

1 Introduced by the Council President at the request of the Mayor:

2
3
4 **ORDINANCE 2023-551**

5 AN ORDINANCE, PURSUANT TO CHAPTER 170, *FLORIDA*
6 *STATUTES*, AND CHAPTERS 491 AND 715, *ORDINANCE*
7 *CODE* ESTABLISHING THE 2023 SPECIAL ASSESSMENTS
8 FOR FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION
9 (“AHCA”) LICENSED HOSPITALS PURSUANT TO
10 ORDINANCE 2021-456-E; ESTABLISHING THE 2023
11 ASSESSMENT RATE; PROVIDING NOTICE OF PUBLIC
12 HEARINGS; APPROVING THE 2023 FINAL ASSESSMENT
13 ROLL; AUTHORIZING EXECUTION OF AGREEMENT AND
14 RECORDING; PROVIDING AN EFFECTIVE DATE.

15
16 WHEREAS, by and through Ordinance 2021-456-E, the City Council
17 authorized assessments on AHCA licensed hospitals for the purpose of
18 funding the county portion of the Direct Payment Program (DPP) through
19 the Local Provider Participation Fund (LPPF).

20 WHEREAS, the program requires an annual calculation of the rate
21 based on each year’s projected shortfall figure as provided by AHCA;
22 the Council must reauthorize the rate and assessment each year.

23 WHEREAS, the initial year of the program successfully provided
24 local facilities with needed federal funding to serve Medicaid
25 recipients such that renewal of the assessment is in the best interest
26 of the community;

27 WHEREAS, the eleven impacted facilities have all agreed to and
28 have requested that the program be continued;

29 WHEREAS, aa eleven impacted facilities have been involved in the
30 conversations about the anticipated rate and recognize that the rate
31 in the ordinance may change between filing of the Preliminary Rate

1 Ordinance legislation and the final public hearing for the
2 authorization of the Annual Rate Ordinance and still desire to
3 proceed;

4 **BE IT ORDAINED** by the Council of the City of Jacksonville:

5 **Section 1. Description of Programs.** The funds collected
6 pursuant to this annual assessment shall serve to provide the
7 nonfederal share of funding needed to offset the Medicaid shortfall
8 under the DPP, an action which will allow the facilities to access
9 additional federal funding for their treatment of Medicaid patients.

10 **Section 2. Service Cost.** The estimated total cost to
11 cover the DPP through the special assessments is \$73,640,305.00. This
12 figure is calculated by AHCA and is typically provided around late
13 October or November each year. The impacted parties and the City are
14 aware that in the event that the AHCA calculation is higher, the
15 final assessment amount may change.

16 **Section 3. Assessment Rate.** Based on the estimated amount
17 needed to cover the funding shortfall, each facility shall be assessed
18 a uniform rate calculated at a rate of .30%. Each hospital's
19 assessment is calculated based on the rate multiplied by the gross
20 patient revenue.

21 **Section 4. Maximum Rate.** In light of the estimated figure
22 utilized for this determination and the impacted facilities'
23 agreement with the calculation and possible modifications, the
24 assessments shall not include a maximum rate.

25 **Section 5. Public Hearing Dates.** Pursuant to Sections
26 170.07 and 170.08, *Florida Statutes*, as well as Chapter 491 and
27 Section 715.206, *Ordinance Code*, the Council held public hearings on
28 September 12, 2023, and September 26, 2023, to hear testimony from
29 affected property owners as to the propriety and advisability of
30 funding the proposed improvements with special assessments on
31 property, including the preliminary roll.

1 **Section 6. Notice to Affected Owners.** The City reviewed the
2 2023 Roll, updated the listings, and provided notice of the two
3 scheduled public hearings to each affected facility/property owner
4 individually via U.S. Mail and published the same information in the
5 Daily Record. A sample of the notices required by Section 170.07,
6 *Florida Statutes*, and Section 715.205, *Ordinance Code*, is **attached**
7 **hereto** as **Exhibit 1**.

8 **Section 7. Assessment Roll and Method of Collection.** The Council
9 hereby approves the 2023 Assessment Roll **attached hereto** as **Exhibit**
10 **2**. The method of collection for 2023 shall be the alternative method
11 pursuant to Chapter 170, *Florida Statutes*.

12 **Section 8. Retaining All Rights Granted by Chapter 170,**
13 ***Florida Statutes*.** The City of Jacksonville hereby retains all rights
14 granted to municipalities by Chapter 170, *Florida Statutes*, for the
15 special assessments authorized herein, including priority of lien,
16 interest and foreclosure; provided, however, that any legal
17 proceeding to enforce payment of such special assessments shall
18 require City Council approval.

19 **Section 9. Authorization to Execute and Implement;**
20 **Record.** The Council hereby approves, and the Mayor, or her designee,
21 and the Corporation Secretary, are hereby authorized to execute, for
22 and on behalf of the City of Jacksonville, the AHCA Letter of
23 Agreement in substantially the form **attached hereto** as **Exhibit 3**,
24 (2022 letter), and to take, or cause to be taken, for and on behalf
25 of the City, such further action as is necessary to effectuate the
26 purpose of this Ordinance. In compliance with Section 170.08, *Florida*
27 *Statutes*, the Council authorizes the Department of Finance and
28 Administration to provide the Duval County Tax Collector with notice
29 of the liens for recording in the "Improvement Lien Book". The
30 Department of Finance and Administration shall promptly provide
31 notice of payment once received and cleared to the Duval County Tax

1 Collector to record the same or clear the lien pursuant to their
2 process.

3 **Section 10. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6

7 Form Approved:

8

9 /s/ Trisha Bowles

10 Office of General Counsel

11 Legislation Prepared By: Trisha Bowles

12 GC-#1584022-v1-Ordinance_2023-551.docx