

RESOLUTION NO. 2024-

AN ASSESSMENT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, AUTHORIZING AND ADOPTING NON-AD VALOREM SPECIAL ASSESSMENTS WITHIN THE COUNTY LIMITS FOR THE PURPOSE OF BENEFITING ASSESSED PROPERTIES THROUGH SUPPLEMENTAL PAYMENT PROGRAMS FOR LOCAL SERVICES; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE ASSESSMENT; COLLECTING THE ASSESSMENTS AGAINST THE REAL PROPERTY; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF COLLECTION; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICES IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY AS NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, hospitals in Polk County’s jurisdiction (the “Hospitals”) annually provide millions of dollars of uncompensated care to uninsured persons and those who qualify for Medicaid because Medicaid, on average, covers only 60% 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 supplemental payment programs to offset hospitals’ uncompensated Medicaid costs and charity care costs and improve quality of care provided to Florida’s Medicaid, indigent, and uninsured populations; and

WHEREAS, Hospitals have asked Polk County (the “County”) to impose non-ad valorem special assessments upon certain real property interests held by the Hospitals to help finance the non-federal share of the supplemental payment programs; and

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

WHEREAS, the County recognizes that one or more of the Hospitals within the County’s boundaries may be located upon real property leased from governmental entities and that such Hospitals may be assessed because courts do not make distinctions on the application of special assessments based on “property interests” but rather on the distinction of the classifications of real property being assessed; and

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

WHEREAS, the County acknowledges that the Hospital properties assessed will benefit directly and especially from the assessments 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, which will be supported by the assessments, 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 supplemental 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 assessments 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 assessments ensure 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 assessments will enhance the Hospitals’ ability to grow, expand, maintain, improve, and increase the value of their Polk County properties and facilities under all present circumstances and those of the foreseeable future; and

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

WHEREAS, on May 3, 2022, as amended on May 7, 2024, the Board of County Commissioners adopted Ordinance 2022-029 and Ordinance 2024-028, enabling the County to levy uniform non-ad valorem special assessments, 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 supplemental payment programs, thus directly and specially benefitting Hospital properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK 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.

Assessments means non-ad valorem special assessments imposed by the County on Assessed Property to fund the non-federal share of supplemental payment programs that will benefit hospitals providing Local Services in the County.

Assessment Coordinator means the person appointed to administer the Assessments imposed pursuant to this Article, or such person's designee.

Board means the Board of County Commissioners of Polk County, Florida.

Comptroller means the Polk 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 Polk 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 health care services to Medicaid, indigent, and uninsured members of the Polk County community.

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

Ordinance means Polk County Ordinance No. 22-029, as amended by Ordinance No. 24-028, the Polk County Local Provider Participation Fund Ordinance.

Tax Collector means the Polk County Tax Collector.

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 Polk County Local Provider Participation Fund Ordinance, the Board is hereby authorized to impose special assessments

against private for-profit and not-for-profit hospitals located within the County to fund the non-federal share of supplemental payment programs associated with Local Services.

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

When imposed, the Assessments shall constitute a lien upon the Assessed Properties owned by Hospitals and/or a lien upon improvements on the Property made by Hospital leaseholders 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, which could result in loss of title, to commence.

Section 4. Assessment Scope, Basis, and Use. Funds generated from the Assessments shall be used only to:

1. Provide to the Florida Agency for Health Care Administration the non-federal share for supplemental payments, including the Medicaid Hospital Directed Payment Program and the Low Income Pool program, to be made directly or indirectly in support of hospitals serving Medicaid beneficiaries, the indigent, and uninsured citizens; 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 either (a) 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, or (b) if requested to do so by the Assessed Properties, to retain such amounts in the fund to transfer to the Agency in the next fiscal year for use as the non-federal share of supplemental payment programs.

If, after the Assessments funds are transferred to the Agency, the Agency returns some or all of the transferred funding to the County (including, but not limited to, a return of the non-federal share after a disallowance of matching federal funds), the Board is hereby authorized to refund to Assessed Properties, in proportion to amounts paid in during the Fiscal Year, the amount of such returned funds.

Section 5. Computation of Assessment. The Assessments shall equal 3.94% of net patient revenue for each Assessed Property as set forth and specified on the Non-Ad Valorem Assessment Roll attached hereto and incorporated herein as Appendix "A." These rates support supplemental payment programs authorized in the state budget for July 1, 2024, through June 30, 2025. Any balance remaining in the Polk County Local Provider Participation Fund after

intergovernmental transfers for these programs will carry forward to support supplemental payment programs authorized in any state budget for a future fiscal year.

The amount of the Assessments 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 state permitted by 42 C.F.R. § 433.68(f)(3)(i)(A). Assessments for each Assessed Property will be derived from data contained in cost reports and/or in the Florida Hospital Uniform Reporting System, as available from the Florida Agency for Health Care Administration.

Section 6. Timing and Method of Collection. The amount of the assessments is to be collected pursuant to the Alternative Method outlined in §197.3631, Fla. Stat.

The County shall provide Assessments bills by first class mail to the owner of each affected Hospital. The bill or accompanying explanatory material shall include: (1) a reference to this Resolution, (2) the total amount of the hospital's Assessments for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessments are due, and (5) a statement that the Assessments constitute a lien against assessed property and/or improvements equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

No act of error or omission on the part of the Comptroller, Property Appraiser, Tax Collector, Assessment Coordinator, Board, or their deputies or employees shall operate to release or discharge any obligation for payment of the Assessments imposed by the Board under the Ordinance and this resolution.

Section 7. Public Hearing. Per the notice provided in accordance with the Ordinance on or before August 14, 2024, the Board has heard and considered objections of all interested persons prior to rendering a decision on the Assessments and attached Non-Ad Valorem Assessment Roll.

Section 8. Responsibility for Enforcement. The County and its agent, if any, shall maintain the duty to enforce the prompt collection of the Assessments 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 9. 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 10. Effective Date. This Resolution is to be effective immediately upon adoption. This Resolution is duly adopted this 3rd day of September 2024.

DULY ADOPTED this 3rd day of September, 2024.

ATTEST:
STACY M. BUTTERFIELD, Clerk

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
W.C. Braswell, Chair

APPENDIX "A"

Non-Ad Valorem Assessment Roll

The special assessment is to be levied against each private for-profit and not-for-profit hospital operating under a Florida hospital license affiliated with the following providers of inpatient hospital services that holds a right of possession and right of use to real property in Polk County, Florida:

AdventHealth Heart of Florida
40100 US-27
Davenport, FL 33837

AdventHealth Lake Wales Medical Center
410 S. 11th St.
Lake Wales, FL 33853

Bartow Regional Medical Center
2200 Osprey Blvd.
Bartow, FL 33830

Winter Haven Hospital
200 Avenue F NE
Winter Haven, FL 33881

Lakeland Regional Medical Center
1324 Lakeland Hills Blvd.
Lakeland, FL 33805

Encompass Health Rehabilitation Hospital of Lakeland
1201 Oakbridge Pkwy.
Lakeland, FL 33803

APPENDIX “B”

Proof of Publication

AFFIDAVIT OF PUBLICATION

Polk Sun

Published Weekly

Winter Haven, Polk County, Florida

Case No. 9/3 Notice to impose Hearing

STATE OF FLORIDA
COUNTY OF POLK

See
next
page

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Polk Sun, a newspaper published at Winter Haven in Polk County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

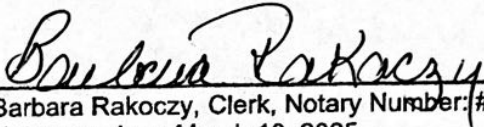
August 14, 2024

Affiant further says that the Polk Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.



Anita Swain

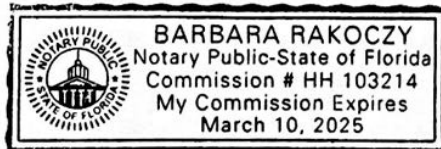
Sworn to and subscribed before me this 14th day of August 2024 by Anita Swain, who is personally known to



Barbara Rakoczy, Clerk, Notary Number: #HH103214
Notary expires: March 10, 2025

00042418 00163854

Lisa Conran
POLK COUNTY BOARD OF
COMMISSIONERS
P.O. Box 9005 | Drawer AT01|
330 W CHURCH STREET
BARTOW, FL 33831-9005



NOTICE OF HEARING REGARDING IMPOSING AND COLLECTING A NON-AD VALOREM SPECIAL ASSESSMENT FROM SPECIFIED HOSPITAL PROPERTIES

Notice is hereby given that the Polk County Board of County Commissioners will conduct a public hearing pursuant to Polk County Ordinance No. 2022-029, as amended by Ord. No. 2024-028 (the Polk County Local Provider Participation Fund Ordinance) to consider the approval of the imposition and collection of a non-ad valorem special assessment against each private for-profit and not-for-profit hospital that provides inpatient hospital services and that holds a right of possession and right of use to real property in Polk County, Florida (each, an "Assessed Property"). The list of affected hospitals is included at the conclusion of this notice.

The assessment is intended to finance intergovernmental transfers, provided consistent with federal guidelines, that fund the non-federal share of certain Medicaid and/or Medicaid managed care supplemental payment programs. As a result, the assessment directly and specially benefits Assessed Properties and supports the provision of health care services to Medicaid, indigent, and uninsured members of the County's community.

The public hearing will be held in the Commission Board Room, 1st Floor of the County Administration Building, 330 W. Church Street, Bartow, Florida, on **September 3, 2024, at 9:00 a.m.**, or as soon thereafter as the matter can be heard. At that time, the Board will receive public comment on the proposed special assessment.

The Polk County Board of County Commissioners has prepared the Non-Ad Valorem Assessment Roll being considered for approval. The roll contains the names of the Assessed Properties, the assessment rate, and the amount of the special assessment to be imposed against each Assessed Property. The Non-Ad Valorem Assessment Roll is available for inspection at the office of the County Clerk located in the Polk County Administration Building, 330 W. Church Street, Bartow, Florida. The assessment rate set forth in the Non-Ad Valorem Assessment Roll to be levied against the net patient revenue of each Assessed Property is up to 5.51%.

At the date and time set forth in this notice, the Board of County Commissioners may: (1) approve the Non-Ad Valorem Assessment Roll, with such amendments as it deems just and right, and (2) adopt a resolution (the "Assessment Resolution") that describes: (a) the supplemental payment programs proposed for funding from proceeds of the assessment, (b) the benefits to the Assessed Properties, (c) the methodology for computing the assessed amounts, and (d) the method of collection, including how and when the assessment is to be paid.

All interested persons have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of the publication of this notice. Written objections should be sent to the attention of the County Manager, 330 W. Church Street, Bartow, Florida.

The amount of the assessment is to be collected pursuant to an additional and alternative method, as specified in § 197.3631, Fla Stat. Details will be included in the Assessment Resolution.

If you are a person with disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Communications Office at (863) 534-6090 at least seven days prior to the date of the public hearing if you need special accommodations.

Pursuant to § 286.0105, Fla Stat., if a person decides to appeal any decision of the Board of County Commissioners on any matter considered at the public hearing, he or she will need a record of the proceedings. For such purpose, a person appealing the decision may need to ensure the creation of a verbatim record, which captures the testimony and evidence upon which the appeal is based.

If you have any questions, please contact the Polk County Health & Human Services Division at (863) 534-5203.

BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA

List of Affected Properties:

The special assessment is to be levied against each private for-profit and not-for-profit hospital operating under a Florida hospital license affiliated with the following providers of inpatient hospital services that holds a right of possession and right of use to real property in Polk County, Florida:

Hospital Name: AdventHealth Heart of Florida
Address: 40100 US-27, Davenport, FL 33837
Parcel ID: 27-26-31-708500-010210

Hospital Name: Advent Health Lake Wales Medical Center
Address: 410 S 11th St., Lake Wales, FL 33853
Parcel ID: 27-30-01-000000-022010

Hospital Name: Bartow Regional Medical Center
Address: 2200 Osprey Blvd, Bartow, FL 33830
Parcel ID: 25-29-31-000000-011030

Hospital Name: Winter Haven Hospital
Address: 200 Avenue F NE, Winter Haven, FL 33881
Parcel ID: 26-28-21-583000-000010

Hospital Name: Lakeland Regional Medical Center
Address: 1324 Lakeland Hills Blvd., Lakeland, FL 33805
Parcel ID: 24-28-07-000000-043020

Hospital Name: Encompass Health Rehabilitation Hospital of Lakeland
Address: 1201 Oakbridge Pkwy., Lakeland FL 33803
Parcel ID: 23-28-35-138170-007200
8/14/24 163854