



To: Walter Foeman

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Health Facilities Authority

Date: May 19, 2015

You pose the following question:

Whether or not the Health Facilities Authority, which was created by 154.207, Florida Statutes, should be a quasi-judicial board instead of an advisory board?

No, the Health Facilities Authority board should not be categorized as a quasi-judicial board as it does not rule on the rights of any individual/entity and does not hold adversarial hearings typical of quasi-judicial boards. Pursuant to the City Charter, every city board is considered an advisory board, however, both Sec. 154.207, F.S. and Ordinance No. 2004-21, give the Health Facilities Authority powers that exceed those of a traditional advisory board (i.e. spending power, power to make decisions autonomously and without commission approval). Thus, it is my interpretation and opinion that the Health Facilities Authority is a hybrid, relatively independent, entity. I note, that pursuant to Sec. 4(c) of the Ordinance, "members of the Authority shall comply with the provisions of Sec. 286.012, F.S., relating to voting, and with the provisions of Ch. 112, Part III, F.S., relating to financial disclosure..."

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the Coral Gables City Code which gives the City Attorney the authority to issue opinions and interpretations on behalf of the City..

Herbello, Stephanie

From: Leen, Craig
Sent: Tuesday, May 19, 2015 10:32 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris; Chen, Brigette
Subject: Fwd: Heath Facilities Authority

Please place in opinion folder.

Sent from my iPhone

Begin forwarded message:

From: "Ramos, Miriam" <mramos@coralgables.com>
Date: May 19, 2015 at 10:28:45 PM EDT
To: "Foeman, Walter" <wfoeman@coralgables.com>
Cc: "Leen, Craig" <cleen@coralgables.com>, "Figueroa, Yaneris" <yfigueroa@coralgables.com>
Subject: Heath Facilities Authority

Dear Walter,

You pose the following question:

Whether or not the Health Facilities Authority, which was created by 154.207, Florida Statutes, should be a quasi-judicial board instead of an advisory board?

No, the Health Facilities Authority board should not be categorized as a quasi-judicial board as it does not rule on the rights of any individual/entity and does not hold adversarial hearings typical of quasi-judicial boards. Pursuant to the City Charter, every city board is considered an advisory board, however, both Sec. 154.207, F.S. and Ordinance No. 2004-21, give the Health Facilities Authority powers that exceed those of a traditional advisory board (i.e. spending power, power to make decisions autonomously and without commission approval). Thus, it is my interpretation and opinion that the Heath Facilities Authority is a hybrid, relatively independent, entity. I note, that pursuant to Sec. 4(c) of the Ordinance, "members of the Authority shall comply with the provisions of Sec. 286.012, F.S., relating to voting, and with the provisions of Ch. 112, Part III, F.S., relating to financial disclosure..."

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Sincerely,

Miriam S. Ramos
Deputy City Attorney
City of Coral Gables

Sent from my iPad