

MEMORANDUM

		Agenda Item No. 7(B) (Second Reading: 3-18-25)
TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE: February 19, 2025
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT: Ordinance relating to the Public Health Trust; amending sections 25A-4 and 25A-5 of the Code; modifying policies and directives requiring compliance; making technical revisions regarding limitations on the contractual powers; modifying threshold amount for compliance with section 2-11.16 of Code for certain contracts; modifying classified service exemptions; modifying private donation limits for certain construction projects; modifying internal audit reporting intervals; modifying location of budget hearings; modifying certain operational statistics reporting intervals; modifying deadline, special meeting and delivery requirements for audited financial reporting

Ordinance No. 25-25

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: March 18, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to the Modification of Policies, Financial Compliance and Operation Procedures related to Public Health Trust

The approval of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer

Memorandum



Date: March 18, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Modification of Policies, Financial Compliance and Operation Procedures related to Public Health Trust

The amendment to this Ordinance seeks to modify policies, financial compliance, and operational procedures related to the Public Health Trust (Trust).

The implementation of this amended Ordinance could provide a social benefit to the residents Miami-Dade County by ensuring all actions of the Trust are guided and guarded by meaningful policies and oversight and approval of the Board of County Commissioners. These processes and procedures can serve as a catalyst in fostering accountability and providing transparency to the public.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 18, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____)** to approve
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Agenda Item No. 7(B)
3-18-25

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST; AMENDING SECTIONS 25A-4 AND 25A-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING POLICIES AND DIRECTIVES REQUIRING COMPLIANCE; MAKING TECHNICAL REVISIONS REGARDING LIMITATIONS ON THE CONTRACTUAL POWERS; MODIFYING THRESHOLD AMOUNT FOR COMPLIANCE WITH SECTION 2-11.16 OF CODE FOR CERTAIN CONTRACTS; MODIFYING CLASSIFIED SERVICE EXEMPTIONS; MODIFYING PRIVATE DONATION LIMITS FOR CERTAIN CONSTRUCTION PROJECTS; MODIFYING INTERNAL AUDIT REPORTING INTERVALS; MODIFYING LOCATION OF BUDGET HEARINGS; MODIFYING CERTAIN OPERATIONAL STATISTICS REPORTING INTERVALS; MODIFYING DEADLINE, SPECIAL MEETING AND DELIVERY REQUIREMENTS FOR AUDITED FINANCIAL REPORTING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Section 1. Section 25A-4 of the Code of Miami-Dade County, Florida, is hereby

(b) Health Care Delivery Policies.

* * *

- ¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

the Commission shall provide County funding to the Trust for implementation of and compliance with the policy or directive for the period of time necessary for implementation or compliance.

- (c) Contracts. Except as otherwise provided by this chapter, the Trust, as an agent and instrumentality of Miami-Dade County, Florida, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on 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<< [[appropriate]] >>within<< [[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 Miami-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 from time to time. The original Basic Affiliation Agreement between the Trust and Florida International University shall be ratified by the Board of County Commissioners. Subsequent to ratification, 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 with Florida International University as set forth in the Basic Affiliation Agreement and as amended 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 Miami-Dade County. In the event that the Trust shall be revoked, obligations of the Trust shall only be enforceable against Miami-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 5.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term "Board" as used in Section 5.03(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 competitively bid contracts in excess of >>the threshold amount specified in Section 2-11.16 of the Code, as may be amended from time to time,<< ~~[[one hundred thousand dollars (\$100,000.00)]]~~ for the construction, alteration, and/or repair, including painting or decorating of "designated facilities" that are public buildings or public works, the Trust shall comply with the provisions of Section 2-11.16 of the Code, as same may be amended from time to time, and the administrative procedures adopted pursuant thereto.

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- (e) 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 Commissioners 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. 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 Trust shall assure employees a process of appeal with regard to disciplinary or other official action.

[(1) Reserved.]

- (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) President, Senior >>Leadership, Administrative Executives, and their respective support staff.<< [[Vice——Presidents,——Division——Directors, Administrative Director of Patient Care Services 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) 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.

Employment within the classified service category shall be based on standards and qualifications approved by appropriate Trust staff and the Chief Executive Officer of the Trust.

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- (h) Acceptance of gifts. The Trust shall have the authority to accept gifts of money, services, or personal property. All such gifts may be subject to such rules, conditions and terms as the Trust may determine. Subject to the prior approval of the Commission, the Trust may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in trust pursuant to the provisions of this chapter.

When accepting gifts of services and personal property that are "in kind," including for construction projects and related architectural, engineering, design and landscaping services, the Trust shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided additional costs, if any, are funded by a not-for-profit organization whose primary purpose is to support the activities of the Trust. An "in kind" donation is one in which the donor itself, or through an entity controlled by the donor, provides the personal property or performs the services.

In addition, in order to attract private funding for construction projects that are not in kind and that the Trust would either not otherwise undertake or would have to postpone, the Trust may accept from a not-for-profit organization whose primary purpose is to support the activities of the Trust gifts of construction projects, including the building, renovating, retrofitting, restoration, painting, altering or repairing of any Trust facility, and all services and personal property related to such construction projects, provided that each donation of such a construction project shall not exceed >>one hundred million dollars (\$100,000,000.00)<< [~~five million dollars (\$5,000,000.00)]~~] and is fully funded by such not-for-profit organization. All gifts of such construction projects shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided that the not-for-profit and the contractors on the construction project agree to be bound by public records law to the same extent as a Trust contractor providing such personal property or services. The not-for-profit organization shall file a report with the Public Health Trust and Board of County Commissioners every six (6) months documenting its activities pursuant to this paragraph.

The Trust by rule or contract shall implement procedures to comply with state law requirements mandating competitive bidding for construction projects and assure that donations of specific construction projects meet all lawful requirements and Trust standards of responsibility.

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- (m) Office of Internal Auditor, Public Accountability and Information. The Trust shall create an Office of Internal Auditor, Public Accountability and Information ("Office of Internal Audit"). The purpose of the Office of Internal Audit shall be to (i) provide internal auditing functions, (ii) act as the central depository for public information relating to public record requests, (iii) review and account for any and all relationships between the Public Health Trust and private entities, and (iv) interface and coordinate with and

serve as the Trust's liaison to the Miami-Dade County Office of Inspector General. The Office of Internal Audit shall report directly to the Chairperson of the Audit and Compliance Subcommittee or other committee or subcommittee of jurisdiction of the Trust. This Office through the Chief Executive Officer shall make >>quarterly<< [[monthly]] written reports to the Board of Trustees at its regular meetings. Upon request, the written reports shall also be disseminated to the County Mayor, Board of County Commissioners, the Commission Auditor, and Miami-Dade Office of Inspector General. The Chief Executive Officer of the Trust shall develop written policies and procedures for the organization and operation of the Office of Internal Audit and submit the same to the Board of Trustees for approval. Upon the Trust's creation of the Office of Internal Audit, the Trust shall do all things necessary or required to effectuate and merge all existing internal auditing functions into this Office and to provide sufficient funding and staffing.

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Section 2. Section 25A-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

The Trust shall establish a fiscal year which coincides with that of Miami-Dade County, and the County shall provide the Trust with financial support pursuant to the official County budget. The Trust shall timely submit to the Board of County Commissioners 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 Board of Trustees shall consider and approve its budget request at special meeting of the Board of Trustees to be held >>at the main campus of Jackson Memorial Hospital or<< in the Commission Chambers. At the special meeting, the only item to be considered shall be the Trust budget request contemplated by this section to be submitted to the Board of County Commissioners. At such special meeting, the Board of Trustees shall hold a public hearing on its budget request. The Board of Trustees shall adopt the budget request by a majority vote of the full Board of Trustees.

* * *

- (c) 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 Miami-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.

Upon request, the Trust shall within thirty (30) days submit to the Board of County Commissioners 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. >>Upon request<< ~~[[On a quarterly basis]]~~, the Trust through its Chief Financial Officer or designee shall collect and provide to the Board of County Commissioners for its analysis and approval specific patient and health service data elements including, but not limited to, data regarding (i) number of patients served, (ii) patient demographics and patient origin/zip code information, (iii) patient diagnosis, (iv) services rendered, (v) patient charges by service category, (vi) lengths of stay and patient visits, (vii) payment source, (viii) site of service and (ix) such other data elements requested by the Commission or agreed upon by the Trust ~~[[and the Office of Countywide Healthcare Planning]]~~.

>>No later than July 1st each year<< ~~[[Prior to March 31st of each year]]~~, the Trust shall submit to the Board of County Commissioners >>at the annual joint meeting called by the Chairperson of the Board of County Commissioners under Section 25A-4(b)(3)<< ~~[[via a special meeting of the Board of County Commissioners]]~~ in chambers a report ~~[[to the Board of County Commissioners and the public]]~~ that reflects the results of its annual audit for the prior fiscal year performed by the Trust's external auditor. At least seven (7) days prior to the >>joint<< ~~[[special]]~~ meeting, the Trust shall >>transmit<< ~~[[hand deliver]]~~ copies of the audit by the Trust's external auditor to the Mayor, Chairperson and members of the Board of County Commissioners, ~~[[the County Manager, Office of Countywide Healthcare Planning]]~~ and Office of Inspector General.

The Internal Auditor of Miami-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 shall leave such net income with the Trust for continued use in effecting the public purposes of the Trust; provided, however, in the event the Trust's cash reserves attain and are maintained at a level sufficient to sustain the Trust's operations for a year, then the Trust shall dedicate any additional surplus

in excess of such cash reserves that has been contributed by the County through maintenance of effort, as set forth under Section 212.055(5)(d), Fla. Stat., as such may be amended from time to time, to increase the provision of high-quality health care services in other segments of the County through innovative means to improve health care access, quality and outcomes and to report such innovations at the annual joint meeting called by the Chairperson of the Commission under Section 25A-4(b)(3).

Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-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 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

March 18, 2025

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher C. Kokoruda
Kevin M. Marker



Prime Sponsor: Commissioner Roberto J. Gonzalez