



**Interoffice Memorandum**

September 18, 2023

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**FROM:** Lisa Snead, Assistant County Administrator  
County Administrator's Office

A handwritten signature in black ink, appearing to be "Lisa Snead", written over the name in the "FROM" field.

**SUBJECT:** BCC Agenda Item – Public Hearing for September 26, 2023 Rate Resolution, Assessment Roll, and Letter of Agreement for Local Provider Participation Fund

On August 24, 2021, the BCC adopted Ordinance No. 2021-35, authorizing the Local Provider Participation Fund ("LPPF") to provide an opportunity to narrow the gap on hospitals' unreimbursed Medicaid costs by having the County generate funding as a portion of Florida's non-federal share of Medicaid funding, making available additional federal dollars for reimbursement. The funding is generated through the imposition of a non-ad valorem special assessment on properties owned by private for-profit and not-for-profit hospitals providing in-patient services. The funds collected by the County through the LPPF assessment will then be sent to the Florida Agency for Health Care Administration ("ACHA").

During the subject public hearing, the hospitals and staff seek the BCC's consideration and approval of a rate resolution, assessment roll, and a Letter of Agreement with ACHA to approve the imposition and collection of the special assessment, and the transfer of the assessment funds to ACHA. Additionally, the rate resolution establishes the assessment roll, specifically identifying each property subject to the special assessment, and sets the rate of assessment at 2.18% of hospital net patient revenue for each assessed hospital property. Finally, the resolution sets forth the timing and method of collection of the assessment. The County and the Comptroller maintain the duty to enforce the prompt collection of the Assessment. The hospitals are required to pay to the County the full assessment promptly upon the passing of the resolution, but in no event later than December 31, 2023.

The Letter of Agreement ("LOA") with ACHA provides that the County will remit the assessment funds collected to ACHA through an intergovernmental transfer. The LOA requires ACHA to maintain the necessary records and supporting documentation applicable to the health services covered by the LOA according to public records laws and retention schedules.

**ACTION REQUESTED: Approve Rate Resolution, Assessment Roll, and Letter of Agreement for the Local Provider Participation Fund.**

cc: Byron W. Brooks, AICP, County Administrator  
David Berman, Assistant County Attorney

# RESOLUTION

*of the*

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

*regarding*

## **THE APPROVAL OF THE IMPOSITION AND COLLECTION OF A NON-AD VALOREM SPECIAL ASSESSMENT WITHIN THE COUNTY FOR THE PURPOSE OF BENEFITING ASSESSED HOSPITAL PROPERTIES THROUGH ENHANCED MEDICAID PAYMENTS FOR LOCAL SERVICES**

Resolution No. \_\_\_\_\_

**WHEREAS**, the hospitals in Orange County's jurisdiction (the "Hospitals") annually provide millions of dollars of uncompensated care to uninsured persons and those who qualify for Medicaid because Medicaid covers only a portion of the costs of the health care services actually provided by hospitals to Medicaid-eligible persons, leaving hospitals with significant uncompensated costs; and

**WHEREAS**, the State of Florida (the "State") received federal authority to establish the Statewide Medicaid Managed Care Hospital directed payment program (the "DPP") to offset hospitals' uncompensated Medicaid costs and improve quality of care provided to Florida's Medicaid population; and

**WHEREAS**, impacted Hospitals have asked Orange County (the "County") to impose a non-ad valorem special assessment upon certain real property interests held by the Hospitals to help finance the non-federal share of the State's Medicaid program; and

**WHEREAS**, the only real property interests that will be subject to the non-ad valorem assessment authorized herein are those belonging to the Hospitals; and

**WHEREAS**, the funding raised by the County assessment will, through intergovernmental transfers ("IGTs") provided consistent with federal guidelines, support additional funding for Medicaid payments to the Hospitals; and

**WHEREAS**, the County acknowledges that the Hospital properties assessed will benefit directly and specially from the assessment as a result of the above-described additional funding provided to said Hospitals; and

**WHEREAS**, the County has determined that a logical relationship exists between the services provided by the Hospitals supported by the assessment, and the special and particular benefit to the real property of the Hospitals; and

**WHEREAS**, the County has an interest in promoting access to health care for its low-income and uninsured residents; and

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

**WHEREAS**, imposing an assessment limited to Hospital properties to help fund the provision of these services and the achievement of certain quality standards by the Hospitals to residents of the County is a valid public purpose that benefits the health, safety, and welfare of the citizens of the County; and

**WHEREAS**, the assessment ensures the financial stability and viability of the Hospitals providing such services; and

**WHEREAS**, the Hospitals are important contributors to the County's economy, and the financial benefit to these Hospitals directly and specifically supports their mission, as well as their ability to grow, expand, and maintain their facilities in concert with the population growth in the jurisdiction of the County; and

**WHEREAS**, the Board finds the assessment will enhance the Hospitals' ability to grow, expand, maintain, improve, and increase the value of their Orange County properties and facilities under all present circumstances and those of the foreseeable future; and

**WHEREAS**, the County is proposing a properly apportioned assessment by which all Hospitals will be assessed at a uniform rate that is compliant with 42 C.F.R. § 433.68(d); and

**WHEREAS**, the Orange County Local Provider Participation Fund Ordinance, codified at Article XI, Chapter 25 of the Orange County Code of Ordinances ("the Ordinance"), enables the County to levy a uniform non-ad valorem special assessment, which is fairly and reasonably apportioned among the Hospitals' property interests within the County's jurisdictional limits, to establish and maintain a system of funding for IGTs to support the non-federal share of Medicaid payments, thus directly and specially benefitting Hospital properties.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

**Section 1. Definitions.** As used in this Resolution, the following capitalized terms, not otherwise defined herein or in the Ordinance, shall have the meanings below, unless the context otherwise requires.

*Assessed Property* means the real property in the County to which an Institutional Health Care Provider holds a right of possession and right of use through an ownership or leasehold interest, thus making the property subject to the Assessment.

*Assessment* means a non-ad valorem special assessment imposed by the County to fund the non-federal share of Medicaid and Medicaid managed care payments that will benefit hospitals providing Local Services in the County. For the period covered by this Resolution, the Assessment will be based on hospital net patient revenue.

*Board* means the Board of County Commissioners of Orange County, Florida.

*Comptroller* means the Orange County Comptroller, ex officio Clerk to the Board, or other such person as may be duly authorized to act on such person's behalf.

*County* means Orange County, 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 County.

*Institutional Health Care Provider* means a private for-profit or not-for-profit hospital that provides inpatient hospital services.

*Local Services* means the provision of healthcare services to Medicaid, indigent, and uninsured members of the Orange County community.

*Non-Ad Valorem Assessment Roll* means the special assessment roll prepared by the County.

*Ordinance* means the Orange County Local Provider Participation Fund Ordinance codified at Article XI, Chapter 25, Orange County Code of Ordinances.

**Section 2. Authority.** Pursuant to Article VIII, Section 1(g) of the Constitution of the State of Florida, Chapter 125 of the Florida Statutes, and the Orange County Charter, the Board is hereby authorized to impose a special assessment against private for-profit and not-for-profit hospitals located within the County to fund the non-federal share of Medicaid payments associated with Local Services.

**Section 3. Special Assessment.** The non-ad valorem special assessment discussed herein shall be imposed, levied, collected, and enforced against Assessed Properties located within the County. Proceeds from the Assessment shall be used to benefit Assessed Properties through a Medicaid payment program that will benefit the Assessed Properties for Local Services.

When imposed, 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. Payments made by Assessed Properties may not be passed along to patients of the Assessed Property as a surcharge or as any other form of additional patient charge. Failure to pay may cause foreclosure proceedings to commence, which could result in loss of title.

**Section 4. Assessment Scope, Basis, and Use.** Funds generated from the Assessment shall be held in a separate account called the local provider participation fund and shall 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 the Ordinance.

If, at the end of the Fiscal Year, additional amounts remain in the local provider participation fund, the Board is hereby authorized to refund to Assessed Properties, in proportion to amounts paid in during the Fiscal Year, all or a portion of the unutilized local provider participation fund.

**Section 5. Computation of Assessment.** The Assessment shall equal 2.18% of hospital net patient revenue for each Assessed Property identified in the Non-Ad Valorem Assessment Roll attached hereto as Exhibit "A". The amount of the Assessment required of each Assessed Property may not exceed an amount that, when added to the amount of other hospital assessments levied by the state or local government, exceeds the maximum percent of the aggregate net patient revenue of all Assessed Hospitals in the County permitted by 42 C.F.R. § 433.68(f)(3)(i)(A). Assessments for each Assessed Property will be derived from data contained in the Florida Hospital Uniform Reporting System, as available from the Florida Agency for Health Care Administration.

**Section 6. Timing and Method of Collection.**

(A) The amount of the Assessment is to be collected from the owners of the Assessed Properties as described herein.

(B) The County shall provide Assessment invoices by first class mail to the owner of each Assessed Property. The invoice and or accompanying explanatory material shall include (1) a reference to this Resolution, (2) the total amount of the Assessment due for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessment is due, and (5) a statement that the



Assessment constitutes a lien against the Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments.

(C) The Hospitals shall pay to the County the full assessment promptly upon the passing of this Resolution, but in no event later than December 31, 2023.

No act of error or omission on the part of the County or the Comptroller, or their respective officers, employees or agents, shall operate to release or discharge any obligation for payment of the Assessment imposed by the Board under the Ordinance and this Resolution.

**Section 7. Responsibility for Enforcement.** The County and the Comptroller shall maintain the duty to enforce the prompt collection of the Assessment by the means provided herein. The duties related to collection of assessments may be enforced at the suit of any holder of obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

**Section 8. Severability.** If any clause, section, or provision of this Resolution is declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and shall be valid as if such invalid portion thereof had not been incorporated herein.

**Section 9. Effective Date.** This Resolution shall take effect upon the date of its adoption.

[EXECUTION PAGE FOLLOWS]

ADOPTED THIS 26th DAY OF September, 2023.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk



**LOCAL PROVIDER PARTICIPATION FUND ASSESSMENT AREA**

**Exhibit "A" to Resolution No. \_\_\_\_\_**

Assessment Number	Parcel ID Number / Legal Description	Owner(s)	Assessment Amount
001	13-22-29-2780-01-000 FLORIDA HOSPITAL - ROLLINS CAMPUS 61/89 LOT 1 (LESS THAT PART LYING WITHIN RR R/W PER 10290/1141) & LOCH HAVEN REPLAT Q/9 LOTS 1 THROUGH 4 BLK 3 LYING NLY OF REALIGNED ROLLINS AVE & LOTS 1 AND 6 BLK 6 LYING NLY OF REALIGNED ROLLINS AVE & THAT PT OF CLOSED ALDEN RD, BEDFORD RD, CAMDEN RD, AND PLATTED ROLLINS ST LYING NLY OF REALIGNED ROLLINS ST (LESS THAT PORTION OF LAKE WINYAH LYING WLY OF LOT 5, BLOCK "C" LAKE OAKS R/118 BEG SW COR OF SAID LOT 5 TH RUN S65-28-49W 35.55 FT N00-00-00W 105.90 FT N74-22-00E 33.59 FT S00-00-00W ALONG SAID W LINE OF LOT 5 TO POB PER 9052/4436) & (LESS BEG SW COR OF LOT 4 LAKE OAKS R/118 TH S74-22-00W 33.59 FT TH N00-00-00E 120.77 FT TH N90-00-00E 32.35 FT TH S00-00-00W 111.72 FT TO POB) & (LESS ROLLINS CAMPUS PHASE 2 80/113 LOT 1) & ROLLINS CAMPUS PHASE 2 80/113 LOT 1 & (LESS COMM AT THE W 1/4 CORNER SEC 13- 22-29 TH S89-46-18E 1904.85 FT TH N01-26- 47W 554.29 FT TO THE POB TH CONT N04-26- 47W 11.99 FT TH N89-00-22E 3.68 FT TH S01- 18-57E 11.99 FT TH S89-00-22W 3.65 FT TO THE POB SEE 10969/4271 & LESS COMM AT THE W 1/4 CORNER SEC 13-22-29 TH S89-46- 18E 1894.85 FT TH S01-26-47E 196.66 FT TO A POC CONCAVE WLY HAVING A RADIUS 1845.46 FT CHORD BRG S01-09-59E DELTA 00-33-35 AN ARC LENGTH 18.03 FT TO THE POB TH CONT ALONG ARC OF CURVE THRU ANGLE OF 00-29-49 AN ARC LENGTH 16.01 FT TH S89-51-23E 10.18 FT TH N00-01-56W 16.01 FT TH N89-51-23W 10.35 FT TO THE POB SEE 10969/4271)	ADVENTHEALTH ORLANDO 601 E ROLLINS STREET ORLANDO, FLORIDA 32803	\$108,613,114.00
002	17-22-29-4874-00-010 LAKESIDE PLACE AT PRINCETON 50/13 LOT 1	ASPIRE HEALTH PARTNERS 1800 MERCY DRIVE ORLANDO, FLORIDA 32808	\$179,807.00

Assessment Number	Parcel ID Number / Legal Description	Owner(s)	Assessment Amount
003	25-24-30-6052-01-000 NEMOURS CHILDRENS HOSPITAL 73/81 LOT 1	NEMOURS CHILDREN'S HOSPITAL 6535 NEMOURS PKWY ORLANDO, FLORIDA 32827	\$5,390,214.00
004	29-22-28-0000-00-031 N1/2 OF NE1/4 OF NE1/4 OF SEC 29-22-28 & IN WESTOVER FARMS PB O/120 LOTS 1 THROUGH 7 BLK A & LOTS 1 THROUGH 15 BLK B & VAC R/W LYING BETWEEN LOT 7 BLK A AND LOT 1 BLK B PER OR 6180/3956 & 30 FT VACATED R/W ON S PER 9648/0623 & (LESS STATE RD 50) & (LESS R/W ON W PER 4487/93 & 6337/3908) & (LESS R/W ON S & W PER 7444/1165) & BEG SW COR OF NW1/4 OF NW1/4 OF NW1/4 OF SEC 28-22-28 TH RUN E 540.3 FT N 662.4 FT W TO NW COR OF SEC S TO POB (LESS STATE RD) & (LESS PARTS TAKEN FOR R/W PER 8860/4155) & VACATED 30 FT R/W E OF LOTS 1 AND 2 BLK A OF WESTOVER FARMS O/120 PER OR 10461/7076 & 60 FT VACATED R/W BETWEEN LOT 15 BLK B AND LOT 6 BLK A AND 30 FT VACATED R/W E OF LOT 14 BLK B OF WESTOVER FARMS O/120 PER OR 10520/1699	ORLANDO HEALTH CENTRAL 10000 W COLONIAL DRIVE OCOOE, FLORIDA 34761	\$5,891,991.00
005	35-22-29-6389-01-000 ORLANDO HEALTH – PLAT 9 81/100 LOT 1 & (LESS PT KNOWN AS KUHL AVENUE SEGMENT PB88/160	ORLANDO HEALTH 1400 S ORANGE AVENUE ORLANDO, FLORIDA 32806	\$62,633,972.00
006	13-22-29-5132-03-090 LOCH HAVEN REPLAT Q/9 LOTS 9 10 & N 103.02 FT OF LOT 11 BLK 3	SELECT SPECIALTY HOSPITAL ORLANDO 2250 BEDFORD ROAD ORLANDO, FLORIDA 32803	\$1,296,028.00
007	12-24-28-0000-00-028 BEG 206.5 FT S 25 DEG W OF THE INT OF WLY R/W LINE OF SEA HARBOR DR & SLY	CENTRAL FLORIDA BEHAVIORAL HEALTH	\$886,021.00

Assessment Number	Parcel ID Number / Legal Description	Owner(s)	Assessment Amount
	R/W LINE OF ACADEMIC DR RUN S 25 DEG W 560.17 FT SWLY & NWLY ALONG CURVE 57.79 FT N 59 DEG W 216.38 FT NWLY 285.97 FT N 26 DEG E 582.57 FT S 63 DEG E 527.01 FT TO POB	6601 CENTRAL FLORIDA PKWY ORLANDO, FLORIDA 32821	
008	11-22-31-1243-20-010 CENTRAL FLORIDA RESEARCH PARK SECTION 3 19/24 LOTS 1 & 2 BLK 20	UNIVERSITY BEHAVIORAL CENTER 2500 DISCOVERY DRIVE ORLANDO, FLORIDA 32826	\$478,100.00