MEMORANDUM

Agenda Item No. 5(A)

(Public Hearing: 9-1-26)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	**DATE:**	July 21, 2026
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Ordinance relating to hospital mandatory payments; amending article IV of chapter 18 of the Code; revising definitions; authorizing electronic signatures and electronic delivery of documents; recognizing waivers granted by the Centers for Medicare & Medicaid Services; expanding the scope of Medicaid Supplemental Payment Programs; revising petition, review, and notice procedures; authorizing payment plans; authorizing suspension or termination of mandatory payments by resolution; making technical and conforming changes

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

Geri Bonzon-Keenan
County Attorney

GBK/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: September 1, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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**

_______ **Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) 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(A)
9-1-26

ORDINANCE NO. ________________

ORDINANCE RELATING TO HOSPITAL MANDATORY PAYMENTS; AMENDING ARTICLE IV OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITIONS; AUTHORIZING ELECTRONIC SIGNATURES AND ELECTRONIC DELIVERY OF DOCUMENTS; RECOGNIZING WAIVERS GRANTED BY THE CENTERS FOR MEDICARE & MEDICAID SERVICES; EXPANDING THE SCOPE OF MEDICAID SUPPLEMENTAL PAYMENT PROGRAMS; REVISING PETITION, REVIEW, AND NOTICE PROCEDURES; AUTHORIZING PAYMENT PLANS; AUTHORIZING SUSPENSION OR TERMINATION OF MANDATORY PAYMENTS BY RESOLUTION; MAKING TECHNICAL AND CONFORMING CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board enacted article IV of chapter 18 of the Code of Miami-Dade County (Code), which created the Medicaid Hospital Directed Payment Program, and this Board thereafter amended such article pursuant to Ordinance No. 24-62; and

WHEREAS, the Centers for Medicare & Medicaid Services (CMS) may grant waivers of certain broad-based and uniformity requirements to Institutional Health Care Providers pursuant to 42 CFR § 433.68, and this Board wishes to amend article IV to recognize such waivers, to expand the definition of "Medicaid Supplemental Payment Program" to include additional supplemental and quality incentive payment programs authorized by CMS, and to address unreimbursed charity care costs and quality improvement initiatives, consistent with evolving federal Medicaid supplemental payment requirements; and

WHEREAS, this Board wishes to streamline the annual petition, review, and notice procedures set forth in article IV, including by authorizing electronic signatures and electronic delivery of documents, revising the documentation required to be submitted with a Mandatory Payment petition, relocating certain notice requirements to the public notice provided in connection with confirmation of the Mandatory Payment roll, and eliminating the provision by which a single objecting Property Owner or Institutional Health Care Provider could render the entire Mandatory Payment program ineffective; and

WHEREAS, this Board hereby adopts and incorporates by reference, the County Mayor's Memorandum accompanying this item, which more fully sets forth the basis and need for the amendments to article IV of chapter 18 of the Code set forth herein,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article IV of chapter 18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

ARTICLE IV. - HOSPITAL MANDATORY PAYMENTS

Sec. 18-50. Definitions >>and General Provisions<<.

* * *

>>(a) Definitions.<< As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate otherwise:

* * *

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[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Institutional Health Care Provider means a >>licensed<< private for-profit or not-for-profit [[~~licensed~~]] hospital that provides inpatient hospital services >>, unless that hospital is subject to an approved waiver from the Centers for Medicare and Medicaid Services ("CMS") pursuant to 42 CFR § 433.68<<.

*   *   *

Medicaid Supplemental Payment Program means the Low Income Pool Supplemental Payment Program, Florida Cancer Hospital Supplemental Payment Program, >>the<< [[~~and~~]] Indirect Graduate Medical Education Supplemental Payment Program >>, and any other supplemental payment or quality incentive payment program<< authorized by [[~~the Centers for Medicare & Medicaid Services (~~]]CMS[[~~)~~]] and expressly designated for imposition of a Mandatory Payment under this article by a resolution of the Board. Notwithstanding anything in this article to the contrary, the term "Medicaid Supplemental Payment Programs" shall also include the Medicaid Hospital Directed Payment Program, as authorized by Ordinance No. 21-81, unless or until such program is removed pursuant to Section 18-51 of this article.

*   *   *

>>(b) General Provisions. The following general provisions shall be applicable to this article unless otherwise specified. Any signature required pursuant to this article may be executed electronically and shall have the same force and effect as a physical signature under Florida law.

(1) Any document required to be delivered pursuant to this article may be delivered or transmitted electronically and shall have the same force and effect as physical delivery under Florida law.

(2) Any references to statutes, rules, regulations or other legal authority shall include any subsequent amendments thereto, including without limitation any renumbering or relettering.<<

*   *   *

Sec. 18-52. Purposes, use, and services for which Mandatory Payments imposed.

Institutional Health Care Providers within the County incur hundreds of millions of dollars in unreimbursed Medicaid >>and charitable care<< costs each year. Contingent upon the nonfederal share being provided through intergovernmental transfers, the State of Florida received federal authority to establish Medicaid Managed Care supplemental payment programs to help offset the costs associated with these expenses >>and to further quality initiatives<<. The Mandatory Payments will, through intergovernmental transfers provided consistent with federal guidelines that the Mandatory Payments extend to all providers in Miami-Dade County, support additional funding for Medicaid supplemental payments to Institutional Health Care Providers to address the Medicaid >>and charity care << losses >>, improve quality,<< and benefit the Properties.

*   *   *

The County Mayor or County Mayor’s designee is authorized to execute any agreements, as required by the Florida Agency for Health Care Administration >>(“AHCA”)<< or the federal government in connection with the Medicaid Supplemental Payment Program, following approval by the County Attorney’s Office as to legal sufficiency.

Sec. 18-53. Annual Proceedings for Imposing the Mandatory Payment.

*   *   *

(a) *Petition.* For each fiscal year the [[~~Petition~~]] >>petition<< shall set forth: (1) >>(a) a list of Properties and Institutional Health Care Providers, and (b) a list of hospitals approved for a waiver pursuant to 42 CFR § 433.68, if applicable<< [[~~the boundaries or other description sufficient to identify the Properties~~]]; (2) a brief description of the service requested to be provided; (3) a legal opinion, that is acceptable to the County Attorney's Office, from a duly licensed Florida attorney stating that the imposition of the Mandatory Payment is lawful; (4) a copy of the hold harmless and indemnification required by Section 18-62, which shall be executed by a minimum of 51 percent of the Institutional Health Care Providers; [[~~and~~]](5) an executed release, in a form acceptable to the County Attorney's Office, wherein the Property Owner(s) and Institutional Health Care Providers state, among other things, that it forever releases the County and its officers, employees, and agents from any and all liability relating to the imposition of the Mandatory Payment >>; and (6) any attestations previously submitted to the state within the prior year in a form approved by the County, CMS, or AHCA certifying that the Institutional Health Care Providers do not participate in any prohibited hold harmless arrangement relating to the Mandatory Payment, consistent with 42 CFR § 433.68<<.

[[~~There shall be attached to the petition and made a part thereof a brief description of the Property sufficient to identify the property involved.~~]] There shall also be filed with the petition a duly certified copy of the proceedings of the board of directors or stockholders of the Property Owners and Institutional Health Care Providers and such other documents, if any, as may be required by the County Attorney to show that those signing the petition are duly authorized to sign the petition and to subject the Property to the levy and imposition of the Mandatory Payment as provided in this article.

(b) *Review*. Upon receipt of any such petition, the Clerk of the Board shall transmit one copy to the County Mayor and one copy to the County Attorney, each of whom shall examine the petition. If the County Attorney shall find that the petition has been properly signed and complies with the requirements of this section, [[~~the County Mayor or County Mayor's designee is directed to cause by first class mail a notice of proposed Mandatory Payment to be sent to all Property Owners and the Institutional Health Care Providers. Such notice shall include, but not be limited to:~~

~~(1) The purpose of the Mandatory Payment;~~

~~(2) The Mandatory Payment rate to be imposed;~~

~~(3) The unit of measurement applied to determine the Mandatory Payment;~~

~~(4) The total revenue to be collected by the County from the Mandatory Payment; and~~

~~(5) A statement that all Property Owners and the Institutional Health Care Providers have a right to file a written objection, for good cause, with the County Mayor within 20 days of receipt of the notice. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The County Mayor or County Mayor's designee may provide proof of such notice by affidavit. Failure of the Property Owners and the Institutional Health Care Providers to receive such notice, due to mistake or inadvertence, shall not affect the validity of the Mandatory Payment or release or discharge any obligation for payment of the Mandatory Payment imposed by the Board pursuant to this article.~~

~~In the event that one or more of the Property Owners and the Institutional Health Care Providers files a written objection stating good cause to the Mandatory Payment with the County Mayor within 20 days of receipt of the notice, the County Mayor or County Mayor's designee shall not prepare the preliminary Mandatory Payment roll for the Fiscal Year. If at any time one or more of the Property Owners or Institutional Health Care Providers files an objection to the Mandatory Payment, the Board's authority to collect the Mandatory Payments under this article shall be ineffective.~~

~~(c) Preliminary Mandatory Payment roll. If no Property Owners and the Institutional Health Care Providers file a written objection stating good cause to the Mandatory Payment as provided for in this article,~~]] the County Mayor or County Mayor's designee shall cause to be prepared and filed with the Clerk one preliminary Mandatory Payment roll. The preliminary Mandatory Payment roll shall contain:

(1) The names of all Property Owners and the Institutional Health Care Providers and a description of the Property;

(2) The total cost of the service; and

(3) The rate(s) and amount of the Mandatory Payment to be imposed against each Property based on the Mandatory Payment Resolution.

The preliminary Mandatory Payment roll shall be retained by the Clerk of the Board and shall be open to public inspection. The foregoing shall not be construed to require that the roll be in printed form if the amount of the Mandatory Payment for each Property can be determined by use of a computer terminal available to the public.

(>>c<<[[~~d~~]]) *Mandatory Payment Resolution.* The Mandatory Payment Resolution shall describe (a) the Medicaid supplemental payments proposed for funding from proceeds of the Mandatory Payment; (b) the benefits to the Properties associated with the Mandatory Payment; (c) the methodology for computing the Mandatory Payment amounts; and (d) the method of collection, including how and when the Mandatory Payment is to be paid.

(>>d<<[[~~e~~]]) *Public notice.* Upon the filing with the Clerk of the Board of the preliminary Mandatory Payment roll required by this section, the Clerk shall publish once in each of two successive weeks in a daily newspaper of general circulation published in the County, a notice stating that a regular or special meeting of the Board to be held on a certain day and all Property Owners and the Institutional Health Care Providers may appear and file written objections, for good cause, to the confirmation of such roll. Such notice shall state the service being provided. >>Furthermore, such notice shall include but not be limited to:

(1) The purpose of the Mandatory Payment;

(2) The Mandatory Payment rate to be imposed;

(3) The unit of measurement applied to determine the Mandatory Payment;

(4) The total revenue to be collected by the County from the Mandatory Payment; and

(5) A statement that all Property Owners and the Institutional Health Care Providers have a right to file a written objection, for good cause, to the confirmation of the Mandatory Payment roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. Failure of the Property Owners and the Institutional Health Care Providers to receive such notice, due to mistake or inadvertence, shall not affect the validity of the Mandatory Payment or release or discharge any obligation for payment of the Mandatory Payment imposed by the Board pursuant to this article.<<

Copies of such notice shall also be mailed to all of the Property Owners and the Institutional Health Care Providers which are to be subject to the Mandatory Payment. The first of such publications and mailing shall occur not less than 15 days prior to the date fixed for such hearing. One or more rate setting hearings may occur within a Fiscal Year. In the event there are additional rate setting hearings in a Fiscal Year, public notice for each hearing shall be as provided above.

(>>e<<[[~~f~~]]) *Hearing and Confirmation of Mandatory Payment Roll.* At the time and place stated in such notice, the Board shall meet and receive the objections in writing of all interested persons as stated in such notice. The Board may adjourn the hearing from time to time. After the completion thereof the Board shall either annul or sustain or modify in whole or in part the prima facie Mandatory Payment as indicated on such roll, either by confirming the prima facie Mandatory Payment described therein, or by canceling, increasing, or reducing the same, according to the special benefits which the Board decides each such Property has received or will receive on account of such service. If the Mandatory Payment which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie Mandatory Payment shall not have been made against it, the Board may place on such roll an apportionment to such Property. The Board shall not confirm any Mandatory Payment in excess of the special benefits to the Property, and the Mandatory Payments so confirmed shall be in proportion to the special benefits. After such confirmation, the Mandatory Payment roll shall be delivered to the Finance Director of the County. The Mandatory Payments so made shall be final and exclusive as to each Property unless proper steps be taken within 10 days in a court of competent jurisdiction to secure relief. If the Mandatory Payment against any property shall be sustained or reduced or abated by the court, the Finance Director shall note that fact on the Mandatory Payment roll opposite the name of the Property Owner and the description of the Property affected thereby.

Sec. 18-54. Scope, computation, and administrative costs of Mandatory Payment.

(a) *Scope.* >>Unless subject to a granted waiver from CMS pursuant to 42 CFR § 433.68, the<< [[~~The~~]] Mandatory Payment >>shall<< [[~~must~~]] be broad-based, and the amount of the Mandatory Payment >>shall<< [[~~must~~]] be uniformly imposed on each Property. The Mandatory Payment may not hold harmless any Institutional Health Care Provider, as required under 42 U.S.C. § 1396b(w). Unless paid when due, the Mandatory Payment shall be deemed delinquent, and payment thereof may be enforced in accordance with applicable law.

* * *

Sec. 18-56. Method of collection.

The County Mayor or County Mayor's Designee shall provide the Mandatory Payment bills by first class mail to each Property Owner and Institutional Health Care Provider. The bill or accompanying explanatory material shall include:

* * *

(6) The date on which the Mandatory Payment is due; [[~~and~~]]

(7) A statement regarding the potential consequences for failure to timely pay the Mandatory Payment [[~~.~~]] >>; and

(8) A statement that payment constitutes each Institutional Health Care Provider’s agreement that it does not participate in any prohibited hold harmless arrangement relating to the Mandatory Payment, consistent with 42 C.F.R. § 433.68.

Notwithstanding any other provision of this article, the County Mayor or County Mayor's designee may, in the County's sole and absolute discretion, approve a payment plan for any Institutional Health Care Provider that submits a written request demonstrating good cause. Any approved payment plan shall be subject to such terms and conditions as the County Mayor or County Mayor's designee deems appropriate, including, without limitation, payment schedules, reporting requirements, security, and default provisions; provided, however, that in no event shall any payment plan extend beyond the date on which the County is required to transfer the applicable Mandatory Payment funds to the State of Florida or other appropriate recipient. Nothing in this section shall be construed to create any right or entitlement to a payment plan. Approval of a payment plan shall not constitute a waiver of, or otherwise limit, the County's authority to enforce, collect, or recover any Mandatory Payment, together with any applicable interest, penalties, fees, or other charges authorized by law or this article. The County Mayor or County Mayor's designee may modify or terminate a payment plan at any time in the County's sole and absolute discretion, and the County may enforce and collect any unpaid Mandatory Payment and pursue any and all remedies available under this article or applicable law at any time, notwithstanding the existence of a payment plan.<<

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Sec. 18-60. Limitations on Mandatory Payment.

This Mandatory Payment is authorized only based on the approval by CMS, and related authorization by the Florida Legislature, of Medicaid Supplemental Payment Programs that will benefit the Property Owners, Institutional Health Care Providers, and Properties. If at any time, due to action at the federal, state or local level, there is no longer Medicaid supplemental payment benefitting the Property Owners, Institutional Health Care Providers, and

Properties in the County, the Board's authority to >>levy and<< collect Mandatory Payments under this article shall cease. If, at any time, the Mandatory Payments are no longer broad-based, >>except to the extent waived by CMS pursuant to 42 CFR § 433.68,<< the Board's authority to >>levy and<< collect Mandatory Payments under this article shall be ineffective. [[~~If at any time one or more of the Property Owners or Institutional Health Care Providers objects to the Mandatory Payment, the Board's authority to collect the Mandatory Payments under this article shall cease~~.]]

>>Notwithstanding any other provision of this article, the Board may at any time, by resolution and in its sole and absolute discretion, suspend, discontinue, terminate the Mandatory Payment authorized by this article for one or more years, in whole or in part. Such resolution may establish such terms, conditions, and effective dates as the Board deems appropriate. No such suspension, discontinuation, termination shall impair, extinguish, or otherwise affect any Mandatory Payment obligation, liability, assessment, enforcement action, or other right or remedy that accrued prior to the effective date of the applicable resolution, all of which shall remain in full force and effect until satisfied or otherwise resolved in accordance with this article and applicable law.<<

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Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: JMM for

Prepared by:

Christopher C. Kokoruda
Jorge Martinez-Esteve

Prime Sponsor: Senator René García