



FEDERATION  
OF  
MANATEE COUNTY  
COMMUNITY ASSOCIATIONS, INC.

September 27, 2018

RECEIVED

SEP 28 2018

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Manatee County

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Bradenton, Florida  
34206

For information call:  
941-792-5039

Website:  
[www.thefmcca.com](http://www.thefmcca.com)

"Eternal Vigilance  
is the price  
of Liberty."

Robin DiSabatino  
Manatee County Commissioner  
1112 Manatee Avenue West  
Bradenton, Fl. 34205

Re: Health Advisory Board  
(HAB) Request for Federal  
Poverty Guideline of 200%  
Matrix from HAB.

Dear Commissioner DiSabatino:

Recently, there was a presentation by HAB, and Mr. Joshua Barnett, County Health Care Manager, of their Draft No. 5, dated 8-22-17, and the Federations letter to the County Commission, dated 9-11-18, by me.

In the last paragraph, on page 2 of my letter, the Federation suggested that the BOCC immediately request HAB and staff to prepare, in effect, a detailed "matrix" explaining why the Federal Poverty Guideline eligibility in Manatee County was raised from 125% to 200%, so that 41% of (380,000) county residents are eligible for health care subsidies from our taxpayers. This should include, who are receiving these subsidies, what the form is of these subsidies, the source of these subsidies, the total annual they receive, and what the county is paying for, and what would be the annual pay out, at levels from 125% to 200%. This should be done immediately to educate the BOCC, and the public and aid in reducing the health care cost in our county.

Also, the county attorney should immediately issue a properly cited legal opinion pursuant to my letter to him. He agreed to issue his opinion, as shown in the copies of my letter to him dated 10-23-17, while I was Vice Chair of HAB, and his reply to me dated 10-25-17, enclosed herein. This is a serious issue that could involve the county in costly taxpayer litigation.

Accordingly, the Federation requests that you request HAB and staff and the County Attorney to comply with the herein requests, with copies to the Federation. If HAB or staff refuse, then we ask that this be put on a BOCC agenda, for a

Robin DiSabatino  
Manatee County Commissioner  
Page Two  
September 27, 2018

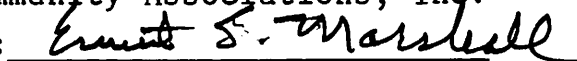
decision and request by the BOCC to HAB and staff to comply.

If you have any questions, please contact me at your convenience.

Thank you for your consideration.

Respectfully yours,  
Federation of Manatee County  
Community Associations, Inc.

By:



Ernest "Sandy" Marshall  
1st Vice President

ESM/pm  
enclosures-2

**ERNEST S. MARSHALL**

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October 23, 2017 *Chari e.*

HAND DELIVERY

Mickey Palmer, Esquire  
Manatee County Attorney  
1112 Manatee Avenue West  
Bradenton, Fl. 34205

Re: Manatee County Health  
Advisory Board (HAB)

Dear Mr. Palmer:

Pursuant to my telephone call to you, on 10-19-17, as Vice Chairman of HAB, and pursuant to Resolution R-17-035, dated 4-4-17, paragraph Section 2G, I am requesting a legal opinion from you regarding the following:

1. Whether or not Manatee County tax dollars may be used by the County to pay the cost of charity hospital care and medical bills for indigent patients, who are not qualified United States Citizens, or lawfully admitted aliens, who are residing in Manatee County.
2. Regarding my letter to the Manatee County Health Care Manager, Joshua T. Barnett, and the mandatory language in Section 20, Purposes and Duties, "The Healthcare Advisory Board shall":
  - A. Evaluate, "the healthcare system in Manatee County ...
  - B. Make recommendations to the Board of County Commissioners... regarding funding of services for healthcare for the medically needy ...
  - C. Review evidence based practices and programs, as well as data available related to health care in Manatee County resources may be maximized and new resources engaged to enhance the long-term health and quality of life for Manatee County citizens ...
  - F. To the extent such resources are available to it, the Advisory Board may be assisted in these duties by staff, consultants, and other sources ...

What is the obligation of Mr. Barnett and staff, to both HAB and the County Commission, in order that HAB may properly carry out its specific obligations to the County Commission and the public under paragraph E, of the above Resolution to present its work product to the County Commission ... through delivery of written reports ... and through presentation to the Commission in a live setting.

Your assistance above will help to coordinate everyone's sincere

Mr. Mickey Palmer, Esquire  
 Page Two  
 October 23, 2017

efforts to take advantage of our best opportunities to finally create a needed plan and solution to the long standing problem of the medically needy, indigent and uninsured, in Manatee County.

Enclosed, is the following to assist you with the requested legal opinion:

1. Copy of F. S. 154.304 (2003) Health Responsibility Indigents.
2. Copy of Indigent Health Care Research, by me to Manatee county Indigent Health Care Task Force, dated 5-13-08. NOTE: Cheri Coryea, staff and myself all helped to prepare this. She has a copy. Please return this copy after you copy it, if she no longer has her copy, and return my copy to me. This is the only copy I have left.
3. Current Brochure of "Project Access", in Buncombe County, Asheville, North Carolina, that I recently received.
4. Copy of Project Access Data, for Fy 2016 - Quarter 2y2017, showing value of services provided by doctors and hospitals, totalling \$3,047,646.36, for the first and second quarter of 2017. I received this from Mrs. Miriam Schwartz, CEO of the Medical Society of Buncombe County. She stated 75% of Doctors there participate and the county tax payers only pay between \$300,000.00 to \$400,000.00 per year to fund the program. Not \$6,000,000.00 to \$22,000,000.00, like Manatee County.
5. Copy of Memo from Federation of Mantee County community Association, signed by me, dated 1-19-16, to staff, Karen Windon and Andy Guyre Re: Health Care Issues of HAB.
6. Copies of two Florida Bar articles, both dated February 2016
  - "Remedies For an Epidemic of Medical Provider Price Gauging", by Steven I. Weissman.
  - In the Pill Mill age, its time Florida invokes a Health Care Privilege providing pharmacists Layered Insulation from Defamation", by Jonathon S. Miller.

The next HAB meeting is 10-30-17, at the County Administration Building.

If you have any questions, please call me at your convenience.

Thank you for your assistance.

Sincerely yours,

*Ernest S. Marshall*

Ernest S. Marshall  
 Vice Chairman of HAB

ESM/pm  
 enclosures-7  
 cc: Cheri Coryea  
 Manatee County Commissioners



## OFFICE OF THE COUNTY ATTORNEY

**MITCHELL O. PALMER, COUNTY ATTORNEY\***  
William E. Clague, Assistant County Attorney  
Sarah A. Schenk, Assistant County Attorney\*\*  
Christopher M. De Carlo, Assistant County Attorney  
Geoffrey K. Nichols, Assistant County Attorney  
Pamela J. D'Agostino, Assistant County Attorney  
Anne M. Morris, Assistant County Attorney  
Katharine M. Zamboni, Assistant County Attorney  
Alexandria C. Nicodemi, Assistant County Attorney

October 25, 2017

Via U.S. Mail and facsimile transmission (941-747-9621)

Ernest S. Marshall  
P.O. Box 320  
Bradenton, Florida 34206

**RE: Manatee County Healthcare Advisory Board**

Dear Sandy:

Please accept this communication as a follow-up to our telephone conversation of October 19, 2017, and your letter to me of October 23, 2017.

As you know, Manatee County Resolution R-17-035 served to create the Healthcare Advisory Board (HAB), provide for its purposes and duties, and provide for its organizational authority and membership. The last sentence of Section 2.G. of the Resolution reads as follows: "The County Attorney shall ensure the Advisory Board is provided with necessary legal advice."

While I am happy to fulfill the obligation set forth in the quoted sentence, I nevertheless interpret the language as requiring a majority vote of the HAB in order to seek my legal advice. I deem it inappropriate to provide legal advice at the request or insistence of a single HAB member. Please know that this approach has long been the norm for the Board of County Commissioners. It would thus be most unorthodox for me to take a different approach vis-a-vis an advisory body.

While I acknowledge that I did not raise this concern with you in our October 19 telephone conversation, I did not have the Resolution in front of me at the time and had not been afforded an opportunity to quietly study same.

\* Board Certified in Construction Law

\*\* Board Certified in City, County & Local Government Law

Ernest S. Marshall, Esquire  
P.O. Box 320  
Bradenton, Florida 34206  
October 25, 2017

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Thank you for your service to the community.

Sincerely,



Mitchell O. Palmer  
County Attorney

Copies to:

Board of County Commissioners

Ed Hunzeker, County Administrator

Cheri Coryea, Director, Neighborhood Services Department

Joshua Barnett, Healthcare Services Manager, Neighborhood Services Department

Elaine Maholtz, Compliance Coordinator, Neighborhood Services Department