

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 ordinance 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, in September 2017, the Middle Keys was impacted by Hurricane Irma, which had a devastating effect on its economy and infrastructure; and

WHEREAS, Fishermen's Community Hospital in Marathon, Florida, which is owned and operated by Baptist Health South Florida, Inc., a not-for-profit healthcare corporation, is the sole hospital providing medical and surgical care in the Middle Keys; and

WHEREAS, Fishermen's Community Hospital sustained massive damage a result of Hurricane Irma, as a result of which there is no longer a permanent, operational hospital in the Middle Keys; and

WHEREAS, it is imperative that a permanent, operational hospital be constructed and operated in the Middle Keys, both to protect public health, safety, and welfare, and to promote economic development and growth in the Middle Keys; and

WHEREAS, prior to and after Hurricane Irma, Fishermen’s has also consistently suffered financial losses attributable to the costs of delivery of indigent health care services, thus diverting funds that will be necessary to rebuild the hospital; 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 hospital in the Middle Keys; and

WHEREAS, the levy and collection of taxes is contingent upon the occurrence of all of the following: (a) adoption by Monroe County of this ordinance, (b) adoption of ordinances consenting to the inclusion of the municipalities by their respective governing bodies as required by Section 125.01(1)(q), Florida Statutes, (c) approval of a bond referendum by the electors, and (d) approval of an agreement between Monroe County and Baptist Health South, Inc. (the “bond”) setting forth the terms and conditions by which the ad valorem taxes will be paid to the Hospital on a reimbursement basis and the Hospital’s commitment to the rebuilding of the Hospital in Marathon, Florida.

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) *District created.* A municipal service taxing unit (MSTU) is hereby created pursuant to F.S. 125.01(1)(q), which encompasses the geographic area of Monroe County beginning with the northeastern-most point of the Seven Mile Bridge (Election Precinct 18) and continuing through the northern end of Election Precinct 23.04, inclusive, including the municipalities of Marathon and Key Colony Beach

(b) *Name of district.* The name of the MSTU shall be the Middle Keys Health Care Municipal Service Taxing Unit (hereinafter, the unit).

(c) *Purpose of unit.* The unit shall be established for the payment of indigent health care services and other essential facilities and municipal services within the boundaries of the taxing unit.

- (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 and therefore serves a paramount public purpose. It is hereby further declared and determined by the Board of County Commissioners that the services and facilities to be provided pursuant to this Section are essential municipal services and facilities 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 essential facilities and 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 shall, by resolution, impose a tax of one-half of one mill (0.00050) on the assessed valuation of taxable real property in the taxing unit, each year beginning with County fiscal year 2019, for a time period not to exceed ten (10) years, subject to a one-time referendum within the taxing unit prior to imposition of the tax. It shall be the duty of the Board of County Commissioners to order and require the property appraiser to assess and the tax collector to collect the tax so assessed or levied upon the taxable property. 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.
- (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 any or all of the purposes set forth below:
- (i) Reimbursement to Baptist Health South, Inc., Fishermen's Community Hospital, or any affiliated entity, for the cost of indigent health care services;
 - (ii) Reimbursement to Baptist Health South, Inc., Fishermen's Community Hospital, or any affiliated entity, for the cost of design, planning or reconstruction of the hospital, to be located within the taxing unit;
 - (iii) Any related essential facilities or municipal services.

The levy, collection and disbursement of taxes for this purpose is conditioned upon Baptist Health South rebuilding Fishermen's Community Hospital in Marathon, Florida.

(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.

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

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