

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2024-212**

5 AN ORDINANCE AUTHORIZING A SPECIAL ASSESSMENT ON  
6 HOSPITALS LICENSED BY THE AGENCY FOR HEALTHCARE  
7 ADMINISTRATION TO FUND THE LOW-INCOME POOL  
8 PROGRAM; INCORPORATING RECITALS; ESTABLISHING  
9 AUTHORITY AND FINDINGS; RECOGNIZING NO FINANCIAL  
10 IMPACT TO THE CITY; CREATING A NEW CHAPTER 492  
11 (LOW-INCOME POOL ASSESSMENT); INCLUDING PURPOSE  
12 AND AUTHORITY; IDENTIFYING THE REQUIREMENTS FOR  
13 THE SPECIAL ASSESSMENT; PROVIDING EXHIBIT 1  
14 LISTING THE PROPERTIES TO BE ASSESSED;  
15 AUTHORIZING ANNUAL SIGNING OF THE AHCA LETTER OF  
16 AGREEMENT AND THE DISPERSING OF FUNDS; PROVIDING  
17 PROCEDURES FOR COLLECTION OF THE ASSESSMENTS;  
18 INCLUDING CODIFICATION INSTRUCTIONS; PROVIDING  
19 AN EFFECTIVE DATE.  
20

21 **WHEREAS**, an estimated twelve percent (12%) of Jacksonvillians  
22 are uninsured and do not qualify for Medicaid; and

23 **WHEREAS**, Florida Agency for Health Care Administration ("AHCA")  
24 licensed hospitals in the City of Jacksonville ("Hospitals") annually  
25 provide millions of dollars of uncompensated care for individuals  
26 that do not qualify for Medicaid, but cannot afford health insurance;  
27 and

28 **WHEREAS**, similar to the Directed Payment Program ("DPP") created  
29 by the council through Ordinance 2021-456-E, the State and the Centers  
30 for Medicare and Medicaid Services ("CMS") have approved the Low  
31 Income Pool ("LIP") program, which allows local governments to provide

1 funding to the State through an Intragovernmental Transfer ("IGT")  
2 that is then transmitted to the federal government, and which allows  
3 the local providers to receive additional federal matching funds  
4 which can then be used to cover the costs for some of the uncompensated  
5 care; and

6 **WHEREAS**, the impacted Hospitals have asked the City of  
7 Jacksonville to impose a second special assessment upon certain real  
8 property owned by the Hospitals to help finance the LIP program to  
9 provide access to additional federal match dollars to compensate  
10 providers for uncompensated services; and

11 **WHEREAS**, allowing hospitals to fund the local government IGT  
12 will allow the Jacksonville Hospitals to reduce the financial  
13 shortfall related to uncompensated care; and

14 **WHEREAS**, the only properties to be assessed are the real property  
15 sites of such AHCA licensed Hospitals, as defined in Fla. Stat.  
16 §395.002(12), located in the jurisdictional limits of the City of  
17 Jacksonville; and the City of Jacksonville recognizes that one or  
18 more Hospitals within the City of Jacksonville's boundaries may be  
19 located upon real property leased from governmental entities and that  
20 such Hospitals may be assessed because courts do not make distinctions  
21 on the application of assessments based on property interests but  
22 rather on the distinction of the classifications of real property  
23 being assessed; and

24 **WHEREAS**, funding raised by the City of Jacksonville LIP hospital  
25 special assessment will, through IGTs consistent with federal  
26 guidelines, support additional funding for payments to Hospitals for  
27 uncompensated care; and

28 **WHEREAS**, the City of Jacksonville acknowledges that the Hospital  
29 properties assessed will receive a direct, special, and particular  
30 benefit from the assessment as a result of the above described  
31 additional funding provided to said Hospitals; and

1           **WHEREAS**, the City of Jacksonville has determined that a logical  
2 relationship exists between the medical services provided by the  
3 Hospitals, which will be supported by the special assessment, and the  
4 special and particular benefit to the real property of the Hospitals;  
5 and

6           **WHEREAS**, the City of Jacksonville has an interest in promoting  
7 access to health care for the uninsured, and leveraging additional  
8 federal support through the above-described IGTs to fund payments to  
9 the Hospitals for health care services provided to eligible persons  
10 directly and specifically benefits the Hospitals and supports their  
11 continued ability to provide services; and

12           **WHEREAS**, imposing an assessment limited to Hospital properties  
13 to help fund the LIP program for uncompensated hospital services in  
14 the City of Jacksonville is a valid public purpose that benefits the  
15 health, safety, and welfare of the citizens of the City of  
16 Jacksonville; and

17           **WHEREAS**, the Hospitals are important contributors to the City  
18 of Jacksonville's overall economy, and the financial benefit to these  
19 Hospitals directly and specifically supports their mission, as well  
20 as their ability to grow, expand, and maintain their facilities in  
21 concert with the population growth in the jurisdiction of the City  
22 of Jacksonville; and

23           **WHEREAS**, the City of Jacksonville finds the special assessment  
24 will enhance the services of the Hospitals and will increase the  
25 value of their properties and facilities under all present  
26 circumstances and those of the foreseeable future;

27           **WHEREAS**, the City of Jacksonville will only impose, upon each  
28 Hospital property, a properly apportioned assessment in an amount  
29 that is compliant with federal and state laws; and

30           **WHEREAS**, this Ordinance will enable the City of Jacksonville to  
31 levy a special assessment, which is fairly and reasonably apportioned

1 among the Hospital properties within the City of Jacksonville's  
2 jurisdictional limits, to establish and maintain a system of funding  
3 for IGTs to support the LIP program which provides access to federal  
4 repayment funds for uncompensated services that will directly and  
5 specially benefit Hospital properties; now, therefore

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

7 **Section 1. Incorporating the recitals.** The foregoing  
8 "WHEREAS" clauses are hereby ratified and confirmed as being true and  
9 correct and are hereby made a specific part of this Ordinance upon  
10 adoption thereof.

11 **Section 2. Authority and Findings.** This Initial Special  
12 Assessment Ordinance is adopted pursuant to the authority granted in  
13 Chapter 170, *Florida Statutes*, Chapter 715, *Jacksonville Ordinance*  
14 *Code*; as well as the home rule powers conferred upon municipalities  
15 and chartered counties by Article VIII of the Florida Constitution;  
16 and Chapters 125 and 166, *Florida Statutes*.

17 **Section 3. No pecuniary obligation for the City.** Creation  
18 and implementation of the assessment shall not result in any  
19 additional pecuniary obligation on the City of Jacksonville.

20 **Section 4. Creating a new Chapter 492 (Low-Income Pool**  
21 **Assessment), Title XIII (Health Code), Ordinance Code.** Chapter 492  
22 (Low-Income Pool Assessment), Title XIII (Health Code), Ordinance  
23 Code, is hereby created and shall read as follows:

24 **Title XIII - HEALTH CODE**

25 \* \* \*

26 **Chapter 492 - Low-Income Pool Assessment**

27 **Sec. 492.101. - Purpose and Authority**

28 The purpose of the Low-Income Pool (LIP) assessment is to provide  
29 a funding source for the LIP program which allows hospitals in the  
30 area to collect additional funding to cover the costs of uncompensated  
31 care. This Initial Special Assessment Ordinance is adopted pursuant

1 to the authority granted in Chapter 170, *Florida Statutes*, Chapter  
2 715, *Jacksonville Ordinance Code*; as well as the home rule powers  
3 conferred upon municipalities and chartered counties by Article VIII  
4 of the Florida Constitution; and Chapters 125 and 166, Florida  
5 Statutes.

6 **Sec. 491.102. - Special Assessment for the Low-Income Pool (LIP)**  
7 **Program Authorized.**

8 (a) The City of Jacksonville is hereby authorized to create a  
9 special assessment which will provide additional revenue towards  
10 uncompensated healthcare provided by Duval County AHCA licensed  
11 hospitals. The cost to be assessed will be based on the total funds  
12 needed for the area as determined by AHCA.

13 (b) *Method of Apportioning and Computation.* The assessment  
14 shall be broad based, and the amount of the assessment shall be  
15 uniformly imposed on each assessed property. The assessment may not  
16 hold harmless any institutional health care provider, as required by  
17 federal law. Assessments for each assessed property will be computed  
18 from data contained in the Florida Hospital Uniform Reporting System,  
19 as available from AHCA, and/or from cost reports. As permitted by  
20 law, the assessment shall constitute a lien upon the assessed  
21 properties equal in rank and dignity with the liens of all state,  
22 City of Jacksonville, district, or municipal taxes and other non-ad  
23 valorem assessments. Enforcement of the assessment shall be by any  
24 remedy authorized by law.

25 (c) *Boundaries/Properties to be Assessed.* The properties to be  
26 assessed as a part of this program are only properties licensed as  
27 hospitals by AHCA as defined in Fla. Stat. 395.002(12), located in  
28 Duval County. The list of properties to be assessed is attached as  
29 **Exhibit 1**, and incorporated herein.

30 (d) *Estimated Rate and Maximum Rate.* The Annual Assessment  
31 shall be specified for each assessed property in the Annual Assessment

1 Roll and the applicable notices. The City of Jacksonville shall set  
2 the assessment in an amount that in the aggregate will generate  
3 sufficient revenue to fund the LIP payment associated with local  
4 services to be funded by the assessment. The rate, will be a  
5 multiplier, based on a percentage or fee, which will be multiplied  
6 against the multiplicand, which will be a uniform category applicable  
7 to all entities being assessed (e.g. beds, total dollars of revenue,  
8 etc.).

9 The amount of the assessment required of each assessed property  
10 may not exceed the limits set forth in federal law under 42 CFR s.  
11 433.68, or any subsequent applicable law.

12 (e) *Date and Time of Public Hearing.* The roll shall be  
13 approved at a public hearing in accordance with the requirements set  
14 forth in the Florida Statutes and the Jacksonville Ordinance Code.

15 (f) *Assessment Roll Prepared.* Annually the rate shall be  
16 established as a part of the Annual Assessment Roll.

17 (g) *Notice.* Notice of the public hearing for the Annual  
18 Assessment Roll shall be both published with all required information  
19 set forth in Florida Statutes, and in section 715.204, Ordinance  
20 Code, and mailed to each assessed facility, providing all information  
21 required under section 715.205, Ordinance Code.

22 **Sec. 491.103. - Annual Authorization to Sign Letter of Agreement**  
23 **(LOA) and Disperse Funds.**

24 Annually, the Director of Finance and Administration is hereby  
25 authorized (i) to sign the applicable LOA from AHCA each year, an  
26 example is attached hereto as **Exhibit 2**, and (ii) to make  
27 disbursements of the LIP fund as follows:

28 (1) to provide to AHCA the requested funds for the LIP program  
29 which allow access to additional federal funds for uncompensated care  
30 provided by area hospitals; and

31 (2) to reimburse the City of Jacksonville for administrative

1 costs associated with the implementation of the assessment, as further  
2 specified in the implementing ordinances. Any reasonable expenses  
3 the City of Jacksonville incurs to collect delinquent assessments,  
4 including any attorney's fees incurred as a result of contracting  
5 with an attorney to represent the City of Jacksonville in seeking and  
6 enforcing the collection of delinquent assessments, are authorized  
7 as administrative costs, subject to any limitation in federal or  
8 state law.

9 **Sec. 491.104. Procedures.**

10 The assessments authorized in this Chapter may be imposed and  
11 collected pursuant to any method authorized by law, including, but  
12 not limited to, Chapter 170, Florida Statutes. This assessment may  
13 be prepared independently or in conjunction with the LPPF/DPP  
14 assessments set forth in Chapter 491, Ordinance Code, if the  
15 assessment roll, notice, and invoice clearly indicate the application  
16 of both Chapters and funds.

17 **Section 5. Codification Instructions.** The Codifier and the  
18 Office of General Counsel are authorized to make all chapter and  
19 division "table of contents" consistent with the changes set forth  
20 herein. Such editorial changes and any other necessary to make the  
21 Ordinance Code consistent with the intent of this legislation are  
22 approved and directed herein, and the changes to the Ordinance Code  
23 shall be made forthwith and when inconsistencies are discovered.

24 **Section 6. Effective Date.** This Ordinance shall become  
25 effective upon signature by the Mayor or upon becoming effective  
26 without the Mayor's signature.

1 Form Approved

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3       /s/ Trisha D. Bowles      

4 Trisha D. Bowles

5 Office of General Counsel

6 Legislation Prepared by: Trisha D. Bowles

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