

ORDINANCE NO. - 2018

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY CREATING SECTION 22-128 OF THE CODE OF ORDINANCES OF MONROE COUNTY, FLORIDA, CREATING THE MIDDLE KEYS HEALTH CARE MUNICIPAL SERVICE TAXING UNIT; MAKING FINDINGS OF FACT; DEFINING THE BOUNDARIES OF THE TAXING UNIT; PROVIDING FOR THE PURPOSE THEREOF; DESIGNATING THE GOVERNING BODY THEREOF AND ITS POWERS AND DUTIES; PROVIDING AUTHORITY FOR THE LEVY OF AD VALOREM TAXES WITHIN THE TAXING UNIT; SETTING FORTH PERMITTED USES OF AD VALOREM TAX REVENUES; 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, the Board of County Commissioners of Monroe County, as the legislative and governing body of the County, has the authority pursuant to Section 125.01(1)(t), Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the Board of County Commissioners has the authority pursuant to Section 125.01(1)(q), Florida Statutes, to establish a municipal service taxing unit (MSTU) for any part of all of the unincorporated county, for the purpose of providing, *inter alia*, indigent health care services and other essential facilities and municipal services from funds derived from taxes levied and collected within the taxing unit; and

WHEREAS, the Board of County Commissioners also has the authority pursuant to Section 125.01(1)(q), Florida Statutes, to provide that the boundaries of the MSTU may include all or part of the boundaries of a municipality; and

WHEREAS, prior to Hurricane Irma, Fishermen’s Community Hospital (the “Hospital”) in Marathon, Florida, struggled financially due in part to the cost of its delivery of hospital services to patients who were unable to pay; and

WHEREAS, at the request of community leaders, Fishermen’s Health, Inc., a not-for-profit corporation (“Fishermen’s”) affiliated with Baptist Health South Florida, acquired the Hospital just prior to Hurricane Irma; and

WHEREAS, the Hospital facility suffered damage in Hurricane Irma; and

WHEREAS, the 1960s era Hospital facility is in need of significant repairs, upgrades and improvements in order to adequately serve the Middle Keys community; and

WHEREAS, the Hospital facility has not reopened following Hurricane Irma, and Hospital services are being provided from an emergency mobile facility on the site, currently

slated to be replaced this summer at significant expense by a temporary modular facility on the site that will more adequately serve the needs of the public, pending construction of a new permanent Hospital facility at a cost of approximately \$40 million for design, construction and equipment; and

WHEREAS, the resumed operation of a permanent, modern hospital in the Middle Keys would serve a paramount public purpose; and

WHEREAS, the Board of County Commissioners of Monroe County wishes to create the Middle Keys Health Care Municipal Service Taxing Unit, to ensure the availability of inpatient and outpatient hospital services in the Middle Keys to all patients; and

WHEREAS, the Board of County Commissioners of Monroe County believes that the creation of the Middle Keys Health Care Municipal Services Taxing Unit will help to attract private investment in the construction and operation of a new hospital in the Middle Keys.

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

Section 1. Section 22-128 within Article VI of the Code of Ordinances of Monroe County, Florida (“Code”) is hereby created to read as set forth below.

Sec. 22-128 Middle Keys Health Care Municipal Service Taxing Unit.

(a) Taxing unit created. A municipal service taxing unit (MSTU) is hereby created pursuant to F.S. 125.01(1)(q), which encompasses the following geographic areas, lying between Mile Marker 40 at the southern end of the Seven Mile Bridge, and Mile Marker 65:

The entire City of Marathon, Florida, including Grassy Key and any offshore islands within the municipality;

The entire City of Key Colony Beach, including any offshore islands within the municipality; and

That portion of unincorporated Monroe County lying between Mile Marker 40 and Mile Marker 65, including but not limited to Duck Key including Hawk’s Cay (Indies Island), and Conch Key, excluding any offshore islands within the unincorporated County.

These areas correspond to the following taxing districts designated by the Monroe County Property Appraiser’s Officer existing as of 1-1-2018:

- (i) 50CM – Part of City of Marathon
- (ii) 51CM – Part of City of Marathon
- (iii) 50KC – City of Key Colony Beach
- (iv) 500D – Part of Unincorporated Duck Key
- (v) 510D – Unincorporated Conch Key
- (vi) 520D – Part of Unincorporated Duck Key

- (b) Name of unit. The name of the MSTU shall be the Middle Keys Health Care Municipal Service Taxing Unit (hereinafter, the taxing unit).
- (c) Purpose of unit. The taxing unit shall be established to ensure the availability of hospital services within the taxing unit by financially supporting the delivery of hospital services to patients who are unable to pay the full costs of such services.
- (d) Public purpose. It is hereby found, declared and determined by the Board of County Commissioners of Monroe County, Florida, that the provision of adequate health care facilities and services fosters the public health, safety and welfare of the citizens, as well as visitors, of the taxing unit, and therefore serves a paramount public purpose. It is hereby further declared and determined by the Board of County Commissioners that the services to be funded with ad valorem taxes levied and collected pursuant to this Section are municipal services as contemplated in F.S. § 125.01(1)(q) and (r), and that they shall be provided within the taxing unit. The intention of the Board of County Commissioners is to levy a tax to fund these municipal services on the taxable valuation of all real property within the taxing unit.
- (e) Governing board. The governing board of the taxing unit is the Board of County Commissioners of Monroe County, Florida. The governing board shall have all powers, authority and duties outlined in F.S. § 125.01(1)(q) and (r), including, without limitation, the power and authority to levy and collect taxes, and the power to enter into contractual obligations to accomplish the purposes set forth in this section.
- (f) Levy of tax. The Board of County Commissioners of Monroe County shall adopt an annual budget for the Middle Keys Health Care Municipal Service Taxing Unit, commencing with county fiscal year 2019, at the same time and in the same manner as the county budget. The levy by the Board of County Commissioners shall be by annual resolution, beginning with County fiscal year 2019, for a maximum of ten (10) years. The amount to be levied shall be set each year, but shall not exceed a maximum of one-half of one mill (0.00050) on the assessed valuation of taxable real property in the taxing unit. The millage shall be set and the tax levied thereon in accordance with the provisions and in like manner as required for the setting of other County ad valorem taxes.
- (g) Use of taxes. Revenues from ad valorem taxes levied within the Middle Keys Health Care Municipal Service Taxing Unit shall be used solely for payments to hospital operators for the delivery of hospital services to patients who are unable to pay the full costs of such services. The levy, collection and disbursement of taxes for this purpose is contingent upon the occurrence of all of the following: (i) adoption by Monroe County of this Ordinance; (ii) adoption of ordinances consenting to the inclusion in the taxing unit of the municipalities of Marathon and Key Colony Beach

by their respective governing bodies, as required by Section 125.01(1)(q), Florida Statutes; (iii) approval of an agreement between Monroe County and Fishermen's, or another future hospital operator, setting forth the terms and conditions by which the ad valorem taxes will be paid; and (iv) the planning, design and construction of a new hospital within the taxing unit in accordance with milestones set forth in an agreement between the County and Fishermen's.

(h) *Fiscal Management.* All taxes levied within the taxing unit shall be due and payable and collected in the same manner proscribed by law for other county ad valorem taxes. The revenues collected shall be received, held, and secured in the same manner as other funds by the clerk of the circuit court and shall be used exclusively for the purposes provided in this section.

Section 2. **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 3. **Repeal.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 4. **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 renumbered appropriately to conform with the uniform numbering system of the Monroe County Code.

Section 5. **Effective Date.** This Ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with said Office.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
at a regular meeting held on the ___ day of _____, 2018.

Mayor David Rice _____
Mayor Pro Tem Sylvia Murphy _____
Commissioner Heather Carruthers _____
Commissioner Danny Kolhage _____
Commissioner George Neugent _____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY: _____
Mayor David Rice

[SEAL]
ATTEST: KEVIN MADOK, CPA, CLERK

Deputy Clerk

**MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:**
Cynthia L. Hall

CYNTHIA L. HALL
ASSISTANT COUNTY ATTORNEY
Date 7-3-2018