

1 RESOLUTION NO.

2 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
3 COUNTY, FLORIDA, IMPOSING A NON-AD VALOREM SPECIAL ASSESSMENT
4 WITHIN BROWARD COUNTY PURSUANT TO THE BROWARD COUNTY LOCAL
5 PROVIDER PARTICIPATION FUND ORDINANCE FOR THE PURPOSE OF
6 BENEFITING ASSESSED PROPERTIES THROUGH ENHANCED MEDICAID AND
7 MEDICAID MANAGED CARE PAYMENTS FOR LOCAL SERVICES; ESTABLISHING
8 THE ASSESSMENT RATE AND ASSESSMENT AMOUNT FOR EACH ASSESSED
9 PROPERTY AND ESTABLISHING AN ASSESSMENT ROLL; AUTHORIZING A
10 METHOD OF COLLECTION; AND PROVIDING FOR SEVERABILITY AND AN
11 EFFECTIVE DATE.

12
13 WHEREAS, annually, hospitals in Broward County (“Hospitals”) provide millions of
14 dollars of uncompensated care to uninsured persons and those who qualify for Medicaid,
15 but Medicaid on average covers only sixty percent (60%) of the costs of the health care
16 services provided by Hospitals to Medicaid-eligible persons, leaving such Hospitals with
17 significant uncompensated costs (“Medicaid Shortfall”);

18 WHEREAS, the State of Florida (“State”) received federal authority to establish the
19 Statewide Medicaid Managed Care Hospital directed payment program (“DPP”) to offset
20 the Medicaid Shortfall and to improve the quality of care provided to Florida’s Medicaid
21 population;

22 WHEREAS, a number of Hospitals impacted by the Medicaid Shortfall requested
23 that the Broward County Board of County Commissioners (“Board”) impose a non-ad
24 valorem special assessment upon certain real property interests held by the Hospitals to
25 help finance the non-federal share of the State’s Medicaid program;

26 WHEREAS, on May 10, 2022, the Board adopted the Broward County Local
27 Provider Participation Fund Ordinance, Article V of Chapter 16 of the Broward County
28 Code of Ordinances (“Ordinance”), authorizing the Board to levy a uniform non-ad
29 valorem special assessment, which is fairly and reasonably apportioned among the
30 Hospitals’ property interests within the County’s jurisdictional limits, for the purpose of
31 benefiting Assessed Properties, as defined in the Ordinance, through enhanced Medicaid
32 and Medicaid managed care payments for Local Services as set forth in the Ordinance
33 (“Assessment”);

34 WHEREAS, the Ordinance provides that to levy the Assessment, the Board must
35 adopt a resolution that shall describe (a) the Medicaid payments proposed for funding
36 from proceeds of the Assessment; (b) the benefits to the Assessed Properties; (c) the
37 methodology for computing the Assessment; and (d) the method of collection;

38 WHEREAS, only real property interests belonging to the Hospitals will be subject
39 to the Assessment authorized herein;

40 WHEREAS, the funding raised by the Assessment will, through intergovernmental
41 transfers (“IGTs”) consistent with federal guidelines, support additional funding for
42 Medicaid and Medicaid managed care payments to Hospitals;

43 WHEREAS, the Board finds that the Hospital properties assessed will benefit
44 directly and specially from the Assessment as a result of the above-described additional
45 funding provided to the Hospitals;

46 WHEREAS, the Board has determined that a logical relationship exists between
47 the services provided by the Hospitals, which will be supported by the Assessment, and
48 the special and particular benefit to the real property of the Hospitals;

49 WHEREAS, leveraging additional federal support through the above-described
50 IGTs to fund Medicaid and Medicaid managed care payments to the Hospitals for health
51 care services directly and specifically benefits the Hospitals' property interests and
52 supports their continued ability to provide those services;

53 WHEREAS, the Board finds that the proposed Assessment is properly apportioned
54 and will be assessed upon all Hospitals at a uniform rate in compliance with
55 42 C.F.R. § 433.68(d); and

56 WHEREAS, the Board desires to levy the Assessment to support the provision of
57 additional funding for Medicaid and Medicaid managed care payments to the Assessed
58 Properties pursuant to the Ordinance, NOW, THEREFORE,

59 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
60 BROWARD COUNTY, FLORIDA:

61 Section 1. Recitals.

62 The recitals and the findings therein as set forth in the preamble to this Resolution
63 are true, accurate, and incorporated by reference herein as though set forth in full
64 hereunder.

65 Section 2. Definitions.

66 All capitalized words and terms not otherwise defined herein shall have the
67 meanings set forth in the Ordinance.

68 Section 3. Special Assessment.

69 The Assessment shall be imposed, levied, collected, and enforced against
70 Assessed Properties located within the County. Proceeds from the Assessment shall be
71 used to benefit Assessed Properties through a directed payment program that will benefit
72 the Assessed Properties through enhanced Medicaid and Medicaid managed care
73 payments for Local Services.

74 When imposed, the Assessment shall constitute a lien upon the Assessed
75 Properties owned by Hospitals and/or a lien upon improvements on the Assessed
76 Properties made by Hospital leaseholders equal in rank and dignity with the liens of all
77 state, county, district, or municipal taxes and other non-ad valorem assessments.
78 Payments made by Assessed Properties may not be passed along to patients of the
79 Assessed Property as a surcharge or as any other form of additional patient charge.
80 Failure to pay may cause foreclosure proceedings, which could result in loss of title, to
81 commence.

82 Section 4. Assessment Scope, Basis, and Use.

83 Funds generated from the Assessment shall be used only to:

84 (a) Provide to the Florida Agency for Health Care Administration (“Agency”) the
85 non-federal share for Medicaid and Medicaid managed care hospital directed payments
86 to be made directly or indirectly in support of Hospitals serving Medicaid beneficiaries;
87 and

88 (b) Reimburse the County for administrative costs associated with the
89 implementation of the Assessment authorized by the Ordinance.

90 If at the end of the Fiscal Year additional amounts remain in the Local Provider
91 Participation Fund, the Board is hereby authorized (1) to retain such amounts in the fund
92 to transfer to the Agency in the following Fiscal Year for use as the non-federal share of
93 Medicaid and Medicaid managed care hospital directed payments, or (2) if requested to
94 do so by the Assessed Properties, to refund to Assessed Properties, in proportion to
95 amounts paid during the Fiscal Year, all or a portion (as applicable) of the unutilized Local
96 Provider Participation Fund.

97 If, after the Assessment funds are transferred to the Agency, the Agency returns
98 some or all of the transferred funding to the County (including, but not limited to, a return
99 of the non-federal share after a disallowance of matching federal funds), the Board is
100 hereby authorized to (1) refund to Assessed Properties, in proportion to amounts paid in
101 during the Fiscal Year, the amount of such returned funds, or (2) retain such amounts in
102 the Local Provider Participation Fund to transfer to the Agency in the next Fiscal Year for
103 use as the non-federal share of Medicaid and Medicaid managed care hospital directed
104 payments.

105 Section 5. Computation of Assessment.

106 For the Fiscal Year commencing October 1, 2022, the Assessment shall equal
107 0.18% of gross patient revenue for each Assessed Property specified in the Non-Ad
108 Valorem Assessment Roll attached as Exhibit A, which the Board hereby approves. The
109 amount of the Assessment required of each Assessed Property may not exceed an
110 amount that, when added to the amount of other hospital assessments levied by the state

111 or local government, exceeds the maximum percent of the aggregate net patient revenue
112 of all Assessed Hospitals in the County permitted by 42 C.F.R. § 433.68(f)(3)(i)(A). The
113 Assessment for each Assessed Property has been derived from data contained in cost
114 reports and/or in the Florida Hospital Uniform Reporting System, as available from the
115 Agency.

116 Section 6. Timing and Method of Collection.

117 The amount of the Assessment is to be collected pursuant to the alternative method
118 outlined in Section 197.3631, Florida Statutes, and the procedure outlined in
119 Section 16-132 of the Ordinance. Broward County shall provide Assessment invoices by
120 first-class mail to each Institutional Health Care Provider who shall submit payment of the
121 Assessment on or before November 30, 2022. No act of error or omission on the part of
122 Broward County, its officers, employees, or agents shall operate to release or discharge
123 any obligation for payment of the Assessment imposed by the Board under the
124 Ordinance and this Resolution.

125 Section 7. Responsibility for Enforcement.

126 Broward County shall maintain the duty to enforce the prompt collection of the
127 Assessment by the means provided herein and as provided by law. The duties related to
128 collection of Assessments may be enforced by suit in a court of competent jurisdiction, or
129 by other appropriate proceedings or actions.

130 Section 8. Severability.

131 If any portion of this Resolution is determined by any court to be invalid, the invalid
132 portion will be stricken, and such striking will not affect the validity of the remainder of this
133 Resolution. If any court determines that this Resolution, in whole or in part, cannot be

Exhibit A
Assessment Roll

Organization	Facility	Address	Rate	Payment
Catholic Health Services	St John's Rehabilitation Hospital	3075 NW 35th Ave., Lauderdale Lakes, FL 33311	Gross 0.18%	\$28,795
Cleveland Clinic Health System	Cleveland Clinic Hospital	2950 Cleveland Clinic Blvd., Weston, FL 33331	Gross 0.18%	\$2,456,302
Encompass Health	Encompass Sunrise Rehabilitation Hospital	4399 N Nob Hill Rd., Sunrise, FL 33351	Gross 0.18%	\$138,248
HCA	HCA Florida Northwest Hospital (fka Northwest Med Ctr)	2801 N State Rd 7, Margate, FL 33063	Gross 0.18%	\$3,977,701
HCA	HCA Florida University Hospital (fka Plantation Hospital)	401 NW 42nd Ave., Plantation, FL 33317	Gross 0.18%	\$7,261,571
HCA	HCA Florida Woodmont Hospital (fka University Hosp and Med Ctr)	7201 N University Dr., Tamarac, FL 33321	Gross 0.18%	\$2,093,145
HCA	HCA Florida Westside Hospital (fka Westside Regional Med Ctr)	8201 W Broward Blvd., Plantation, FL 33324	Gross 0.18%	\$4,152,690
Kindred Healthcare	Kindred Hosp - So FL - Ft. Lauderdale	1516 E Las Olas Blvd., Fort Lauderdale, FL 33301	Gross 0.18%	\$768,437
Larkin Comm. Hosp. System	Larkin Community Hospital Behavioral Health Services	1200 N 35 Ave., Hollywood, FL 33021	Gross 0.18%	\$64,871
Trinity Health	Holy Cross Hospital	4725 N Federal Hwy, Fort Lauderdale, FL 33308	Gross 0.18%	\$2,978,319
UHS	Fort Lauderdale Hospital	5757 N Dixie Hwy, Oakland Park, FL 33334	Gross 0.18%	\$174,594