

PROPOSED
ORDINANCE NO. 29-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; REPEALING AND REPLACING ORDINANCE NO. 10-19; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

WHEREAS, the City of Pensacola has an interest in the access to healthcare for its indigent and uninsured citizens; and

WHEREAS, the City previously adopted Ordinance No. 10-19, providing a mechanism for the special assessment against certain properties within the city limits to increase funding available for indigent care services; and

WHEREAS, the City finds it necessary to revise the special assessment process to provide greater flexibility in the determination from year to year of the basis for the special assessment; and

WHEREAS, upon adoption, this new Ordinance will repeal and replace Ordinance No. 10-19.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

Section. 1.01 – Findings and Intent.

In adopting this Ordinance, the City Council makes the following findings and declares the following legislative intent:

(1) Each year, Hospitals in Pensacola provide substantial uncompensated charity health care to indigent citizens of the City.

(2) The State of Florida (the “State”) created a Low-Income Pool program (the “LIP Program”) through its federal Medicaid waiver to help defray the uncompensated costs of providing charity care to uninsured and low-income patients.

(3) The State has not provided the full allowable LIP Program support to certain eligible hospitals.

(4) The Hospitals have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property within the City limits owned by the Hospitals to help finance that non-federal share of the State’s LIP Program.

(5) The funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a higher percentage of their uncompensated charity care costs to maintain and expand their charity care programs.

(6) The City has an interest in promoting access to healthcare to its uninsured and indigent citizens.

(7) Imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured citizens of the City is a valid public purpose that benefits the health, safety and welfare of the citizens of Pensacola.

(8) The City Council of the City of Pensacola, Florida (the "City Council") hereby intends to adopt an ordinance, authorizing and enabling the City to levy non-ad valorem assessments on properties of the Hospitals within the jurisdictional limits of the City in accordance with state law and procedures.

Section. 1.02 – Definitions.

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Assessment Resolution means the resolution approving an Assessment Roll of Hospital property(ies) for a specific Fiscal Year.

Assessment means the assessment on real property of providers of outpatient or inpatient hospital services, as determined by resolution, within Pensacola City limits as defined herein.

Assessment Roll means the special assessment roll of Hospital property(ies) approved by an Assessment Resolution or an Annual Assessment Resolution pursuant to this Ordinance.

Assessment Unit means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, or permitted land use.

City means the City of Pensacola, Florida.

Council means the City Council of the City of Pensacola, Florida.

Fiscal Year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

Hospital means any hospital owning property in the Pensacola city limits that meets the Assessment criteria as more particularly described in the Assessment Resolution. The Hospitals may include any or all of the following: Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital.

Local Service means the provision of charity health care by the Hospitals to indigent and uninsured citizens of Pensacola.

Ordinance means this Special Assessment Ordinance enabling the City to levy non-ad valorem assessments on Hospital properties within the jurisdictional limits of the City.

Property Appraiser means the Escambia County Property Appraiser.

Resolution of Intent means the resolution expressing the Council's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act, Ch. 197, Florida Statutes.

Tax Collector means the Escambia County Tax Collector.

Tax Roll means the real property ad valorem tax assessment roll pertaining to Hospital property maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means Florida Statutes §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Section. 1.03 - Authority.

The Council is hereby authorized to impose, levy, and collect Assessments against Hospital property located within an Assessment Area upon which are located providers of outpatient or inpatient hospital services in order to fund the non-federal share of LIP payments to certain eligible Hospitals for uncompensated costs of charity care. The Assessment shall be computed in a manner that fairly and reasonably apportions the operating cost proportionate to the benefit among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units related to the value, use, or physical characteristics of the property. When imposed by the City Council, the Assessment shall constitute a lien upon the assessed Hospitals equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem

assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title.

Section. 1.04 - Assessment Resolution.

The Assessment Resolution shall (A) describe with particularity the proposed method of fairly and reasonably apportioning the operating cost proportionate to the benefit among the parcels of property located within the Assessment Area, such that the owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and (B) describe how and when the Assessments are to be paid.

Section. 1.05 - Assessment Roll.

(A) An Assessment Roll shall be prepared that contains the following information:

- (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
- (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
- (3) the Assessment attributable to each parcel;
- (4) the estimated maximum annual Assessment to become due in any Fiscal Year; and
- (5) the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

Section. 1.06 Adoption Procedures.

The procedures utilized by the City Council in adopting an Assessment Resolution, an Assessment Roll, and notice of same to affected Hospital property owners shall be those procedures required by the Uniform Assessment Collection Act, Chapter 197, Florida Statutes, as those procedures currently exist or may be altered or amended from time to time.

Section 1.07 - Collection.

Assessments to be collected under the alternative method of collection shall attach to the property included on the Assessment Roll as of the date of Council approval of such Assessment Roll.

Section 1.08 - Method of Collection.

Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof.

Section 1.09 - Hold Harmless and Indemnification.

The Hospitals that are the subject of this Ordinance have requested adoption of this Ordinance and have given assurances to the City of Pensacola that the objectives and procedures addressed in this Ordinance are proper and lawful. Accordingly, the Hospitals that are the subject of this Ordinance shall hold the City of Pensacola and its officers, employees, and agents harmless from any claim arising from the adoption and implementation of this Ordinance, and that they shall indemnify the City of Pensacola and its officers, employees and agents from any and all claims, including the costs and fees associated with the defense of such claims, that may arise in the event that the objectives and procedures of this Ordinance are challenged by any person, entity, or government agency.

Section 1.10 - Reimbursement of Costs.

The Hospitals that are the subject of this Ordinance shall be assessed the costs incurred by the City of Pensacola in the administration and implementation of this Ordinance, such assessment to be in proportion to the assessments imposed hereunder.

Section 1.11. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance that can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 1.12. Ordinance No. 10-19 is hereby repealed.

Section 1.13. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of the City Council

Attest:

City Clerk