

ORDINANCE NO. 008 -1988

AN ORDINANCE DECLARING THAT AN EMERGENCY EXISTS AND WAIVING NOTICE BY A FOUR-FIFTH'S VOTE; CREATING THE UPPER KEYS MUNICIPAL SERVICE TAXING DISTRICT FOR HEALTH CARE AND FACILITIES ENHANCEMENT THEREOF; DEFINING THE BOUNDARIES THEREOF; PROVIDING FOR THE PURPOSES OF THE DISTRICT; DESIGNATING THE GOVERNING BODY THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, unique and distinct areas of Monroe County exist with differing degrees and need concerning health and trauma care, and

WHEREAS, local Monroe County hospitals offer varying degrees of ability to serve residents of their respective areas concerning health and trauma care, and

WHEREAS, Monroe County desires to enhance such facilities and care offerings to the residents and visitors of the area served by such hospital, and

WHEREAS, there presently exists varying degrees of need to utilize, in certain cases, hospital services outside of Monroe County which require funding assurances in order to access such facilities, and

WHEREAS, Monroe County desires to establish means of accomplishing facility upgrading to decrease reliance upon areas outside of Monroe County for certain types of health care while at the same time assuring accessibility and transport for those instances where such care is not yet available for the particular district within Monroe County, and

WHEREAS, an emergency is hereby declared in order to protect the health, safety and welfare of the citizens and visitors of Monroe County as there are presently no health care and facilities enhancement districts, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. An emergency is hereby declared and notice waived by a four-fifth's vote.

Section 2. FINDINGS OF FACT.

The Board of County Commissioners of Monroe County does find that establishment of municipal service taxing districts in the County is necessary to provide certain essential health care and facilities upgrading for the public health and welfare of such districts, and is a service under Section 125.01(1)(q) of the Florida Statutes for which a special taxing district may be created under Chapter 125, Florida Statutes.

Section 3. ESTABLISHMENT.

There is hereby created and established a municipal service taxing district to be known as the Upper Keys Health Care Taxing District, so as to provide revenue for certain health care necessities conditioned upon approval by referendum in said District, pursuant to the provisions contained in Section 125.01, et seq. of the Florida Statutes and Article V, Section 2-235, et seq. of the Monroe County Code. Said District will be comprised of that area corresponding to election precincts 20, 21, 22, 23, 24 and 25, also corresponding with Municipal Services Districts 4A, 4B, 5, 6 and 7, geographically encompassing from the east end of Dante Fascell Bridge to the Monroe County line, however, excluding the mainland portion of Monroe County.

Section 4. PURPOSES.

The purpose of the Health Care Taxing District is to provide revenues, to be used as set forth in Section 6, Subsection 4 of this ordinance, for:

1. Firstly, principal access to appropriate levels of transfer and of health care for trauma-related injury;
2. Secondly, improvement of facilities and services, by hospital service area, to relieve reliance upon outside-of-District sources; and
3. Thirdly, to meet varying conditions and degrees of health care services as may be required by the District beyond those enumerated above.

Section 5. GOVERNING BODY.

The governing body of the Health Care Taxing District shall be the Board of County Commissioners of Monroe County.

The governing body shall be advised by an advisory panel who shall be responsible for operations of the Health Care Taxing District as to budgetary and procedural recommendations to the Board of County Commissioners.

The governing body of the Health Care Taxing District shall act in concert with any other Health Care Taxing District, and its Advisory Board similarly created, for the purposes of unified contractual arrangements so required by and for each District.

The Advisory Board of each Health Care Taxing District shall be composed of the following members who are residents of the District:

1. A representative of the District's hospital, as selected by the Board of County Commissioners upon recommendation by the Board of Directors of that hospital;
2. A representative from the emergency medical services system within the District, selected by the Board of County Commissioners from a list containing one recommendation by each system;
3. Three citizens of the County who are residents of the District, including physicians, who have demonstrated an interest in the health care needs of the citizens of that district.

Section 6. POWERS AND DUTIES.

The governing body of each Health Care Taxing District shall have the following powers and duties:

1. The governing body shall have all the powers and duties of a municipal service taxing district as set forth in Chapter 125 of the Florida Statutes and as set forth in Chapter 2, Article V of the Monroe County Code; however, referendum criteria for capital expenditures over the \$5,000 limit shall not apply, nor shall the District have the power to levy ad valorem taxes contrary to the limits set within this ordinance without referendum to do so, as provided below.

2. The governing body may establish contractual arrangements with health care facilities outside the borders of Monroe County in concert with contractual arrangements requested by any other Health Care Taxing District Advisory Board similarly established within Monroe County.

- (a) Such contracts covering funds expended on behalf of any patient from the District, in order to off-set costs of transport or treatment if unassumable by the patient, shall be restricted to those costs which are non-collectible from the patient or any other source after all other sources of collection have failed.
- (b) Any such contracts shall be entered into with any selected agency on behalf of and for any and all Districts so requesting.
- (c) Any such contracts shall be designed to lessen the impact of expenditures from the District's funding to include, by not be limited to:
 - (1) Transferability back to the District hospital for continuation of treatment.
 - (2) Stop-Loss provisions, either by caps or case-by-case conferences as to transferability to other facilities wherein care can be undertaken and financially provided for by means other than the District fund, under which the patient is eligible.
 - (3) Third party review of claims submitted.
 - (4) Case assessment to determine encumbrance of funding.

3. Each District shall be permitted to make contractual agreements with an appropriate hospital within the District upon the request of the District Advisory Board, to then be known as "the District Hospital" to provide the care enumerated herein, or any other hospital within Monroe County, capable of providing care desired by the District, upon request of the District Advisory Board on the same basis as may be required with any health care agency outside of Monroe County as provided for in Subsection 2 above.

4. Subject to the provisions in subsection 5 of this Section, the revenues generated in the District shall be only utilized for:

- (a) Aid in assuring transport to accepting medical institutions within and without Monroe County, if required, by means of off-setting costs of such transport if unassumable by the patient.
- (b) Aid in assuring accessibility for trauma-related injury patients to accepting medical institutions outside of Monroe County or within Monroe County, if required, by means of off-setting costs of such hospital and physician treatment if unassumable by the patient.
- (c) Aid to the District Hospital in relieving reliance upon medical institutions outside of Monroe County by means of upgrading facilities and services, upon request by the District Hospital to the Advisory Board of the District.

5. For the purposes of the first year of utilization of revenues generated by the District, the following percentages of estimated revenue funds shall be budgeted for the purposes prescribed:

- (a) Sixty-five percent (65%) as aid for off-setting costs of such transport, hospital and physician treatment, if unassumable by the patient, in assuring transport and/or accessibility for trauma-related injury patients at accepting institutions outside of Monroe County or at the District Hospital.
- (b) Fifteen percent (15%) as aid for off-setting costs of pre-transport treatment, if unassumable by the patient, to the District Hospital for pre-transport hospital and physician care, if necessary, prior to transfer to medical institutions outside of Monroe County.
- (c) Twenty percent (20%) as aid by means of upgrading facilities and staff services, to the District

Hospital in relieving reliance upon medical institutions outside of Monroe County, upon request by the District Hospital.

6. Subsequent percentages and utilizations shall be affirmed or modified by the Health Care Taxing District Board of Governors as a part of Monroe County budgetary considerations for any given year. However, paramount direction is given by this ordinance to the priority of purposes enumerated.

7. The Governing Board of the District shall impose a tax of one-half of one mill (.00050) on the assessed valuation of the taxable real property in the District, each year, for a period of time not to exceed five years, subject to a one-time referendum within the District, prior to the imposition of such tax.

Extension of District taxing powers and levy after the initial five year period shall require subsequent referendum, provided that such referendum state specific utilization of such further levy.

The Board may issue tax anticipation warrants or notes, to be paid from the ad valorem taxes hereby authorized, in accordance with general law and Section 6, Subsection 4, above, for the purposes set forth herein.

8. The funds to be paid herein by the Board from ad valorem revenues as authorized by this ordinance, and with funds otherwise designed for the use of the District shall not be paid for with other tax revenues generated by the County of Monroe or the State of Florida.

9. All funds are to be paid upon receipt of a payment voucher request that shall be verified by the Board of County Commissioners as proper expenditures provided for herein.

Section 7. SEVERABILITY.

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 8. REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 9. INCLUSION IN THE CODE.

The provisions of this ordinance shall be included and incorporated into the Monroe County Code as an addition or amendment thereto and shall be appropriately renumbered to conform with the uniform numbering system of the Code.

Section 10. EFFECTIVE DATE.

This Ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by registered mail to the Secretary of State, State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 19th day of January, 1988.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By Eugene J. Stinson, Jr.
Mayor/Chairman

(SEAL)

Attest, DANNY L. KOLHAGE, Clerk

Rosalie L. Connolly, D.C.
Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY Lucien P. Ruby, Jr.
Attorney's Office

ADOPTED: 1-19-88

MAILED TO THE DEPARTMENT OF STATE: 1-27-88

EFFECTIVE DATE: 1-27-88