

PROPOSED

ORDINANCE NO.

1
2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
3 COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY LOCAL PROVIDER
4 PARTICIPATION FUND ORDINANCE; AMENDING SECTIONS 16-129, 16-132, AND
5 16-137 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”), RELATING
6 TO ANNUAL PROCEEDINGS AND INDEMNITY REQUIREMENTS FOR THE
7 IMPOSITION OF A NON-AD VALOREM SPECIAL ASSESSMENT ON CERTAIN REAL
8 PROPERTY OWNED OR LEASED BY PRIVATE HOSPITALS IN BROWARD COUNTY;
9 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN
10 EFFECTIVE DATE.

11 (Sponsored by the Board of County Commissioners)

12

13 WHEREAS, on May 10, 2022, the Broward County Board of County
14 Commissioners (“Board”) enacted an Ordinance creating Article V of Chapter 16 of the
15 Broward County Code of Ordinances (the “Broward County Local Provider Participation
16 Fund Ordinance”) to allow for the imposition of a uniform non-ad valorem special
17 assessment upon certain real property owned or leased by private hospitals in Broward
18 County (“Hospitals”) to help finance the non-federal share of the State of Florida’s
19 Medicaid program (“Special Assessment”); and

20 WHEREAS, the Board desires to amend the Broward County Local Provider
21 Participation Fund Ordinance to streamline the procedures and requirements for the
22 annual imposition of the Special Assessment,

23 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
24 BROWARD COUNTY, FLORIDA:

25 Section 1. Section 16-129 of the Broward County Code of Ordinances is hereby
26 amended to read as follows:

27 **Sec. 16-129. Annual Proceedings for Imposing Assessment.**

28 The Board, subject to the provisions of this section and without an election, may
29 impose an Assessment for the purposes provided for in this article. The proceedings for
30 imposing the Assessment shall be as follows:

31 (a) *Petition.* In each Fiscal Year, the Board may impose an Assessment only
32 after receipt of a the following:

33 (1) A petition requesting the imposition of the Assessment signed by at least
34 seventy-five percent (75%) of the Institutional Health Care Providers. ~~The~~
35 which petition shall set forth: ~~(1) the boundaries or other description~~
36 sufficient to identify each Assessed Property, the proposed Assessment
37 rate, and the dollar amount to be imposed on each Assessed Property; (2)
38 ~~a legal opinion, that is acceptable to the Office of County Attorney, from a~~
39 ~~duly licensed Florida attorney stating that the imposition of the Assessment~~
40 ~~is lawful; and (3) an~~

41 (2) An executed release, in a form acceptable to the Office of the County
42 Attorney, wherein each of ~~the~~ petitioning Institutional Health Care Providers
43 states, among other things, ~~they~~ it forever releases Broward County and its
44 officers, employees, and agents from any and all liability claims, suits, and

45 liabilities relating to the imposition of the Assessment. ~~There shall also be~~
46 ~~filed with the petition a;~~

47 (3) A duly certified copy of the proceedings of the board of directors or
48 stockholders of each of the Institutional Health Care Providers or an affidavit
49 executed by an individual duly authorized to bind the Institutional Health
50 Care Provider and such other documents, if any, as may be required by the
51 Office of the County Attorney to show that those signing the petition are duly
52 authorized to sign the petition and to subject the Assessed Property to the
53 levy and imposition of the Assessment as provided in this article-;

54 (4) A designation in each petition of a single point of contact for the Institutional
55 Health Care Providers, which person or entity shall collect and provide to
56 Broward County all documentation required by this article for the imposition
57 of the Assessment; and

58 (5) In the first year that the Assessment is to be imposed, a legal opinion, that
59 is acceptable to the Office of the County Attorney, from a duly licensed
60 Florida attorney stating that the imposition of the Assessment is lawful.

61 . . .

62 Section 2. Section 16-132 of the Broward County Code of Ordinances is hereby
63 amended to read as follows:

64 **Sec. 16-132. Method of Collection.**

65 The Assessment is to be collected pursuant to an alternative method pursuant to
66 Section 197.3631, Florida Statutes. The County Administrator or designee shall provide

67 the Assessment bills by first-class mail to each Institutional Health Care Provider. The bill
68 or accompanying explanatory material shall include:

69 . . .

70 (h) A copy of the indemnification, hold harmless, and release of liability
71 document required by Section ~~46-129(a)~~ 16-137, which shall be executed by the owners
72 of ~~Assessed Properties~~ Institutional Health Care Providers and returned with the
73 submission of the Assessment.

74 Section 3. Section 16-137 of the Broward County Code of Ordinances is hereby
75 amended to read as follows:

76 **Sec. 16-137. Indemnification and; Hold Harmless; Release of Liability.**

77 The Institutional Health Care Providers that are the subject of this article have
78 requested enactment of this article and have given assurances to Broward County that
79 the objectives and procedures addressed in this article are proper and lawful.
80 Accordingly, as provided in Section 16-132(h), the Institutional Health Care Providers ~~that~~
81 ~~are the subject of this article~~ shall provide to Broward County submit with the Assessment,
82 an ~~executed~~ indemnification and, hold harmless document that, and release of liability
83 document approved by the Office of the County Attorney. Broward County may, in its
84 sole discretion, accept a document containing only the release of liability, in a form
85 approved by the Office of the County Attorney, when an Institutional Health Care Provider
86 is not legally permitted to execute an indemnification and hold harmless document. The
87 indemnification and hold harmless required under this section shall hold Broward County
88 and its officers, employees, and agents harmless from any claim arising from the adoption
89 and implementation of this article, and shall indemnify Broward County and its officers,

90 employees, and agents from any and all claims, suits, damages, disallowances, or other
91 proceedings, including, but not limited to, original proceedings, appeals, or any
92 proceeding before any administrative body or tribunal, and from any and all costs and
93 attorneys' ~~or~~ and expert fees associated with the defense of such claims, that may arise
94 in the event that the objectives and procedures of this article are challenged by any
95 person, entity, or government agency. ~~This indemnification and hold harmless shall be~~
96 ~~approved by the Office of the County Attorney as to legal sufficiency and shall be~~
97 ~~submitted with the Assessment pursuant to Section 16-132(h).~~ The release of liability
98 required under this section shall forever release Broward County and its officers,
99 employees, and agents from any and all claims, suits, and liabilities relating to the
100 imposition of the Assessment.

101 Section 4. Severability.

102 If any portion of this Ordinance is determined by any court to be invalid, the invalid
103 portion will be stricken, and such striking will not affect the validity of the remainder of this
104 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
105 legally applied to any individual, group, entity, property, or circumstance, such
106 determination will not affect the applicability of this Ordinance to any other individual,
107 group, entity, property, or circumstance.

108 Section 5. Inclusion in the Broward County Code of Ordinances.

109 It is the intention of the Board of County Commissioners that the provisions of this
110 Ordinance become part of the Broward County Code of Ordinances as of the effective
111 date. The sections of this Ordinance may be renumbered or relettered and the word

112 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
113 phrase to the extent necessary in order to accomplish such intention.

114 Section 6. Effective Date.

115 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Christina A. Blythe 08/03/2022
Christina A. Blythe (date)
Assistant County Attorney

By: /s/ Annika E. Ashton 08/03/2022
Annika E. Ashton (date)
Deputy County Attorney

CAB/sr
Hospital Special Assessment Amendments Ordinance
08/03/2022

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.