

HARDEE COUNTY, FLORIDA

ORDINANCE NO. 93- 03

AN ORDINANCE OF HARDEE COUNTY, FLORIDA, PROVIDING FOR THE FORMATION OF AN INDEPENDENT INDIGENT HEALTH CARE SPECIAL DISTRICT, PURSUANT TO SECTION 154.331, FLORIDA STATUTES; PROVIDING FOR TERRITORY; PROVIDING FOR DISTRICT BOARD; PROVIDING FOR VACANCY/REMOVAL; PROVIDING FOR VOTING PROCEDURE/QUORUM; PROVIDING FOR DISTRICT BOARD OFFICERS; PROVIDING FOR DISTRICT REVENUE/BUDGET; PROVIDING FOR FINANCIAL REPORTS; PROVIDING FOR DISSOLUTION; PROVIDING FOR POWERS OF THE DISTRICT BOARD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 154.331, Florida Statutes, provides that counties may create independent special districts for the purpose of providing for indigent health care services; and

WHEREAS, the Board of County Commissioners of Hardee County, Florida, has obtained approval from a majority of the electors of Hardee County to create an independent special district for the purposes of providing indigent health care services in Hardee County; and

WHEREAS, said approval by the majority of electors of Hardee County limited the authority of said independent special district to levy an ad valorem tax not to exceed one (1) mill.

WHEREAS, the Board of County Commissioners of Hardee County, Florida, deems it to be in the best interest of the health, safety, and welfare of the citizens of Hardee County to create an independent special district for the purpose of providing indigent health care services in Hardee County.

WHEREAS, the Board of County Commissioners of Hardee County, Florida, has deemed that it would be in the best interest of the taxpayers of Hardee County to cap the amount of revenue to be received from the one mill tax at \$550,000.00.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FORMATION

The Hardee County Indigent Health Care Special District, an independent special district, is hereby created pursuant to Section 154.331, Florida Statutes.

SECTION 2. TERRITORY

The geographic territory of the Hardee County Indigent Health Care Special District (hereinafter referred to as the "District") consists of all of Hardee County, Florida.

SECTION 3. DISTRICT BOARD

All powers, privileges and duties vested in or imposed on the District shall be exercised and performed by and through a governing body in accordance with the following:

a. Name The governing body of the District shall be designated and known as the District Board.

b. Composition The District Board shall consist of five members. Two members shall be appointed to the District Board by the Governor of the State of Florida, and three members shall be appointed by the Hardee County Board of County Commissioners. All members shall have been residents of Hardee County for the preceding 12-month period.

c. Terms The District Board members' terms shall be staggered and may not exceed four years. No member shall serve for more than two consecutive terms. Two members of the District Board appointed by the Hardee County Board of County Commissioners, and one member of the District Board appointed by the Governor, shall have a term of four years beginning on the date of appointment. The remaining two members' initial term shall be for two years beginning on the date of appointment, and the terms shall be four years thereafter.

SECTION 4. VACANCY/REMOVAL

The Hardee County Board of County Commissioners shall fill any vacancies that may occur during the term of any Board member. District Board members may be removed for cause only by the Governor or by a majority of the electors voting within the county.

SECTION 5. VOTING PROCEDURE/QUORUM

Quorum of the District Board shall be at least three members, two of which shall be Hardee County Board of County Commissioner appointees. All votes on questions, orders, resolutions, rules, regulations or other discussions coming before

the District Board shall be decided by majority vote.

SECTION 6. DISTRICT BOARD OFFICERS

The District Board shall elect one member as chairman and one member as vice-chairman from those members appointed by the Hardee County Board of County Commissioners. The chairman shall preside at District Board meetings and shall execute all contracts and other legal documents on behalf of the District. The chairman shall be elected for the term of one (1) year. If the chairman shall cease to be a member or shall for any reason be unable to serve as chairman, a successor shall be elected by the District Board of the unexpired portion of the term. The vice-chairman shall be elected for a term of one (1) year and shall assume all of the duties of the chairman in his/her absence.

SECTION 7. COMPENSATION

Board members shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with Section 112.061 Florida Statutes.

SECTION 8. DISTRICT REVENUE/BUDGET

- a. All financial records and accounts relating to the District shall be available for review by the Hardee County Board of County Commissioners and for audit by state auditors assigned from time to time to audit the affairs of the county officials.
- b. The fiscal year of the District shall be the same as that of the county.
- c. The budget officer for Hardee County shall be the budget officer for the District.
- d. On or before May 1 of each year, the District Board shall prepare a tentative annual written budget of the district's expected income and expenditures, including a contingency fund, and shall compute a proposed millage rate within a one mill cap necessary to fund the tentative budget. Prior to adopting a final budget, the District Board shall comply with the provisions of Section 200.065, Florida Statutes, relating to the method of fixing millage, and shall fix the final millage rate by resolution of the District Board. The adopted budget and final millage rate must be certified and delivered to the Board of County Commissioners no later than the time of adoption of the county's annual budget. Included in each certified budget must be the millage rate adopted by resolution of the District Board as necessary to raise the funds for the budget for district operations and expenditures. In no circumstances, however, shall the District Board levy millage which exceeds \$550,000.00 of revenue. The budget of the District, so certified and delivered to the Hardee County Board of County Commissioners may not be changed or modified by the Hardee County Board of

County Commissioners or by any other authority.

e. The Hardee County Board of County Commissioners may contribute funds to the District Board and may or may not designate that said contribution reduce the ad valorem tax levy imposed by the District Board.

f. Administrative cost of the District shall not exceed seven percent (7%) of the District's budget.

g. All tax moneys collected under this section, as soon after collection thereof as is reasonably practicable shall be paid directly to the District Board by the tax collector of the county.

h. The moneys so received by the District Board shall be deposited with financial institutions in separate and distinguishable accounts established specifically for the district and may be withdrawn only by checks signed by the chairman of the District Board and countersigned by either one other member of the District Board or by a chief executive officer who is so authorized by the District Board.

i. Upon entering the duties of office, the chairman and the other member of the District Board or chief executive officer who signs its checks shall each give a surety bond in the sum of \$1,000.00, which bond must be conditioned that each of them shall faithfully discharge the duties of his office. The premium on said bond may be paid by the special district as part of the expense of the board. No other member of the District Board may be required to give bond or other security.

j. No funds of the District may be expended except by check as aforesaid, except for expenditures from a petty cash account, which may not at any time exceed \$25.00. All expenditures from petty cash must be recorded on the books and records of the district. No funds of the District, excepting expenditures from petty cash, may be expended without prior approval of the District Board, in addition to the budgeting thereof.

SECTION 9. FINANCIAL REPORTS

Within ten (10) days after the expiration of each quarter-annual period, the District Board shall cause to be prepared and filed with the Hardee County Board of County Commissioners a financial report, which includes:

- a. The total expenditures of the District Board for the quarter-annual period;
 - b. The total receipts of the District Board during the quarter-annual period;
- and

c. A statement of the funds the District Board has on hand or deposited with financial institutions at the end of the quarter-annual period.

SECTION 10. DISSOLUTION

This special district may be dissolved pursuant to Section 165.051, Florida Statutes, or the Hardee County Board of County Commissioners may, by ordinance, vote to dissolve the District, subject to the approval of the electorate; provided, however, the county assumes the debts, liabilities, contracts, and outstanding obligations of the District.

SECTION 11. POWERS OF THE DISTRICT BOARD

All powers, privileges and duties vested in or upon the District shall be exercised and performed by and through the District Board in accordance with this Ordinance; provided, however, the exercise of any and all executive, administrative and ministerial powers may be delegated by the District Board to any of its officers, staff, employees, agents or designees, which delegation may be redelegated or withdrawn by the District Board. The District Board shall fix and publish to the members the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings at the request of any member upon appropriate notice. The District Board shall adopt rules, regulations, resolutions and orders for conducting its business.

The District Board shall have the following powers:

a. To provide for the health care of qualified indigent patients residing in Hardee County through the purchase or reimbursement of inpatient, outpatient and emergency medical services for said indigent patients, subject to the following limitations:

(1) said services shall only be purchased from a provider who has been approved by the Hardee County Board of County Commissioners; and

(2) said services are provided to qualified indigent patients at the acute care hospital facility located in Hardee County, formerly known as Hardee Memorial Hospital, by the owner, lessee, operator or managing company of said facility; or

(3) at any other out-of-county inpatient or outpatient acute care hospital facility approved by the Hardee County Board of County Commissioners which is owned, leased, operated or managed by the same owner, lessee, operator or managing company of the Hardee acute care hospital facility referenced above, and to which a qualified indigent patient had been

transferred or referred from the acute care hospital facility in Hardee County or referred by the patient's treating physician, provided, the acute care hospital facility in Hardee County does not at that time provide the same or similar services. Indigent persons of Hardee County who are treated at an approved out-of-county inpatient or outpatient acute care hospital facility, who qualify as indigent patients under The Florida Health Care Responsibility Act of 1988 (HCRA), Section 154.301, et. seq., Florida Statutes, shall not qualify as indigent patients under this Ordinance, unless, all HCRA funds for the same fiscal year have been depleted.

The provision of such care is hereby found and declared to be a public purpose and necessary for the preservation of the public health and welfare of the residents of Hardee County. The intent of this Ordinance is to limit the reimbursement or payment for medical services to those approved hospital facilities defined above, and not to pay or reimburse for medical services provided by any other hospital facilities. Hospital facilities, other than defined herein, which treat indigent patients of Hardee County shall seek reimbursement for medical services under the provisions of Section 154.306, Florida Statutes, and any amendments thereto, or under any other applicable law.

b. To collect information and statistical data that will be helpful to the board and the county in deciding the health care needs in the county.

c. To consult, coordinate and utilize whenever possible, other county agencies or departments, or agencies of the State of Florida, which are involved in the determination of an indigent patient's eligibility to receive assistance under Chapter 154, Florida Statutes, or which are involved in certifying the county of residence of an indigent pursuant to Chapter 154, Florida Statutes, so as to avoid a duplication of services or procedures.

d. To employ, pay, and provide benefits for any part-time or full-time personnel needed to execute the foregoing powers and functions.

e. To make and adopt bylaws and rules and regulations for the guidance, operation, governance, and maintenance, of the District Board and District programs, provided such rules and regulations are not inconsistent with federal or state laws or ordinances of the County.

f. Except as set forth in paragraph a. of this Section, and subject to the restrictions hereinafter set forth, the District Board shall not purchase any medical services provided to indigent persons of Hardee County by any other hospitals, clinics or medical facilities.

g. To adopt an official seal and alter the same at pleasure.

To sue and be sued in its own name and to plead and to be impleaded, but with all sovereign immunity and limitations provided by the state constitution or general law.

i. To assess and impose upon lands in the county ad valorem taxes as provided by this Ordinance.

j. The powers of the District Board to provide for the health care of indigent persons in Hardee County are discretionary powers of the District Board and in no circumstances shall be construed to create any duty on the part of the District Board to purchase health care services for indigent persons in Hardee County, or create any property rights or entitlement on behalf of any provider or the indigent of Hardee County to receive reimbursement for health care service.

k. The District Board shall not have any powers that are not specifically enumerated herein.

SECTION 12. QUALIFIED INDIGENT PATIENT

The District Board shall adopt rules, regulations and procedures for determining whether a patient is qualified to receive financial assistance as a qualified indigent patient under this Ordinance, and for certification that the indigent patient is a Hardee County resident. Said rules, regulations and procedures shall at a minimum include provisions which provide the following:

a. The District Board, or its designee, shall be the certifying agency responsible for determining whether a patient is qualified as an indigent patient.

b. The provider of services shall screen patients to determine the availability and adequacy of third party insurance and potential eligibility for Medicaid or other State or Federal governmental programs. The provider is responsible for initiating the eligibility determination procedures. ~~The provider has thirty (30) days from the date of admission to notify the certifying agency by certified mail of an individual who may qualify, and ninety (90) days from the date of discharge, or conclusion of inpatient, outpatient or emergency treatment to apply for payment or the approved provider. forfeits its right to reimbursement.~~

c. Notification shall consist of an application made upon a form approved by the District Board and signed by the provider.

d. The provider shall include with the application any documentation

available that would assist the certifying agency in determining eligibility or residency, and shall include hospital bills applicable to the applicant. Lack of documentation will not preclude submission of the application nor constitute a reason to delay the submission of the application within proscribed time periods.

e. The certifying agency shall use gross family income to determine if the family unit's income is less than one hundred and thirty percent (130%) of the federal poverty level. Verification of earnings shall be requested for the four (4) week period prior to the date of admission or treatment. The certifying agency shall require additional income verification for the preceding twelve (12) month period if the income received for the four (4) weeks prior to admission is not representative of the family unit's gross income.

f. "Verification" or "verify" shall mean confirmation of the accuracy of information through sources other than the self-declaratory statement of the individual originally supplying the information. Verification can be secured by telephone, in written form, by photocopy of written document, or by face-to-face contact. Verification does not require a written document to confirm an applicant's statement.

g. Verification of income may be a written or oral statement that certifies the applicant's income and may include but not be limited to:

- (1) A statement from a state or federal agency which attests to the patient's financial status;
- (2) A statement from the employer;
- (3) Pay stubs for four (4) weeks if available; or
- (4) A statement from the source providing unearned income to the applicant or family unit.
- (5) Most current federal tax return.

h. The certifying agency shall determine if the applicant's assets exceed the overall amount of countable assets a person may retain and remain eligible for assistance, which shall be the same as those amounts used in the Medicaid medically needy program as defined in Rule 10C-8.218, F.A.C. The certifying agency may request verification of asset values. If verification of the asset values is not requested the asset values will be accepted as stated in the application unless the certifying agency documents by independent means that assets exceed the limit.

i. The following shall not be included as assets in the eligibility determination:

- (1) One homestead;
- (2) Household furnishings;
- (3) One automobile in operating condition;

- (4) Clothing;
- (5) Tools used in employment;
- (6) Cemetery plots, crypts, vaults, mausoleums, and urns; and
- (7) Produce and animals raised for home consumption.

j. The certifying agency shall verify that the patient is a resident of Hardee County. The applicant or provider must provide or make available one of the following as corroborating evidence of current residency within the county:

- (1) Driver's license;
- (2) Mortgage, lease or rental receipt or letter from the landlord;
- (3) Proof of home ownership;
- (4) Water, electric, or other public utility bill in the name of the applicant or family unit member to a residential address within the county;
- (5) A state, county or federal document mailed to the applicant to a residential address within the county;
- (6) Vehicle registration in the name of the applicant or family unit member to a residential address within the county;
- (7) Voter registration;
- (8) Proof of children enrolled in public schools within the county;
- (9) Other documents of equal weight as those above that verify an applicant's residency.

k. The certifying agency may determine eligibility and residency based on documentation submitted by the patient or provider without a face-to-face interview. It shall be the burden of the patient or the provider to provide adequate information as to verify income, assets and residency.

l. The certifying agency shall notify the patient and the provider of the disposition of the application with ten (10) days of the disposition.

m. Eligibility shall be retroactive to the date of admission or treatment.

n. The certifying agency shall establish a case record for each individual applying for assistance under the act. The case record shall contain the application, any documentation or evidence used in the determination of eligibility and a copy of any notice issued to the patient or provider making the referral.

SECTION 13. REIMBURSEMENT

The District Board shall adopt rules, regulations and procedures for the purchase of inpatient, outpatient and emergency medical services for qualified indigent patients from providers approved by the Hardee County Board of County Commissioners. Said

rules, regulations and procedures shall include a provision which provides the following:

a. The provider shall use a claim form which is the same uniform billing form the provider uses with respect to other third party payors, subject to approval by the District Board.

b. The provider shall pursue all third party payors prior to submitting a claim to the District, provide that, this requirement shall not preclude the submission of the application within an applicable time frame established in Section 12 of this Ordinance. The District shall serve as payor of last resort in regard to third party insurance, federally funded and state-funded hospital programs which may be available to the applicant.

c. In cases where a provider is reimbursed by a third party payor or other government program, after the District has paid the provider under this program, the provider shall reimburse the District up to the amount paid by the District.

d. Covered services shall be limited to hospital services as defined in Rules 10C-7.039, 10C-7.040, F.A.C. and the Medicaid Provider Handbook - Hospital Services, incorporated by reference, unless otherwise specified in this Ordinance.

e. The rate of reimbursement for inpatient, outpatient and emergency services shall be based upon the provider's actual costs of providing such services to qualified indigent residents of Hardee County as reflected by the ratio of total expenses to gross revenues in the provider's most recent audited financial statements and supports documents. Claims shall be based on the provider's annual audited financial statements effective for all discharges fifteen (15) days after the provider's receipt of each year's financial statements from its auditors.

f. The District Board shall not be required or be responsible for making any payments for reimbursement of any medical services if all funds available to the District Board in any one fiscal year have been disbursed or utilized.

g. The District Board shall pay claims submitted by the provider within thirty (30) days of the District Board's approval for payment of such claim, or if funds are not immediately available, shall make payment within thirty (30) days of funds becoming available.

SECTION 14. MISCELLANEOUS

This independent indigent health care special district created under this section shall comply with all other statutory requirements of general application which relate

to the filing of any financial reports and compliance reports required under part III of chapter 218, or any other report or documentation required by law.

SECTION 15. EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption in accordance with law.

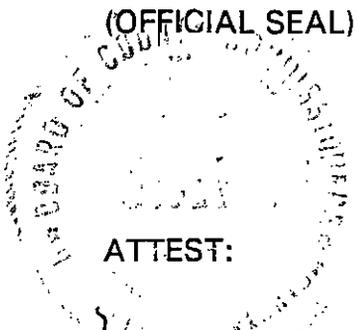
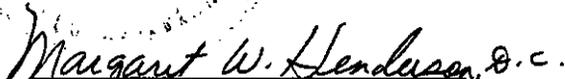
DULY PASSED AND ADOPTED IN REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, THIS 17th DAY OF JUNE, 1993.

BOARD OF COUNTY COMMISSIONERS
OF HARDEE COUNTY, FLORIDA


ROYCE TYSON, JR.
Chairman

(OFFICIAL SEAL)

ATTEST:



MARGARET W. HENDERSON, D.C.
COLEMON W. BEST
Clerk