

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY LOCAL PROVIDER
3 PARTICIPATION FUND ORDINANCE; AMENDING ARTICLE V OF CHAPTER 16 OF
4 THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); UPDATING THE
5 ASSESSMENT STRUCTURE TO ADDRESS PROPOSED CENTERS FOR
6 MEDICARE & MEDICAID SERVICES WAIVER-RELATED HOSPITAL EXEMPTIONS;
7 AUTHORIZING THE USE OF ASSESSMENT PROCEEDS FOR ADDITIONAL
8 MEDICAID SUPPLEMENTAL PAYMENT PROGRAMS; AND PROVIDING FOR
9 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

10 (Sponsored by Senator Nan H. Rich)

11
12 WHEREAS, Article V of Chapter 16 of the Broward County Code of Ordinances
13 ("Broward County Local Provider Participation Fund Ordinance") authorizes the Broward
14 County Board of County Commissioners ("Board") to impose, levy, collect, and enforce a
15 uniform non-ad valorem special assessment ("Assessment") upon certain real property
16 owned or leased by private hospitals in Broward County pursuant to the Medicaid
17 Managed Care hospital directed payment program administered by the State of Florida
18 to fund the nonfederal share of the State's Medicaid program;

19 WHEREAS, in 2024, the Board amended the Broward County Local Provider
20 Participation Fund Ordinance to authorize the use of Assessment proceeds for
21 supplemental payments under the Low Income Pool Program;

22 WHEREAS, the State has requested waivers and approvals from the Centers for
23 Medicare & Medicaid Services (“CMS”) relating to the State’s hospital assessment
24 structure that may result in certain hospitals being exempt from participation in the
25 Assessment;

26 WHEREAS, participating hospitals have requested that the Board amend the
27 Broward County Local Provider Participation Fund Ordinance to address potential waiver-
28 related hospital exemptions and to authorize the use of Assessment proceeds for
29 additional Medicaid supplemental payment programs and CMS-authorized managed care
30 quality incentive programs; and

31 WHEREAS, the Board desires to amend the Broward County Local Provider
32 Participation Fund Ordinance to provide additional flexibility in the administration of the
33 Assessment and related Medicaid supplemental payment programs,

34 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
35 BROWARD COUNTY, FLORIDA:

36 Section 1. Section 16-124 of the Broward County Code of Ordinances is hereby
37 amended to read as follows:

38 **Sec.16-124. Authority.**

39 Pursuant to the Florida Constitution, Chapter 125 of the Florida Statutes, and the
40 Home Rule Charter of Broward County, Florida, the Board is authorized to impose a
41 special assessment against private for-profit and not-for-profit hospitals located within the

County to fund the ~~non-federal~~ nonfederal share of Medicaid payments associated with Local Services as provided in the Medicaid Hospital Directed Payment Program ~~and, the~~ Low Income Pool Program, and any other supplemental payment or managed care quality incentive program or arrangement authorized by the Centers for Medicare & Medicaid Services ("CMS").

Section 2. Section 16-125 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec.16-125. Purpose.

The non-ad valorem special assessment authorized by this article shall be imposed, levied, collected, and enforced against Assessed Properties located within the County. Proceeds from the Assessment shall be used to benefit Assessed Properties through ~~enhanced~~ Medicaid payments for Local Services. When imposed, the Assessment shall constitute a lien upon the Assessed Properties equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Failure to pay may cause foreclosure proceedings, which could result in loss of title. The Assessment shall be computed and assessed only in the manner provided in this Ordinance.

Section 3. Section 16-126 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec.16-126. Definitions.

For the purpose of this article, the following definitions shall apply:

. . .

64 *Assessment:* A non-ad valorem special assessment imposed by Broward County
65 on Assessed Property to fund the ~~non-federal~~ nonfederal share of Medicaid payments
66 pursuant to the Medicaid Hospital Directed Payment Program ~~and~~ the Low Income Pool
67 Program, or any managed care quality incentive program or arrangement authorized by
68 CMS that will benefit hospitals providing Local Services.

69 . . .

70 *Institutional Health Care Provider:* A licensed private for-profit or not-for-profit
71 hospital that provides inpatient hospital services, unless CMS exempts the hospital
72 through an approved or pending health care tax waiver.

73 . . .

74 *Medicaid Hospital Directed Payment Program:* The program authorized by the
75 ~~Centers for Medicare & Medicaid Services (CMS)~~ allowing the State of Florida to direct
76 specific payments made by managed care plans to all hospital providers for Medicaid
77 services.

78 *Medicaid Supplemental Payments:* Medicaid payments received through the Low
79 Income Pool Program, Directed Payment Program, and any other supplemental payment,
80 managed care quality incentive program, or arrangement authorized by CMS and
81 expressly designated in an Assessment Resolution described in Section 16-129(c)
82 hereof.

83 . . .

84 ~~*Supplemental Medicaid Payments:* The Medicaid payments made to Medicaid~~
85 ~~providers in addition to the Medicaid reimbursement rate received for services provided,~~

86 as provided in the Medicaid Hospital Directed Payment Program and the Low Income
87 Pool Program.

88 Section 4. Section 16-127 of the Broward County Code of Ordinances is hereby
89 amended to read as follows:

90 **Sec.16-127. Scope of Assessment.**

91 Institutional Health Care Providers within the County incur hundreds of millions of
92 dollars in unreimbursed Medicaid and charity care costs each year. Contingent upon the
93 ~~non-federal~~ nonfederal share being provided through intergovernmental transfers, the
94 State of Florida received federal authority to establish the Medicaid Hospital Directed
95 Payment Program to help offset the Medicaid shortfall. In addition, the State of Florida
96 received federal authority to establish and administer the Low Income Pool Program to
97 reimburse Institutional Health Care Providers for uncompensated charity care costs. The
98 State of Florida is working to establish and administer a quality incentive program to
99 provide Medicaid payments to eligible Institutional Health Care Providers.

100 Pursuant to Section 125.01, Florida Statutes, the Board hereby creates a non-ad
101 valorem special assessment that shall be imposed, levied, collected, and enforced
102 against Assessed Properties to fund the ~~non-federal~~ nonfederal share of Supplemental
103 Medicaid Supplemental Payments benefitting Assessed Properties providing Local
104 Services in the County. Funds generated as a result of the Assessment shall be held in
105 a separate account called the Local Provider Participation Fund and shall be used only
106 to (1) provide to the Florida Agency for Health Care Administration the ~~non-federal~~
107 nonfederal share of Supplemental Medicaid Supplemental Payments to be made directly
108 or indirectly in support of hospitals serving Medicaid, low-income, and uninsured patients;

and (2) reimburse Broward County for administrative costs associated with the implementation of the Assessment authorized by this Ordinance, as further specified in the Assessment Resolution.

The Assessment must ~~be broad based, and the amount of the Assessment must be uniformly imposed on each Assessed Property~~ comport with federal and state requirements for health care-related assessments. The Assessment may not hold harmless any Institutional Health Care Provider, as required under 42 U.S.C. § 1396b(w). As set forth in Section 16-125, the Assessment shall constitute a lien upon the Assessed Properties equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. In addition to other remedies available at law or in equity, the enforcement of the aforesaid Assessment shall be at the same time and in like manner as ad valorem taxes and subject to all ad valorem tax enforcement procedures set forth in the official annual real property tax notice.

...

Section 5. Section 16-128 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec.16-128. Computation of Assessment.

The annual Assessment shall be specified for each Assessed Property. The Board shall set the Assessment in amounts that in the aggregate will generate sufficient revenue to fund the ~~non-federal~~ nonfederal share of ~~Supplemental~~ Medicaid Supplemental Payments associated with Local Services to be funded by the Assessment.

...

Section 6. Section 16-129 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

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

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

- (1) A petition requesting the imposition of the Assessment signed by at least seventy-five percent (75%) of the Institutional Health Care Providers, which petition shall set forth the boundaries or other description sufficient to identify each Assessed Property, the list of exempted hospitals and associated Assessed Properties, the proposed Assessment rate, and the dollar amount to be imposed on each Assessed Property;

...

(c) *Assessment Resolution.* In addition to the Non-Ad Valorem Assessment Roll described in Section 16-129(b), the County Administrator or designee shall cause to be prepared and presented to the Board an Assessment Resolution that shall describe (a) the ~~Supplemental~~ Medicaid Supplemental Payments proposed for funding from proceeds of the Assessment; (b) the benefits to the Assessment Properties associated with the Assessment; (c) the methodology for computing the assessed amounts; and (d) the method of collection, including how and when the Assessment is to be paid.

...

Section 7. Severability.

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

Section 8. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

167 Section 9. Effective Date.

168 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. Price 05/26/2026
Christina A. Price (date)
Senior Assistant County Attorney

By: /s/ Annika E. Ashton 05/26/2026
Annika E. Ashton (date)
Deputy County Attorney

CAP/sr
LPPF Ordinance Amendment
05/26/2026
#1231363v4

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