complete inventory of all real and personal property within the jurisdiction of the trust shall be compiled by the county manager no later than sixty (60) days following the effective date of this chapter, and the trust~~

~~shall within sixty (60) days of the receipt of said inventory give to Dade County a receipt for all personal property received.~~

Sec. 25A-3. Governing body.

(a) Composition. The governing body of the trust shall be a board of trustees composed of ~~fifteen (15)~~ twenty-one (21) voting members none of whom shall be employees of the Trust, one of whom shall be a member of the University of Miami Board of Trustees. Notwithstanding Sections 2-11.1 and 25A-3(c) of this Code with respect to the eligibility of membership on the board of trustees, the voting membership shall include:

- (1) eight members from among the following areas of professional expertise, provided that not more than two members shall be selected from any one area of expertise:
  - (a) law
  - (b) banking and finance
  - (c) public accounting
  - (d) corporate management
  - (e) education
  - (f) business;
- (2) one member who has professional expertise in the area of public health administration;
- (3) one member who has professional expertise in the area of nursing;
- (4) two residents of Dade County, each of whom has an outstanding reputation for integrity and community service;
- (5) a member of the University of Miami Board of Trustees;

- (6) an officer from the Dade County Medical Association;
- (7) a member of the governing board of a local, private hospital licensed under Chapter 395 of the Florida Statutes which:
- (a) is designated a non-profit corporation pursuant to 501(c)(3) of the Internal Revenue Code;
  - (b) has received an exemption for at least fifty percent (50%) of its real property from ad valorem taxation pursuant to applicable provisions of Florida law; and
  - (c) devotes the value of at least two percent (2%) of its annual gross revenues to the provision of uncompensated charity care. For purposes of this section, uncompensated charity care shall be determined as the amount of uncollected patient billings excluding the following:
    - (i) contractual allowance, defined as the difference between the hospital's standard charges for medical services and the lesser amount the hospital may be contractually or legally obligated to accept in lieu thereof;
    - or (ii) bad debt, defined as the unpaid balance on any account that, at the

time of admission, the hospital, in accordance with its policies, determines to be collectible;

- (8) a member of the governing board of a local, private primary care center designated a non-profit corporation pursuant to Section 501(c)(3) of the Internal Revenue Code;
- (9) the president of the South Florida Hospital Association;
- (10) three members from among the indigent users or organizations that represent the indigent users including but not limited to officers, staff, or elected representatives of tenant organizations, labor unions, legal service agencies and social services activists; and
- (11) one member from among the disabled community.

Additionally, the following shall be non-voting, ex officio members of the board of trustees: Three (3) county commissioners who shall be the chairperson of the Dade County Finance Committee, the chairperson of the Dade County Health and Human Services Committee and one other member of the Health and Human Services Committee selected by the mayor board-of-county-commissioners, hereinafter referred to as "commissioner trustees"; the county manager or his or her designate; the chief executive officer of the trust; the vice president of medical affairs, University of Miami School of Medicine; and the president of the Jackson Memorial Hospital Medical Staff.

(b) Qualifications. Each member of the board of trustees shall be a United States citizen and a permanent resident and duly qualified elector of Dade County, unless the

board of county commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Before entering upon the duties of office, each appointee to voting membership on the board of trustees shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the clerk of the commission for the faithful performance of the duties of office and shall take the prescribed oath of office. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

(c) Modified applicability of Conflict of Interest and Code of Ethics Ordinance. The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter referred to as the "Conflict of Interest Ordinance"), Section 2-11.1. of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the board of trustees of the public health trust only in the manner and to the extent hereinafter provided. It is declared to be the intent of the commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as trustees on the basis of interests relating to Dade County when such interests do not conflict with the trust.

Wherever in the Conflict of Interest Ordinance reference is made to Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; wherever in the Conflict of Interest Ordinance reference is made to the board of county commissioners, that reference shall be deemed and construed to be a reference to the board of trustees of the Public Health Trust; and wherever in the Conflict of Interest Ordinance reference is made to the commissioners of the board of county commissioners, that reference shall be deemed

to be a reference to the voting members of the board of trustees of the Public Health Trust.

(d) Appointment and removal of trustees. Voting trustees shall be appointed by resolution of the board of county commissioners after having been selected by the commission from persons nominated by the a nominating committee council established and described herein. The nominating council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of five (5) voting members, one (1) of whom shall be the chairperson of the board of trustees of the Public Health Trust and four (4) of whom shall be appointed by the mayor and ratified by the commission, and one non-voting, ex officio member who shall be the chairperson of the Dade County Health and Human Services Committee. No acting trustee of the Public Health Trust, other than the chairperson of the board, shall serve on the nominating council, nor shall any acting member of the nominating council, other than the chairperson of the board, be eligible to serve on the board of trustees. In serving on the nominating council, the chairperson of the board of trustees of the Public Health Trust shall not vote on or participate in any way on any matter affecting his appointment on the board of trustees. The voting members of the nominating council selected by the mayor and ratified by the commission shall be appointed for staggered three (3) year terms and shall not serve more than three (3) consecutive terms. The County Manager and the County Attorney shall provide appropriate staff support to the council. The sole function of the nominating council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the trust board. The membership of the board of trustees should be representative of the community at large and should reflect the racial, gender and ethnic make-up of the community. Said committee council and the procedures under which it will operate shall be approved by the board of trustees county commissioners. of-the public-health-trust. The nominating council

shall submit to the commission one (1) nominee for each vacancy on the trust board. The slate of nominees shall be submitted directly to the commission no later than September 1 of each year. As applicable, Section 2-11.36 et seq. of the Code of Metropolitan Dade County shall govern the establishment and activities of the Public Health Trust Nominating Council. In the event no entity meets the requirements set forth in sections 25A-3(a)(7) and (8) of this chapter and the commission is, therefore, unable to appoint a member to the board of trustees pursuant to said section(s), no action of the trust shall be rendered void because of such inability on the part of the commission. The chairman of the public health trust board of trustees shall recommend to the trust a nominating committee whose purpose shall be to submit a slate of nominees to the commission. The nominating committee shall consist of three (3) members of the trust, one former member of the trust and three (3) residents of Dade County who are representative of the community and are not members of the trust. Trust members eligible for reappointment during the period of time to which the nominations apply shall not be appointed to the committee. The committee shall submit to the commission a total of names which is equal to three (3) times the number of voting trustees to be appointed. The board of county commissioners shall, in the appointment of members of the board of trustees, give careful consideration to the advocacy needs of medically indigent persons and to expertise needed for continuation of effective operation.

The commission shall be the only body authorized to appoint voting trustees and fill vacancies. In the event of a vacancy during the term of a voting trustee, the trust shall notify the commission of the vacancy and shall request that it be filled in accordance with the applicable criteria set forth in section 25A-3(a) of this chapter either as a part of the annual appointment process or by selection from the most recent list submitted to the commission at the time of the annual appointments or in accordance

with a special nominating process which shall be conducted in the same manner as the annual nominating process, special convening of the Public Health Trust Nominating Council.

A trustee may be removed by the board of county commissioners for good cause and after proper hearing by vote of six (6) members of the commission. ~~Whenever any member of the board of county commissioners serving as one of the three (3) commissioner trustees specified in subsection (a) of this section shall cease to be a commissioner, another commissioner shall be selected by the commission to fill the vacancy for the remainder of the commission trusteeship term.~~

(e) Tenure of trustees. The terms of appointed trustees holding membership as of the effective date of this amended ordinance shall expire on October 15, 1991, at which time the terms of the succeeding trustees, selected pursuant to the procedures described herein, shall commence; provided, however, at least seven (7) of the succeeding trustees shall be persons who were appointed trustees holding membership as of the effective date of this amended ordinance, and who shall be permitted to serve until the expiration of their then existing terms. In the event the appointment process is not complete as of October 16, 1991, the existing board of trustees shall continue until such time as the installation of the newly appointed board is completed.

The voting trustees shall serve staggered terms of three (3) years each; provided, however, that of the original initial, succeeding board of trustees, ~~one-third (1/3) shall be selected for a term of one (1) year and one-third (1/3) shall be selected for a term of two (2) years, the commission shall select one-third (1/3) to serve a term of one (1) year and one-third (1/3) to serve a term of two (2) years. No voting trustee shall be permitted to serve more than three (3) consecutive and complete terms of three (3) years each, unless the board of county commissioners, by a~~

two-thirds (2/3) vote of its full membership,  
waives this requirement.

(f) Organization, powers and duties of the board of trustees. The board of trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as chairman and one (1) of its voting members as vice-chairman and shall designate a secretary who may or may not be a member of the board, and such other officers as the board of trustees may determine to be necessary.

The board of trustees shall hold regular monthly meetings in accordance with the bylaws of the trust and the board may hold such other meetings as it deems necessary. Prior to approving annual budget recommendations, the trust shall hold in the commission chambers a special, televised budget meeting in which the public is invited to participate. At the discretion of the trust, other meetings may be held and televised in the commission chambers. All meetings of the board shall be public and audio recorded and written minutes of the proceedings thereof shall be maintained by the board. All actions taken at the meetings of the board shall be promptly and properly recorded. Copies of all minutes and resolutions of the board shall be forwarded to the clerk of the board of county commissioners not later than ten (10) days subsequent to any meeting of the board of trustees.

In exercising the powers and carrying out the duties otherwise provided by this chapter, the board of trustees shall have the powers, duties, and responsibilities customarily vested in trustees and, to the extent not in conflict consistent therewith, shall also have the powers, duties and responsibilities customarily vested in the board of directors of a private corporation.

The board of trustees shall make, and adopt and amend bylaws and rules and regulations for the board's governance and

for the operation, governance, and maintenance of designated facilities. Such bylaws, ~~rules and regulations~~ and amendments thereto shall not be valid until approved by the board of county commissioners and shall not, without approval of the commission, be inconsistent with ordinances of the county. The board of trustees shall be empowered to appoint a chief executive officer of the trust and to remove such an appointee.

As governing body of the trust, the board of trustees shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities.

(g) Designation of office space and the hiring of staff. The trust shall designate an exclusive office facility located on the campus of Jackson Memorial Hospital from which activities of the board of trustees shall be coordinated. The trust office facility shall be staffed by four (4) individuals. The chairperson of the board of trustees shall, subject to the approval of the board of trustees, have the power to appoint the individuals, fix their compensation and benefits and to remove such appointees. The individuals shall be responsible to the chairperson pursuant to the policies and procedures established by the board of trustees. The individuals shall be qualified by educational and professional experience to serve as assistants to the board in the direction and coordination of board activities. Of these positions, one shall serve as trust recorder and agenda coordinator.

(g) (h) Protection from personal liability. The trustees shall be included as insured within the terms of the comprehensive general and professional liability insurance policies of the county for the protection of individual members of county boards while such members are acting within the scope of their duties. The trustees shall while acting within the scope of their duties also

be entitled to personal liability protection, to the same extent that members of other county boards have such protection, from funds set aside by the county to satisfy claims not payable from insurance proceeds by virtue of loss deductible clauses in liability insurance policies. The board of trustees shall be empowered to obtain such additional trustees' liability insurance as the board shall determine to be necessary, and the expense of such insurance shall be an expense of the trust.

Sec. 25A-4. Powers and duties of the trust.

~~It is declared to be the policy of the board of county commissioners that the assumption by the trust of administrative responsibilities relating to designated facilities but heretofore carried out by agencies of the county other than Jackson Memorial Hospital shall be pursuant to a gradual transition to take place over a period of two (2) years from the effective date of this chapter.~~ In connection with its responsibilities for the operation, maintenance, and governance of designated facilities, the trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

(a) Power to act. The trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.

(b) ~~f~~ Health care delivery policies. The trust shall annually develop and recommend to the county commission policies for the admission of hospital patients, the determination of the indigent status of patients and county-wide health care delivery, including

primary, secondary and tertiary health care. The trust shall formally present these recommendations at an annual, televised joint meeting to be held between the commission and the trust each January. The trust shall comply with the health care policies established by the board of county commissioners, for the admission of hospital patients, and the determination of the indigent status of patients, and shall further comply with policies for county-wide health care delivery as such policies may be established by the board of county commissioners. Before establishing policies relating to hospital admissions, medical indigent status, and county-wide health care delivery, the commission shall first consult with the board of trustees. When the commission establishes or changes policies relating to hospital admissions, medical indigency, or county-wide health care delivery, it the commission shall identify a source from which funding make sufficient provisions in the county budget for the financial support necessary to carry out such policies, shall be obtained.

The trust shall also develop and recommend to the county commission a long range, five (5) year plan for the delivery of county-wide health care services. The first such plan shall be submitted to the commission no later than July 31, 1992 and every five (5) years thereafter. Additionally, the chief executive officer of the trust shall report monthly to the county manager to discuss, formulate and, where directed, implement county health care policies affecting the trust. Within a reasonable time

thereafter, the chief executive officer of the trust shall issue monthly reports which reflect the agenda items discussed with the county manager. The reports shall be forwarded to the board of trustees and to the board of county commissioners through the Dade County Health and Human Services Committee.

- (c) (b) Contracts. Except as otherwise provided by this chapter the trust, as an agent and instrumentality of Dade County, Florida, shall be authorized to act for Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on the effective date of this chapter, and shall additionally be empowered to negotiate and execute, subsequent to the effective date of this chapter, such contracts as are properly within the powers and duties of the trust.

The contractual powers of the trust shall be subject to the following limitations:

- (1) The trust shall not, without the prior approval of the board of county commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated in the contractual services category of the section of the county budget pertaining to the operation of the trust.
- (2) The trust shall not, without prior approval of the county commission, enter into or alter any contract the effect of which is to change the contractual relationship between Dade County and the

University of Miami as set forth in the contract between the university and the county entered into on December 18, 1952, and as amended on June-15-1954, September-28-1954 and January-6-1959 from time to time.

- (3) The trust shall not, without prior approval of the county commission, enter into or alter any contract the effect of which is to change substantially health care delivery policies established by the board of county commissioners.
- (4) The trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the board of county commissioners.

It is specifically provided that contracts and amendments thereto executed by the trust, or other obligations incurred by the trust, shall not be binding upon Dade County. In the event that the trust shall be revoked, obligations of the trust shall only be enforceable against Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the trust and with regard to business income which would have come into the possession of the trust had the trust not been revoked.

The trust shall comply with the formal bid requirements of Section 4.03 (D) of the Charter of Metropolitan Dade County, Florida, and for such purpose the term "board" as used in Section 4.03 (D) shall be construed to be "board of trustees" and the term "manager" shall

be construed to be "chief executive officer of the trust."

For all construction contracts, the trust shall comply with the provisions of section 10-38 of the County Code and the administrative procedures adopted pursuant to said section.

For all purchases of commodities and services, the trust shall comply with the provisions of section 2-8.2 of the County Code and the administrative procedures adopted pursuant to said section.

(d) (e) Property. The trust shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. The trust shall subject to prior approval of the county commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Dade County and the possession and operating control of which shall be held in trust for Dade County under the provisions of this chapter.

The trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property, provided however, that the trust shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property by the trust as lessor shall be in accordance with the requirements of Section 125.35, Florida Statutes.

The trust shall not, without having previously obtained the approval of the commission, destroy, replace, or abandon real property. The trust shall be authorized to maintain and repair designated facilities and may alter, modify, or make additions to designated facilities whenever such changes are

necessary for the proper operation and maintenance of such facilities.

(e) (d) Personnel. The trust shall be empowered to appoint, remove, and suspend employees or agents of the trust, to fix their compensation, and to adopt personnel and management policies, subject to board of county commission approval or disapproval. Absent any action by the board of county commissioners, personnel and management policies established by the board of trustees shall be considered final. The ~~trust shall not, however, assume responsibility for or exercise control over the functions heretofore performed by the county personnel department with regard to employees working in designated facilities until such time as a personnel plan shall have been submitted to and approved by the commission in accordance with this section.~~

(i) Personnel committee.--The trust shall establish a committee composed of representatives of the board of trustees, hospital management, and the county personnel department. This committee shall consult with hospital employees and employee representatives and shall submit to the board of trustees a plan for transfer to the trust of all county personnel functions in relation to designated facilities.--This plan, along with the recommendations of the board of trustees, shall be submitted to the board of county commissioners no later than six (6) months following the commencement of operation of the trust.

The committee shall seriously consider the recommendations relative to personnel contained in "The Feasibility of Autonomous Governance for Jackson Memorial Hospital," a report by the interim governing board for Jackson Memorial Hospital.--The plan to be submitted by the committee shall

~~provide for the preservation and continuation of benefits which are in all respects equal to or greater than these benefits to which employees working in designated facilities shall be entitled as employees of the county. In particular, e~~Employees who were initially county employees and reclassified as trust employees as the result of the original enactment of Chapter 25A shall be entitled to continue their participation in either the state and county officers and employees retirement system or the Florida Retirement System or both such retirement systems. The personnel plan trust shall assure employees a process of appeal with regard to disciplinary or other official action.

~~(2) Personnel policies. The trust shall work directly with the county personnel department to establish and maintain personnel policies and salary scales that are reasonably consistent with county personnel policies and salary scales. The two (2) major factors which shall be controlling in determining salary rates are the existing and proposed salary and employee benefit plans of the county and the prevailing salary and employee benefits plans of health care facilities in the community.~~

(2) Labor agreements. The county labor relations office and the county personnel department shall be permitted to participate in the negotiation of labor agreements with organizations representing trust employees, however, the board of trustees and the management of designated facilities shall be authorized to assume the primary role in such negotiations.

- (3) Classified service of the public health trust; exceptions therefrom. The classified service of the trust shall comprise all positions in the trust service existing on May 1, 1975, or thereafter established, except the following:
- (a) Executive director, deputy director, associate director, assistant directors and their immediate assistants, registered nurse V, personnel director and labor relations director and their immediate assistants, and all secretaries to the foregoing.
  - (b) Patients employed in designated facilities.
  - (c) Persons employed in a professional or scientific capacity to make or conduct a temporary and specific inquiry, investigation or examination on behalf of or by the authority of the trust.
  - (d) Trust attorneys and assistants.
  - (e) Persons who are jointly employed by the Trust and any institute of higher learning.
  - (f) Residents, interns and students in designated facilities.
  - (g) Those persons beyond the normal retirement age or disabled as may be provided for in the trust personnel rules.
  - (h) Employees of those programs or parts thereof which are supported or funded from federal, charitable or foundation sources and which

are designated by resolution of the board of trustees on the recommendation of the chief executive officer of the trust.

- (i) Persons employed pursuant to section 25A-3(g) of this chapter.

Employment within the classified service this category shall be based on standards and qualifications prepared by the personnel director, in coordination with the director of the particular program, and approved by the chief executive officer of the trust.

- (f) (e) Appointment of medical staff and approval of bylaws. The trust shall appoint the staff of physicians to practice in designated facilities and shall require that the bylaws, rules, and regulations of the medical staff of such facilities be submitted to the board of trustees for approval. Such bylaws, rules, and regulations shall be in accordance with the standards of the joint-commission-on-accreditation-of hospitals, all relevant accrediting organizations.
- (g) Rates and charges. The trust, in compliance with applicable law, shall be empowered to establish rates and charges for those persons using the facilities of or receiving care or assistance from the trust and to collect money pursuant to such rates and charges. Rates and charges shall be based upon the following factors: Costs of services and supplies rendered, the prevailing rates and charges of health care facilities in the community, and the goal of minimizing the dependence upon tax revenues, and maximizing the availability of health care provided by designated trust facilities.

- (h) Acceptance of gifts. The trust shall have the authority to accept gifts of money, services, or personal property. Subject to the prior approval of the commission, the trust may accept gifts of real property, the title of which shall be in Dade County. All gifts shall be held in trust pursuant to the provisions of this chapter.
- (i) Intergovernmental cooperation. The trust shall have the authority to cooperate with and contract with any governmental agency or instrumentality, federal, state, county, or municipal. The operating relationship between the trust and Dade County shall be set forth in an annual agreement the purpose of which shall be to implement applicable provisions of this chapter.
- (j) Compliance with law. The trust shall comply with all laws and regulations of the United States, the State of Florida, and Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories, and the operation and governance of health care facilities.
- (k) Establishment of alternative health care delivery systems. The trust shall be empowered to establish, participate in and/or contract with alternative health care delivery systems, including but not limited to prepaid health care plans.

Sec. 25A-5. Financial support for the public health trust.

The trust shall establish a fiscal year which coincides with that of Metropolitan Dade County, and the county shall provide the trust with financial support pursuant to the official county budget. ~~For the fiscal year of October 1, 1973, through September 30, 1974, the trust shall operate pursuant to the official county budget and amendments thereto. For each fiscal year subsequent to that act of 1973-1974, the trust shall~~

timely submit to the board of county commissioners ~~no later than the first day of April next preceeding such fiscal year~~ a trust budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the board of county commissioners.

The trust budget request shall be prepared on official county budget forms in a format prescribed by the county manager, shall be reviewed in a manner similar to that in which requests of other county departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the commission each year on June 1st. The methods by which Dade County shall provide financial support to the trust shall be as hereinafter described. Nothing contained herein shall be construed to prohibit the trust from submitting to the commission supplemental budget results which, if approved by the commission, shall constitute amendments to the official county budget.

- (a) ~~Phase I method of funding. Beginning with the effective date of this chapter, Dade County shall provide funds for the trust by continuing to pay with regard to designated facilities all employee payroll and fringe benefit expense (including expenses for insurance, social security, retirement, workmen's compensation, and tuition refund) and interest and principal on capital indebtedness. Additionally, the county may pay indirect expense for "supporting services" as that term is used in section 25A-6 of this chapter and may also pay for supplies, equipment and contractual services. All other expenses shall be paid from funds received by or held on account for the trust. The trust shall make a monthly accounting to Dade County which shall be submitted no later than the 25th day of the month next succeeding and pursuant to which the trust~~

~~shall refund to the county the amount of the cash balance of the trust on the final day of the preceding month. The system of funding described in this paragraph is referred to hereinafter as the "Phase-I" method of funding.~~

(a) (b) Phase-II method of funding. Funding. The trust shall develop for each implementation during the 1975-1976 fiscal year accounting, budgeting, and financial management systems which will enable Dade County to provide the trust, pursuant to the official county budget, with funding to defray through payments based upon the cost of services and supplies provided to medically indigent persons, and based upon such other appropriate costs as the county manager shall have approved. The implementation of the Phase-II method of funding shall be subject to review by the county manager and approval by the county commission. The system of funding described in this paragraph is referred to hereinafter as the "Phase-II" method of funding. At such time as the county shall begin the Phase-II method of funding the trust, the existing Phase-I method shall be discontinued to the extent consistent with sound fiscal policy.

(b) (e) Spending of bond proceeds, issuance of new bonds, and borrowing of money. The trust shall not be empowered to make expenditures of any monies derived from the sale of bonds by Dade County unless the trust shall have been specifically authorized by the board of county commissioners to make such expenditures. The trust shall be permitted to request the county commission to effectuate the

issuance of bonds, and to permit the trust to borrow money ~~or the borrowing-of-money~~ by submitting to the commission a duly enacted resolution of the board of trustees. The commission shall consider any such resolution requesting the issuance of bonds or for the trust to borrow money ~~the borrowing-of-money~~, however, the commission shall be under no obligation to take affirmative action upon such requests.

- (c) (d) General financial provisions. The county shall convey to the trust all accounts receivable pertaining to the designated facilities, and the trust shall be subject to, assume the liability for, and be authorized to pay all accounts payable pertaining to the designated facilities. The trust shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The trust shall make an annual report and an audited accounting to Dade County for all receipts and disbursements of money during each fiscal year, which accounting shall be submitted to the board of county commissioners no later than ninety (90) days subsequent to the close of such fiscal year and which accounting shall be in a manner consistent with and in a format pursuant to that prescribed by the county manager.

On a quarterly basis, the trust shall submit to the board of county commissioners through its Health and Human Services Committee a full financial report, including but not limited to, operating statistics such as admissions, occupancy rate, revenue and expenses, and a narrative outlining the

achievements and problems, if any,  
of the trust during the preceding  
quarter.

The internal auditor of Dade County shall at all times have the right to audit all records of the trust, and the external auditor of the county, at the direction of the board of county commissioners, shall be empowered to audit all records of the trust.

The board of county commissioners shall, after examining the trust's annual report and accounting, determine whether there is net income, exclusive of county payments for services rendered, at the end of the fiscal year. The board of county commissioners may then appropriate such net income into the county's general revenues or leave such net income with the trust for continued use in effecting the public purposes of the trust; provided, however, in the event the commissioners decide to leave such income with the trust, the commissioners shall still retain the right to withdraw such income at any future time.

Sec. 25A-6. Supporting services.

Except as otherwise provided by this chapter, the trust shall be authorized to develop and implement the supporting services systems necessary for carrying out the trust's responsibilities. Such supporting systems shall include but shall not be limited to budgeting and accounting, insurance-and-safety, liability coverage, quality assurance and utilization management, risk management functions related to care and safety of patients and all others within designated facilities, printing, delinquent account collections, information and computer services, architectural design and construction support services, security, physical maintenance, purchasing and materials management, and legal services.

Supporting services may also be purchased from individuals or organizations or obtained from the county in a manner consistent with the method of county funding of the trust. Before obtaining any supporting services from a source other than Dade County, the trust shall determine the availability, cost advantage, and management advantage of obtaining such services from the county on a fee-for-service basis.

- (a) Purchasing and materials management. The trust shall develop procedures for purchasing supplies, equipment and services and for managing materials and shall implement such procedures, ~~subject to the approval of the county manager. The implementation of the purchasing procedures shall take place in three (3) stages and over a period of eighteen (18) months or such other time as is in accord with sound management policy. During the first stage of implementation the trust may make only emergency purchases in amounts of less than one thousand dollars (\$1,000.00) each. During the second stage of implementation the trust may make all purchases in amounts of less than one thousand dollars (\$1,000.00) each. Full authority for all purchasing of supplies, equipment, and services shall be exercised by the trust during the third stage of implementation. Formal bid procedures as provided by this chapter shall be followed.~~
- (b) ~~Collections, Security, and legal services.~~ From the effective date of this chapter, the trust shall continue to utilize the services of the county with regard to ~~delinquent account collections, security, and legal services.~~ Whenever it shall be determined by the trust that ~~collections, security, or legal services should~~

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~~be provided by a source other than Dade County the trust shall submit to the county manager a plan whereby the responsibility for providing any such service shall be gradually transferred from the county to the trust or other source specified by the trust. Upon approval by the county manager of such a plan the trust may proceed to obtain the aforementioned services in accordance therewith.~~

Sec. 25A-7. General provisions of the trust.

It is the intent of the board of county commissioners to create by this chapter and for the purposes set forth herein a trust which may be modified or revoked in whole or in part by duly enacted ordinance of the commission. The beneficiaries of that trust shall be the people of Dade County who, with regard to the trust, shall be represented only by the board of county commissioners.

The county manager shall at all times be empowered to conduct an administrative audit of designated facilities. Legal opinions by the county attorney's office pertaining to this chapter and trust and to Chapter 73-102, Laws of Florida, 1973, shall be binding upon the trust.

The transfer of assets to the trust constitutes a taking over in part of the function of the board of county commissioners by the public health trust of Dade County, Florida. Pursuant to this chapter, the trust is not to be restricted in the free use of the designated facilities and it is contemplated that the trust will use the facilities to the extent of their useful lives. The trust is not required to make any payments or give any consideration to Dade County, however, the trust shall be required to properly maintain the designated facilities and, except as otherwise provided by this chapter, may make necessary improvements to such facilities.

8.8.1978

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment.

PASSED AND ADOPTED: JUN 18 1991

Approved by County Attorney as  
to form and legal sufficiency.

RAC

Prepared by:

SF

0.0.1071

STATE OF FLORIDA )  
DADE COUNTY ) SS:  
)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above foregoing is a true and correct

COPY OF ORDINANCE 91-63 PASSED AND ADOPTED JUNE 18, 1991

\_\_\_\_\_ as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on  
this 30TH day of JUNE A.D. 1999.

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Dade County, Florida

By *Harvey Ruvin*  
Deputy Clerk



SEAL

Board of County Commissioners  
Dade County, Florida