

**A FINAL ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AUTHORIZING, LEVYING AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE CENTRAL FLORIDA COMMUNITY AND THE VIABILITY OF THOSE HOSPITALS AS IMPORTANT CONTRIBUTORS TO THE CITY'S ECONOMY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITTED REAL PROPERTY; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, each year, hospitals in Orlando provide millions of dollars of uncompensated charity health care to indigent members of the Central Florida community; and

**WHEREAS**, the State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help support the uncompensated costs of providing charity care to uninsured and low-income patients; and

**WHEREAS**, the State has been unable to provide the full allowable LIP Program support to certain eligible hospitals due to an inability to fund the mandatory non-federal share of the LIP payments; and

**WHEREAS**, the impacted hospitals (the "Hospitals") have requested that the City of Orlando, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program; and

**WHEREAS**, the funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay certain eligible Hospitals a much higher percentage of their uncompensated charity care costs to maintain and even expand their charity care programs; and

**WHEREAS**, the City, like many local governments, has an interest in promoting access to healthcare to its uninsured and low-income residents, as well as the broader community; and

**WHEREAS** leveraging federal support for certain eligible hospitals to continue to provide that care benefits all providers in the City who would otherwise take on a greater share of that burden; and

**WHEREAS**, imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured members of the Central Florida community is a valid public purpose that benefits the health, safety and welfare of the citizens of Orlando; and

**WHEREAS** ensuring the financial stability and viability of the hospitals providing such charity health care supports important contributors to Orlando's economy; and

**WHEREAS**, on January 22, 1996, the City Council of the City of Orlando, Florida (the "City Council") enacted its Home Rule Special Assessment Ordinance, as amended on April 26, 1999, enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services; and

**WHEREAS**, May 29, 2018, the City Council adopted a Resolution bearing documentary No. 180529B12 (the "Initial Assessment Resolution") proposing the creation of the Assessment Area described therein to support the provision of charity health care, proposing the method of assessing and collecting the assessment against the real property specially benefitted thereby, and directing the preparation of the Preliminary Assessment Roll and the publication and mailing of notices required by the Ordinance, unless waived; and

**WHEREAS**, pursuant to the ordinance, the City is required to confirm, modify or repeal the Initial Assessment Resolution, with such amendments as the City Council deems appropriate, after hearing testimony and receiving objections, if any, from all interested persons, and

**WHEREAS**, the notice of proposed levy of the non-ad valorem assessment and of the public hearing at which City Council will consider the adoption of this Final Assessment Resolution has been published in the newspaper in accordance with the Ordinance, and each Owner has waived notice by mail of same and consented to the imposition of the Assessment, and the Owners have not been precluded from the opportunity to be heard as to this matter at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, THAT:**

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

"Assessment" means the non-ad valorem special assessment imposed and levied upon the Assessment Area defined herein.

"Assessment Area" means the Hospital facilities within City limits that provide charity care as part of their outpatient hospital services, namely the real property located at:

- 601 E. Rollins Street, Orlando, FL 32803, parcel id no. of 13-22-29-2780-01-000, and
- 1400 S. Orange Avenue, Orlando, FL 32806, parcel id no. 35-22-29-6389-01-000, and
- 12535 Nemours Pkwy., Orlando, FL 32827, parcel id no. 25-24-30-6052-01-000

“Delinquent” means not paid within thirty (30) days of the due date.

“Designated City Official” means the Chief Financial Officer, or such other official as shall be designated by the Mayor or Mayor Pro Tem to act as such hereunder, or such person’s designee.

“Local Service” means the provision of charity health care by the Hospitals to indigent and uninsured members of the Central Florida community.

“Ordinance” means the Home Rule Special Assessment Ordinance enacted by City Council on January 22, 1996, and amended on April 26, 1999 (codified as Chapter 52 of the Orlando City Code), enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services.

“Owner,” “Owner(s),” or “Owners” means any one or more of the owners of the real property within the Assessment Area determined by the City Council to be subject to the Assessment based on the selected methodology defined herein.

**Section 2. Interpretation.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**Section 3. Authority.** This Resolution is adopted pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, Parts I and III of Chapter 166, Florida Statutes, and the Ordinance (collectively the "Act").

**Section 4. Findings.** It is hereby ascertained, found, determined and declared by the City Council that:

(A) Article VIII of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant to a city all powers of local self-government to perform city functions and to render services for city purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by enactment of ordinances and resolutions.

(B) The Ordinance was enacted to provide for the creation of special assessment areas and authorizes the imposition of assessments to provide for Local Services.

(C) The City’s support for hospital charity care through leveraging local funding and Medicaid federal matching funds constitutes Local Services, as defined in the Ordinance.

(D) The City's decision to leverage available funding to support the provision of hospital charity care programs through LIP funding serves a valid public purpose by supporting the provision of health care to indigent members of the Central Florida community, supporting the other providers who would otherwise take on such charity care, and supporting the viability of certain LIP eligible hospitals as important institutions to the City economy, and, therefore, the assessment is in the best interest of the health, safety and welfare of the citizens of Orlando.

(E) City Council desires to create the Assessment Area to fund the Local Service as set forth herein.

(F) The Local Service will provide a special benefit to the property located within the Assessment Area by generating additional funding for charity health care.

(G) The Assessment to be imposed in accordance with this Resolution provides an equitable method of funding increased charity care.

(H) A reasonable methodology has been applied in determining the basis and rate of the assessment and which hospitals are subject to the assessment within the jurisdictional limits of the City (the Assessed Hospitals), and the Assessment is reasonably apportioned among the Assessed hospitals proportionate to the benefit received.

**Section 5. Special Assessment.** There is hereby authorized and imposed a non-ad valorem assessment the amount of which shall be computed in accordance with Section 8 herein. The Assessments shall be imposed, levied, collected and enforced against the specially benefitted real property located in the Assessment Area to fund the non-federal share of LIP payments to certain eligible Hospitals for uncompensated costs of charity care. When imposed by this Resolution, the Assessment shall constitute a lien upon the Assessed Hospitals equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted which could result in loss of title. The Assessment will be billed and collected as provided in Section 10 hereof and in the Ordinance. In addition to other remedies available at law or equity, the collection and enforcement of the aforesaid Assessment when utilizing the Orange County Real Property Tax Bill (the "Tax Bill") pursuant to the Alternative Method shall be by the Orange County Tax Collector and shall be at the same time and in like manner as ad valorem taxes and subject to all ad valorem tax collection and enforcement procedures afforded to use of the official annual real property tax notice.

**Section 6. Duration of Assessment.** It is the intent of the City Council that the lien created through imposition of the Assessment shall be for a duration of one-year, however the lien on the applicable Assessment area shall remain in effect until the respective Assessment is paid in full.

**Section 7. Assessment Scope, Basis and Use.**

(A) The Assessment pursuant to this resolution shall be imposed on all providers of outpatient hospital services with the City limits, which is limited to Florida Hospital, Orlando Health and Nemours. The City will assess gross outpatient hospital service revenues, minus gross Medicaid outpatient hospital revenues.

(B) The amounts collected from the Assessment may only be used for the following purposes:

(1) to transfer funds to the Agency for Health Care Administration (“AHCA”) for the purposes of providing local funding for the non-federal share of LIP payments to eligible Hospitals in “Tier III” of the SFY 2017-18 LIP Model Summary as posted to AHCA’s web site; or

(2) to refund to Assessed Hospitals any overpayment or amounts otherwise collected in error with respect to the Assessment.

(C) In the event that all or a portion of the LIP payments are recouped by the federal government and the associated non-federal share funded by the Assessment is returned to the City, the City will refund such amounts to the Assessed Hospitals.

#### **Section 8.     Computation of Assessment.**

(A) The annual installment of the Assessment shall equal 1.29 percent of gross outpatient hospital service revenue (after subtracting gross Medicaid outpatient hospital revenue), for each hospital subject to the Assessment.

(B) Gross outpatient hospital services revenue data for each hospital will be derived from the 2016 Florida Hospital Uniform Reporting System, as available from AHCA.

(C) The full amount of the annual assessment is payable by June 18, 2018.

(D) The maximum lien obligation of the Assessment is Fifty Six Million, Nine Hundred Sixty Seven Thousand, One Hundred Forty-Two Dollars (\$56,967,142.00; the “Maximum Lien Obligation”).

**Section 9.     Non-Ad Valorem Assessment Roll; Certification.** The Non-Ad Valorem Assessment Roll, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with Section 52.09 of the Ordinance. The foregoing shall not be construed to require that the Non-Ad Valorem Assessment Roll be in printed form if the amount of the Assessment for each tax parcel located within the Assessment Area can be determined by use of a computer terminal available to the public.

#### **Section 10.    Timing and Method of Collection.**

(A) The amount of the assessment is to be collected pursuant to the Alternative Method.

(B) The City shall provide Assessment bills by first class mail to the owner of each affected hospital, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the methodology used to determine the amount of the Assessment, (3) the total amount of the hospital's Assessment for the appropriate period, (4) the location at which payment will be accepted, (5) the date on which the Assessment is due, and (6) a statement that the Assessment constitutes a lien against 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) A general notice of the lien resulting from imposition of the Assessment shall be recorded in the Official Records of Orange County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(D) The Hospitals shall pay to the City the full assessment as soon as practicable upon the passing of this Resolution, but in no event later than the date set forth in section 8(C) above.

**Section 11. Confirmation of Initial Assessment Resolution.** Except to the extent it may be supplemented or amended hereby, the Initial Assessment Resolution is hereby ratified and confirmed.

**Section 12. Public Hearing.** City Council has duly noticed and held a public hearing in Council Chambers at City Hall, 400 South Orange Avenue, Orlando, Florida 32801 on this 11<sup>th</sup> day of June, 2018. As required by the Ordinance, this Final Assessment Resolution was considered for adoption only after all interested persons were afforded the opportunity to be heard or have their written objections submitted for the record at such public hearing.

**Section 13. Assessment Final.**

(A) The methodology for computing the Assessment described herein and in the Initial Assessment Resolution is hereby approved. The Assessment is hereby imposed on the Assessment Area.

(B) The Assessment shall constitute a lien against the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens and claims until paid. The lien shall be perfected upon adoption of this Final Assessment Resolution.

**Section 14. Effect of Final Assessment Resolution.** The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the assessment is computed, the Non-Ad Valorem Assessment Roll, the maximum Lien obligation, the levy and lien of the Assessment and the payment thereof) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council action on this Final Assessment Resolution.

**Section 15. Direction to Mail Copies.** The City Council does hereby authorize and direct the appropriate City officials to send a copy of this Resolution by United States Mail to the Orange County Property Appraiser, the Orange County Tax Collector, and to the State of Florida Department of Revenue.

**Section 16. Release of Lien Authorization.** The City Council does hereby authorize the Mayor, Mayor Pro Tem or the Chief Financial Officer to execute, along with the signature of the

City Clerk or Deputy City Clerk and the City Seal, any satisfaction of lien or release of lien to be issued with respect to the Benefited Properties. Notwithstanding the foregoing, nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

**Section 17. Assessment Lien Notice.** If the Assessment is not paid in full within thirty (30) days of the due date set forth in Section 8(C) hereof, City Council does hereby authorize and direct the appropriate City official to record a general notice of the lien resulting from the imposition of the Assessment in the Official Records of Orange County, Florida.

**Section 18. Other Authorizations.** The proper City officials and employees are hereby authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution, consistent with the intent of the City Council, including, if necessary, contracting with the Orange County Property Appraiser and the Orange County Tax Collector to administer the levy and collection of the Assessment, provided that any such proposed agreements or contracts shall be presented to the City Council for its consideration, and (b) record a copy of this Resolution and any other necessary notice in the Public Records of Orange County, Florida, to preserve the status of the lien created hereby on all properties in the Assessment Area against all the world, including any subsequent purchasers of the affected properties.

**Section 19. Severability.** If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 20. Effective Date.** This Resolution to be effective immediately upon adoption.

This Resolution duly adopted this \_\_\_\_ day of June, 2018.

CITY OF ORLANDO

Attest:

\_\_\_\_\_  
Mayor/Mayor Pro Tem

\_\_\_\_\_  
Denise Aldridge, City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY  
for the use and reliance of the City of Orlando,  
Florida only.

\_\_\_\_\_, 2018.

\_\_\_\_\_  
City Attorney  
Orlando, Florida

**EXHIBIT A**  
**Non-Ad Valorem Assessment Roll**

- Florida Hospital, 601 E. Rollins Street, Orlando, FL 32803, parcel id no. of 13-22-29-2780-01-000, Maximum Annual Assessment \$25,736,186
- Orlando Health, 1400 S. Orange Avenue, Orlando, FL 32806, parcel id no. 35-22-29-6389-01-000, Maximum Annual Assessment \$30,156,487
- Nemours Children's Hospital, 12535 Nemours Pkwy., Orlando, FL 32827, parcel id no. 25-24-30-6052-01-000, Maximum Annual Assessment \$1,074,469