

MEMORANDUM

Agenda Item No. 5(Y)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving, adopting and confirming a preliminary mandatory payment roll pursuant to Section 18-53 of the Code of Miami-Dade County, Florida against certain real property to fund the non-federal share of Medicaid and Medicaid managed care payments to benefit existing and newly licensed hospital properties; and providing for the collection of such mandatory payments

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

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Gen Bonzon-Keenan
County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(Y)
10-5-21

RESOLUTION NO. _____

RESOLUTION APPROVING, ADOPTING, AND CONFIRMING A PRELIMINARY MANDATORY PAYMENT ROLL PURSUANT TO SECTION 18-53 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AGAINST CERTAIN REAL PROPERTY TO FUND THE NON-FEDERAL SHARE OF MEDICAID AND MEDICAID MANAGED CARE PAYMENTS TO BENEFIT EXISTING AND NEWLY LICENSED HOSPITAL PROPERTIES; AND PROVIDING FOR THE COLLECTION OF SUCH MANDATORY PAYMENTS

WHEREAS, this Board adopted Ordinance 18-21, which created Chapter 18, Article IV of the Code of Miami-Dade County, Florida (“Code”), authorizing the imposition of mandatory payments to fund the non-federal share of Medicaid and Medicaid managed care payments to benefit properties upon which private for-profit or not-for-profit licensed hospitals that provide inpatient hospital services in Miami-Dade County, Florida (“Institutional Health Care Providers”); and

WHEREAS, pursuant to Section 18-53 of the Code, over 75 percent of property owners as defined in Section 18-50 of the Code (“Property Owners”) and Institutional Health Care Providers filed a Petition requesting the imposition of the mandatory payments (“Petition”) against those properties on which the Institutional Health Care Providers are situated (“Properties”); and

WHEREAS, the Medicaid payments proposed for funding from the mandatory payments are those which support the Medicaid Hospital Directed Payment program that results in a uniform rate increase in reimbursement for the provision of Medicaid services; and

WHEREAS, the Properties benefit from the imposition of such mandatory payments as described in Ordinance 21-81 and the Petition, which is hereby adopted and incorporated herein by reference; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code, the County Mayor or County Mayor's designee caused a preliminary mandatory payment roll to be prepared and filed with the Clerk of the Board ("Clerk"), a copy of which is hereby adopted and incorporated herein; and

WHEREAS, the unit of measurement applied to determine the mandatory payment is Gross Patient Revenue, as identified on the 2019 Medicare cost report, and the mandatory payment rate is 0.29 percent, which is calculated by dividing the estimated non-federal share for the directed payment program by the total Gross Patient Revenue of the Institutional Health Care Providers; and

WHEREAS, the total revenue to be collected by Miami-Dade County from the mandatory payments for Medicaid services provided from October 1, 2020 through September 30, 2021 is estimated at \$115,254,770, which is calculated by multiplying .29 percent times all of the Gross Patient Revenue for the Institutional Health Care Providers; and

WHEREAS, the benefits satisfy the requirements of Florida law and have been fairly and reasonably apportioned as provided in the attached mandatory payment roll; and

WHEREAS, in accordance with the provisions of section 18-53 of the Code, notice of the public hearing on the preliminary mandatory payment roll was provided; and

WHEREAS, this Board held a public hearing on this date upon the preliminary mandatory payment roll submitted by the County Mayor or County Mayor's designee, and all interested persons were afforded the opportunity to present their objections, if any, with respect to such mandatory payment roll; and

WHEREAS, each Property Owner and Institutional Health Care Provider was notified that the mandatory payments will be collected by the County, and that, if the mandatory payments are not paid when due, the County shall enforce their collection in accordance with applicable law; and

WHEREAS, no Property Owner or Institutional Health Care Provider has objected to its imposition,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board incorporates, approves, and adopts the foregoing recitals as if fully set forth herein.

Section 2. The mandatory payment roll on file with the Clerk of the Board is approved, adopted, and confirmed pursuant to section 18-53(f) of the Code.

Section 3. Within 10 days from the effective date of this resolution, the Clerk is directed to deliver to the Finance Director a copy of the mandatory payment roll, and to cause a duly certified copy of this resolution, together with the mandatory payment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 4. All mandatory payments shall be payable in accordance with sections 18-56 and 18-58 of the Code, and shall be due 30 days from the date the mandatory payment bills are sent to each Property Owner and Institutional Health Care Provider. Unless paid when due, such mandatory payments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of section 18-58 of the Code.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by
Commissioner _____, who moved its adoption. The motion was seconded by
Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

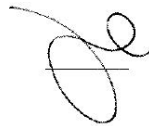
The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jorge Martinez-Esteve
Christopher C. Kokoruda