

ORDINANCE NO. 24 - _____

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 2022-029, THE “POLK COUNTY LOCAL PROVIDER PARTICIPATION FUND ORDINANCE;” AMENDING SECTION 20 THEREOF REGARDING THE HOLD HARMLESS AND INDEMNIFICATION OBLIGATIONS OF THE HOSPITALS SUBJECT TO THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 3, 2022, the Board of County Commissioners (the “Board”) adopted Ordinance No. 2022-029, the Polk County Local Provider Participation Fund (LPPF) Ordinance (the “Ordinance”), enabling the County to levy a uniform non-ad valorem special assessment to establish and maintain a system of funding through intergovernmental transfers to support the non-federal share of Medicaid payments, thus directly and specially benefitting Hospital properties providing health care services to Medicaid, indigent, and uninsured members of the Polk County community; and

WHEREAS, the special assessment provided for under the Ordinance is fairly and reasonably apportioned among the Hospitals’ property interests within the County’s jurisdictional limits; and

WHEREAS, Section 20 of the Ordinance requires that all Hospitals subject to the Ordinance sign a prescribed Hold Harmless and Indemnification in substantially the same form as that attached to the Ordinance; and

WHEREAS, because the benefit received by each Hospital under the LPPF special assessment program is directly related and proportionate to the volume of health care services it provides to Medicaid, indigent and uninsured patients, the County recognizes certain Hospitals have a lower stake in the program; and

WHEREAS, as a result, the County desires to amend the Ordinance to reduce the number of Hospitals required to execute the Hold Harmless and Indemnification form, as further set forth below.

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

SECTION 1. The recitals above are true and correct and are fully incorporated herein. Capitalized terms not otherwise defined herein shall have the meaning ascribed in Ordinance 2022-029.

SECTION 2. The second sentence of Section 20 of Ordinance 2022-029 is hereby revised and replaced in its entirety with the following: “Accordingly, those Hospitals which are collectively responsible for seventy-five percent (75%) or more of the total Assessment amount imposed by the County on all Assessed Properties in any given year shall have executed a Hold Harmless and Indemnification in substantially the same form attached to the Ordinance as Exhibit A (the “**HHI**”), prior to the County adopting an Assessment Resolution for that particular year; provided, however, that nothing stated herein shall require a Hospital to execute a new HHI annually so long as said Hospital has previously executed the HHI which remains valid and enforceable.”

SECTION 3: APPLICABILITY. Except as specifically modified, amended and supplemented herein, Ordinance 2022-029 shall remain in full force and effect.

SECTION 4: SEVERABILITY. If any provision of this ordinance, or if this ordinance as applied, is determined to be invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5: EFFECTIVE DATE. This ordinance shall become effective upon its filing with the Florida Department of State.

DULY ADOPTED in regular session, this 7th day of May, 2024.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

BY: _____

W.C. Braswell, Chair

ATTEST:

Clerk

(SEAL)