

ORDINANCE NO. 24-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, MODIFYING SECTION 11-27 OF THE BAY COUNTY CODE OF ORDINANCES TO CHANGE THE MAXIMUM ASSESSABLE COUNTY ADMINISTRATIVE COSTS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AREA ENCOMPASSED; AND PROVIDING AN EFFECTIVE DATE AND INCLUSION IN THE CODE OF ORDINANCES.

WHEREAS, by Ordinance 21-15, the Bay County Board of County Commissioners implemented a Local Provider Participation Fund ordinance by which a special assessment could be assessed to fund the non-federal share of Medicaid payments benefitting certain properties;

WHEREAS, Ordinance 21-15 set maximum assessable administrative cost for the County's work in implementing the Local Provider Participation Fund;

WHEREAS, the administrative costs need to be updated to reflect additional work associated with supporting more than one supplemental payment program.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA:

SECTION 1. MODIFICATION TO SECTION 11-72.

(a) Section 11-72 is amended as follows: (~~Strikeout~~ represents deleted text, underline represents added text):

Pursuant to F.S. § 125.01, the board is hereby authorized to create a non-ad valorem special assessment that shall be imposed, levied, collected, and enforced against assessed property to fund the non-federal share of Medicaid payments benefitting assessed properties providing local services in the county. Funds generated as a result of the assessment shall be held in a separate account called the local provider participation fund and shall be available to be used only to (1) provide to the Florida Agency for Health Care Administration the non-federal share for Medicaid payments to be made directly or indirectly in support of hospitals serving Medicaid beneficiaries and (2) reimburse the county for administrative costs associated with the implementation of the assessment authorized by this article, as further specified in the assessment resolution.

The assessment will be broad based, and the amount of the assessment must be uniformly imposed on each assessed property. The specific metric for the rate will be provided in each

resolution. Possible metrics include net patient revenue, gross revenue, and other proxies for utilization. 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 11-60, 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 equity, the enforcement of the aforementioned assessment shall be at the same time and in like manner as ad valorem taxes and subject to all ad valorem tax enforcement procedures afforded to use of the official annual real property tax notice.

Creation and implementation of the assessment will not result in any additional pecuniary obligation on the county, board, or county residents as the assessment shall be imposed, levied, collected, and enforced against only assessed properties, and the assessment resolution shall provide that the county's administrative costs shall be reimbursed from the collected amounts. ~~The county's administrative costs shall not exceed \$150,000.00. Any reasonable expenses the county incurs to collect delinquent assessments, including any attorney's fees incurred as a result of contracting with an attorney to represent the county in seeking and enforcing the collection of delinquent assessments, are not subject to the limitation on administrative costs.~~ The County's administrative costs shall not exceed (i) \$150,000 for any year in which the County levies an assessment to fund an intergovernmental transfer for one supplemental payment program, and (ii) \$200,000 for any year in which the County levies an assessment to fund intergovernmental transfers for more than one supplemental payment program.

SECTION 2. APPLICABILITY.

It is hereby intended that this Ordinance shall constitute a uniform law applicable in all unincorporated areas of Bay County, Florida, and to all incorporated areas of Bay County where there is no existing conflict of law or municipal ordinance.

SECTION 3. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative, or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

SECTION 4. RESOLUTION OF CONFLICT OF LAWS.

In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise, mandates standards or requirements that are stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control.

SECTION 5. INCLUSION IN THE BAY COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Bay County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Bay County Code, once established.

SECTION 6. FILING OF ORDINANCE.

In accordance with the provisions of § 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Florida Department of State.


SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon filing with the Florida Department of State.

DULY ADOPTED in regular session this 4 day of September 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA**



Bill Kinsaul, Clerk



Tom Hamm, Chairman

APPROVED AS TO FORM



Bay County Attorney's Office

