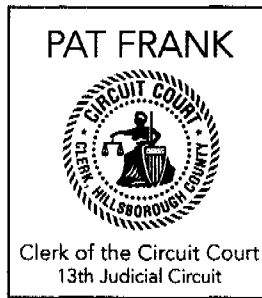


ORDINANCE

11-13



September 30, 2011

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

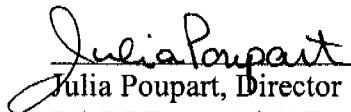
Re: Ordinance #11-13
Hillsborough County PIP Medical Providers Ordinance

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #11-13 which was adopted by the Board of County Commissioners on September 21, 2011. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of September 23, 2011.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,



Julia Poupart, Director
BOCC Records/VAB

md

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Debra A. Cole, Hillsborough County Sheriff's Office
Aracelis Putnam, Library Services
Paul D. Johnston, Senior Assistant County Attorney
Shelia Alfonso, County Attorney's Office
Ajay Gajjar, Assistant Director, BOCC Finance
Mary Wilson, Budget Manager, BOCC Finance
Stephanie Tyler, Budget, BOCC Finance
Brandon Wagner, Manager, Intergovernmental Relations
Jean Morgan, Intergovernmental Relations
Nancy Milam, County Attorney's Office
Sharon Sweet, BOCC Records



Agenda Item Cover Sheet

Agenda Item N^o D-2

Meeting Date September 21, 2011

- Consent Section
 Regular Section
 Public Hearing

Subject:
Public hearing to consider enactment of the Hillsborough County PIP Medical Providers Ordinance.

Department Name: County Attorney's Office

Contact Person: Paul D. Johnston Contact Phone: 272-5670

Sign-Off Approvals:

Mary Helen Farris 09/08/2011
Managing County Attorney Date

Don Odom 09/08/2011
County Attorney Date

NA Date
Joint Department Director

Tom Fesler 09/09/2011
Management and Budget - Approved as to Financial Impact Accuracy Date

Paul Johnston 09/08/2011
Assistant County Attorney Date

Staff's Recommended Board Motion:

Approve the attached PIP Medical Providers Ordinance to curtail the rampant increase in personal injury protection insurance fraud occurring within Hillsborough County, and to license and regulate businesses operating within the county suspected of engaging in fraudulent insurance practices.

The approval and implementation of the ordinance will result in costs to implement the ordinance. It is anticipated that these costs will be recovered through application and licensing fees charged to the regulated businesses. However, final revenue and cost estimates have not yet been determined and a future budget amendment may be necessary to account for this new regulation effort.

Financial Impact Statement:

The approval and implementation of the ordinance will result in costs to implement the ordinance. It is anticipated that these costs will be recovered through application and licensing fees charged to the regulated businesses. However, final revenue and cost estimates have not yet been determined and a future budget amendment may be necessary to account for this new regulation effort.

Background:

The Board of County Commissioners at its regular meeting of January 20, 2011, directed staff to draft an ordinance to regulate businesses operating within Hillsborough County suspected of engaging in

Beckner/Miller 7 to 0 ORD # 11-13

fraudulent insurance practices. The targeted businesses are engaging in fraud by billing personal injury insurance providers for non-existent injuries which allegedly resulted from staged auto accidents. This fraud has resulted in a significant increase in the cost of auto insurance to the citizens of Hillsborough County. This ordinance has been requested by the Hillsborough County Sheriff's Office and the insurance industry. At its regular meeting of September 8, 2011, the Board reviewed the drafted ordinance and directed staff to schedule and advertise a public hearing for consideration of this ordinance.

List Attachments:

Final Draft of Proposed PIP Medical Providers Ordinance.

ORDINANCE NUMBER: 11-13

AN ORDINANCE OF HILLSBOROUGH COUNTY RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE TITLE "PIP MEDICAL PROVIDERS ORDINANCE"; PROVIDING FOR LEGISLATIVE FINDINGS AND AUTHORITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REQUIREMENT OF LICENSURE OF CERTAIN PIP MEDICAL PROVIDERS; CREATING A LICENSE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSURE; PROVIDING FOR GROUNDS TO DENY A LICENSE OR REVOKE A LICENSE; PROVIDING FOR ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS; PROVIDING FOR A PROCESS TO REVIEW A LICENSE DENIAL OR REVOCATION; PROVIDING FOR LICENSE RENEWALS; PROVIDING FOR VIOLATIONS AND INSPECTIONS; PROVIDING FOR SERVICE OF NOTICE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ALLOCATION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR COUNTY WIDE APPLICATION; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County Board of County Commissioners (BOCC) has been advised by the Hillsborough County Sheriff's Office, that a pattern of fraudulent insurance claims has been linked to clinics operating in Hillsborough County which primarily treat patients allegedly injured in staged auto accidents; and

WHEREAS, automobile insurance fraud remains a major problem negatively effecting consumers and insurers within Hillsborough County, as well as the State of Florida; and

WHEREAS, accident investigators with the Hillsborough County Sheriff's Office have documented a rise in questionable accidents with inconsistent explanations as to how the accidents occurred; and

WHEREAS, the Hillsborough County Sheriff's Office has identified a large number of automobile accidents to be staged through on-scene observations, as well as the admissions of involved parties admitting to investigators that the accidents were staged; and

WHEREAS, law enforcement authorities have been able to determine through undercover investigations that the parties involved in these staged accidents are part of a

much larger organized crime group involved in defrauding insurance providers through clinics that bill PIP insurance providers for nonexistent injuries; and

WHEREAS, it has been determined that persons associated with these same organized crime groups are engaging in other organized criminal activity including money laundering, racketeering, witness intimidation, and human trafficking; and

WHEREAS, the undercover investigations of the Sheriff's Office into these clinics and organizations has proven to be lengthy, costly, and man-power intensive; and

WHEREAS, according to the National Insurance Crime Bureau (NICB), the State of Florida has had the highest number of staged auto accident questionable claims in the nation since at least 2007; and

WHEREAS, the number of staged auto accident questionable claims within Hillsborough County increased 546% from 2008 to; and

WHEREAS, the Insurance Information Institute estimates that the fraud on insurance providers costs individual policy holders in Hillsborough County as much as \$50.00 per vehicle in increased insurance premiums with the expectation that this figure will rise to around \$85.00 per vehicle in 2011; and

WHEREAS, Hillsborough County currently has an estimated 158 of businesses operating as Personal Injury Protection (PIP) Medical Providers, compared with 22 in Pasco County, 74 in Pinellas County, 20 in Manatee County, and 17 in Polk County; and

WHEREAS, the BOCC has determined that licensing of existing businesses operating as Personal Injury Protection (PIP) Medical Providers within the jurisdiction of Hillsborough County, will provide local oversight of these businesses and hinder fraudulent and other illegal activities related to these clinics; and

WHEREAS, it is not the intent of this Ordinance to interfere with legitimate medical clinics treating auto accident patients; and

WHEREAS, the BOCC finds and declares a need to impose regulations on Personal Injury Protection (PIP) Medical Providers licensed to operate in Hillsborough County; and

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

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the "PIP Medical Providers Ordinance".

SECTION 2: LEGISLATIVE FINDINGS AND AUTHORITY

The recitals set forth above are incorporated herein. The BOCC finds and declares there exists a need to enact an ordinance requiring the regulation of certain clinics operating in Hillsborough County, which primarily treat patients allegedly injured in auto accidents and receive all or a major portion of the clinic's income from personal injury protection insurance claims.

This Ordinance is enacted pursuant to §125.66, Florida Statutes, and under the home rule powers of Hillsborough County, and is in the best interest of the health, peace, safety, and general welfare of the people of Hillsborough County.

SECTION 3: PURPOSE AND INTENT

The purpose and intent of this Ordinance is to:

- a. promote the health, safety, and general welfare of the residents of Hillsborough County, and
- b. inhibit fraudulent auto insurance claims which negatively effect both consumers and insurers within Hillsborough County through the regulation of certain clinics (as defined below) currently operating in Hillsborough County, which primarily treat patients allegedly injured in auto accidents and receive all or a major portion of the clinic's income from personal injury protection insurance claims.

SECTION 4: DEFINITIONS

A. Applicant: Means the owner or a person or persons authorized by the owner to complete an application for a license to operate a PIP Medical Provider business in Hillsborough County.

B. Department: Means the Department designated by the County Administrator to administer the mandates of this Ordinance.

C. Personal Injury Protection (PIP) Medical Provider: Means any person, clinic, or other business that provides medical or physical therapy treatment to patients or clients claiming an injury from an automobile accident and which:

1. (a) during the year prior to the enactment of this ordinance, received at least 50% of the Provider's patients or clients in the form of referrals from anyone receiving any remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring any patient or client to the PIP Medical Provider, or

(b) if the person or entity has been in business for less than one year as of the enactment of this Ordinance, receives at least 50% of the Provider's patients or clients in the form of referrals from anyone receiving any remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring any patient or client to the PIP Medical Provider during a three month period;

or

2. (a) during the year prior to the enactment of this ordinance, received 90% or more of the Provider's gross income from billing PIP insurance providers, or

(b) if the person or entity has been in business for less than one year as of the enactment of this Ordinance, receives 90% or more of the Provider's gross income from billing PIP insurance providers during a three month period;

or

3. (a) during the year prior to the enactment of this ordinance, received \$200,000.00 or more in gross income from the billing of PIP insurance providers, or

(b) if the person or entity has been in business for less than one year as of the enactment of this Ordinance, receives \$50,000.00 or more in gross income from the billing of PIP insurance providers during a three month period.

For the purposes of this ordinance, documentation provided to the Department or to Law Enforcement from the insurance industry or a reliable third party may provide reasonable grounds for an investigation of a person, clinic, or business concerning licensing requirements.

For the purposes of this ordinance, the term "physical therapy" includes any type of massage therapy provided in response to a doctor's prescription or direction.

PIP Medical Provider does not include clinics:

1. Licensed as a facility pursuant to Chapter 395, Florida Statutes;
2. Where the majority of the physicians who provide services in the clinic primarily provide surgical services;
3. Owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;

4. Affiliated with an accredited Florida medical school for the education of physicians licensed under Chapters 458, 459, or 460 Florida Statutes at which training is provided for medical or chiropractic students, residents, or fellows;

5. That do not primarily treat patients claiming injury due to an auto accident;

6. That do treat patients claiming injury due to an auto accident; but which do not bill services for such treatment or therapy, in whole or part, to PIP insurance providers;

7. Owned by a corporate entity exempt from federal taxation under 26 U.S.C. 501(c) (3) or (4).

8. That perform only magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography.

9. Accredited by the Joint Commission as an Outpatient / Ambulatory Care clinic.

D. License: Shall mean a certificate issued pursuant to this Ordinance by the Department, on an annual basis, authorizing the operation of a specific PIP Medical Provider location in Hillsborough County and which contains the State's required registration number on its face, if applicable. Each license shall at a minimum identify on its face the clinic's name and physical address, the responsible physician's name, the clinic owner's name and address, and the property owner's name and address. Each license shall have a unique number identification on its face.

E. Operating or Operate a PIP Medical Provider Clinic: Means to conduct the affairs of or manage the operations of a PIP Medical Provider Clinic (as defined in paragraph "C" above) including, but not limited to, any one or more of the following:

1. scheduling or accepting appointment(s) solely for services (including but not limited to diagnosis, treatment, and/or therapy) which are billed for payment to a PIP insurance provider;

2. prescribing, dispensing, or administering any medicine, medical or physical treatment, medical or physical therapy, massage treatment or therapy, or acupuncture treatment or therapy;

3. accepting payments from one or more PIP insurance providers for any of the events listed in paragraphs 1 and 2 above;

4. leasing or owning property for use as, or in connection with, a PIP Medical Provider Clinic or business; or

5. employing or contracting with any person for compensation to work in connection with the provision of services at a PIP Medical Provider Clinic or business.

F. Person: Means an individual, partnership, corporation, association, or other legal entity.

G. PIP: Means personal injury protection insurance.

SECTION 5: LICENSE REQUIRED

Beginning upon enactment of this Ordinance, no PIP Medical Provider as defined in this Ordinance, may operate in Hillsborough County without first obtaining a PIP Medical Provider license issued by the Department. A PIP Medical Provider currently in operation must file its application with the Department on or before 30 days after the enactment of this Ordinance. A PIP Medical Provider currently in operation who has filed an application and paid the application fee may continue operating until the Department renders a decision to either grant or deny the license and notifies the clinic of the decision. A PIP Medical Provider currently in operation who timely files an administrative appeal of the denial of a license by the Department may continue operating during the administrative appeal process. The clinic must obtain its license, if approved, from the Department within five business days of notification by the Department. Licenses shall be granted only for clinics that satisfy the requirements of this Ordinance, including the payment of the application and license fees.

SECTION 6: LICENSE APPLICATION PROCESS AND REQUIREMENTS

A. Application Required: Any PIP Medical Provider, as defined in Section 4C above, must complete an application available from the Department, which shall at a minimum require the applicant to provide the following information:

1. The registration or license number from the State Department of Health as required by Chapter 457, §458.309, §459.005, Chapter 460, Chapter 480, or Chapter 486, Florida Statutes, if the applicant and/or clinic must be registered or licensed in accordance with state law;

2. Designation of the physician who shall be responsible for operating the clinic and complying with all requirements related to registration and operation of the clinic. The designated physician must have a full, active, and unencumbered license under Chapters 456, 458, 459, or 460, Florida Statutes, and shall actively practice at the clinic location for which the physician has assumed responsibility. Within fifteen days after termination or absence of a designated physician, the clinic must notify the Department of the identity of another designated physician for the clinic or forfeit the clinic's license. The phrase "actively practice at the clinic location" means that the designated physician is physically and personally involved in the day to day operation of the clinic, and

physically present at the clinic location at least three days per calendar week and for at least four hours each of those three days;

3. Proof satisfactory to the Department that the designated physician is a signor on the applicant's operating bank account and all liability insurance policies;

4. A list of all persons associated with the management or operation of the clinic, whether paid or unpaid, part-time or full-time, including all contract labor and independent contractors. This list includes, but is not limited to, all owners, operators, employees, and volunteers. For persons listed, the following additional information must be provided:

- a. The person's title;
- b. A copy of the person's license issued by the State Department of Health to engage in the practice of:
 - (1) Acupuncture pursuant to Chapter 457, F.S.,
 - (2) Medicine pursuant to Chapter 458, F.S.,
 - (3) Osteopathic Medicine pursuant to Chapter 459, F.S.,
 - (4) Chiropractic Medicine pursuant to Chapter 460, F.S.,
 - (5) Physical Therapy pursuant to Chapter 486, F.S., or
 - (6) Massage Therapy pursuant to Chapter 480, F.S.;
- c. The person's current home address, telephone number, and date-of-birth;
- d. A list of all criminal convictions whether misdemeanor or felony for that person;
- e. A copy of a current Florida driver's license or a current government issued photo identification card issued to that person;
- f. A set of that person's fingerprints (any person who has already gone through a successful background investigation and fingerprinting with the state pursuant to the requirements in Chapter 400, F.S., is exempt from this requirement upon providing sufficient documentation of such investigation and fingerprinting); and
- g. If more than one owner, the percentage of ownership for each owner or shareholder.

5. The property owner's name, address, telephone number, and a copy of the property owner's Florida driver's license or current government issued photo identification card, if the property owner is an individual and is different from the clinic owner;

6. If currently in business, a copy of a valid business tax receipt required pursuant to Chapter 205, Florida Statutes, issued before enactment of this Ordinance;

7. Whether the clinic dispenses controlled substances at the clinic site;
8. A floor plan of the clinic showing the location and size of the waiting area, location and size of the patient rooms, the location and type of diagnostic and/or physical therapy equipment;
9. Any other information the Department Director reasonably deems necessary; and
10. A sworn and notarized statement from both the designated physician and the clinic owner attesting to the veracity and accuracy of the information provided in the application.

In the event that any information provided in the application changes, a new updated application must be filed with the Department in accordance with Section 9 below within fifteen days of the change.

B. Application Fee and Requirements: Each application for a PIP Medical Provider license shall be accompanied by a nonrefundable application fee in the amount of Five-Hundred Dollars (\$500.00). The application fee is in addition to the One-Thousand Five-Hundred Dollars (\$1,500.00) annual fee. Any changes to the application or license fees authorized by this Ordinance may be accomplished by Resolution of the BOCC without the need to revise the Ordinance.

It is the applicant's sole responsibility to provide accurate contact information when submitting the application to the Department. If the application for a clinic license is not properly completed, in the sole discretion of the Department, the Department shall notify the designated contact person listed in the application. A completed application must be received by the Department within fifteen business days of receipt of the deficiency notice from the Department to avoid assessment of another application fee. Failure to timely respond within the fifteen days shall result in a denial of the application as incomplete. A new application must then be submitted, accompanied by the full nonrefundable application fee, in order to request a license.

C. Department Inspections: The Department shall perform inspection(s) of the clinic facility and site as necessary to determine whether or not the application submitted is accurate in all respects and to verify compliance with the requirements contained in section 8 of this ordinance.

D. Time Limit for Licensing: Beginning upon enactment of this Ordinance, no PIP Medical Provider may operate in Hillsborough County without a valid Hillsborough County License (as defined herein) except as provided in Section 5 above. In addition, it shall be a violation of this Ordinance for the property owner where the clinic is situated to allow an unlicensed PIP Medical Provider to open or operate without a valid PIP Medical Provider license, except as provided in Section 5 above.

SECTION 7: GROUNDS FOR LICENSE DENIAL OR REVOCATION

The Department Director may deny or revoke a PIP Medical Provider license upon the occurrence of one or more of the following:

- A. An application contains false information or missing information;
- B. The clinic is not registered, if required, with the State in accordance with §458.309 or §459.005, Florida Statutes, or has had its registration suspended or revoked by the State;
- C. For any clinic in operation prior to the enactment of this Ordinance, a copy of a valid business tax receipt issued prior to the enactment of this Ordinance, is not submitted with the application for each clinic location. For renewals, a copy of the current valid business tax receipt for each clinic location is not submitted with the application for renewal;
- D. Failure to allow for inspection of the clinic for compliance with this Ordinance by a code enforcement officer, law enforcement officer, or any other person authorized to enforce ordinance violations in Hillsborough County at any time the clinic is open or occupied;
- E. Failure of any licensed person connected with the clinic to maintain an active license in good standing with the state agency authorized by the applicable state statutes to regulate or discipline said license;
- F. The arrest of any staff member (paid or unpaid) for a charge of fraud related to the operation of the clinic;
- G. The facility is owned or operated by any person, or has a contractual or employment relationship with a person whose professional license in a related health care field has been suspended or revoked or has had other disciplinary action taken against this person's professional license;
- H. The employment, or continued employment of any person convicted of or pled guilty or *nolo contendere* to a felony crime of dishonesty, fraud, or moral turpitude, regardless of whether or not adjudication was withheld (even if sealed or expunged) in the State of Florida, any other state, or the United States;
- I. Failure of the clinic to be open to the public during regular business hours (pursuant in section 8. I. below) for a period of thirty or more consecutive days;

J. Failure of the clinic to notify the Department in writing of a change in the designated physician within fifteen days pursuant to section 6 above;

K. Failure of the clinic to notify the Department in writing of any change in the license application information within fifteen days pursuant to section 8 below; or

L. Failure to abide by any provision of this Ordinance;

M. If the payment for the application fee or license fee is invalid or uncollectible for any reason.

Staff may grant an exception to sub-sections G and H above, if more than ten (10) years have elapsed since the adjudication date or date of the final order as the case may be.

SECTION 8: ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS

A. Upon the enactment of this Ordinance a valid Hillsborough County PIP Medical Provider license issued pursuant to this Ordinance must be prominently displayed in a common public area of the clinic, except as provided in Section 5 of this Ordinance.

B. In the event any information contained in the license application changes, a new updated application must be filed with the Department within fifteen days of the change. Failure to do so will result in license revocation or denial, and the possibility of other action as provided for in Section 13 of this Ordinance.

C. A PIP Medical Provider license is non-transferable and cannot be assigned. Whenever ownership of a PIP Medical Provider changes, a new application must be filed for a new license and all applicable fees paid.

D. A valid business tax receipt must be maintained by the PIP Medical Provider.

E. Any code enforcement officer, law enforcement officer, or any other persons authorized to enforce county ordinances must be allowed access for inspection of the clinic premises during regular business hours.

F. The designated physician shall secure all prescription pads so that only a person authorized to issue prescriptions may access them. Upon enactment of this Ordinance, every written prescription must include the clinic's name, address, and Hillsborough County's license number assigned to that clinic.

G. The PIP Medical Provider shall not limit the form of payment for services, prescriptions, or other treatment to PIP insurance claims only.

H. The PIP Medical Provider shall not limit the provision of the clinic's services or treatment to only patients or clients making claims, or paying for the services or treatment, through PIP insurance providers.

I. PIP Medical Providers shall at a minimum be open to the public for business no less than three days a week with regularly scheduled business hours to see walk-in clients or patients, or for allowing clients and patients to make appointments for services, therapy, or other treatment . The clinic's telephone number for making appointments shall be prominently displayed on the main entrance door, or on the front of the building. Nothing in this section shall prohibit a clinic from being open for business in excess of the minimum business hours established above. During the minimum business hours established above for a clinic being open to the public, the clinic's telephone number for making appointments shall be answered directly by a clinic employee and not by a prerecorded message. It shall be prima facie evidence that a clinic is not open for business to the public during the minimum business hours if the clinic's telephone is not answered directly by a clinic employee after three attempts within one minimum business hours time period.

J. A person licensed pursuant to Chapter 456, 457, 458, 459, 460, 480, or 486, Florida Statutes shall be on the premises during all times the clinic is open for business.

K. A physician may not serve or operate as a designated physician for more than five PIP Medical Provider Clinics.

L. All PIP Medical Clinics must be operated by a physician licensed pursuant to Chapter 456, 458, 459 or 460, Florida Statutes.

SECTION 9: REVIEW OF LICENSE DENIAL OR REVOCATION

The Department Director shall provide written notice of denial of any new or renewal license specifying in writing the grounds for the denial. The applicant whose application has been denied (except for an incomplete application) may request a formal review of the denial before the County's hearing officer if the denial was erroneous. The applicant must send a written request for review indicating the specific alleged error or errors made by the County along with any and all facts that support the applicant's position that the license was erroneously denied. The request must be received by the Department Director within fifteen days of the date of the denial notice. The review shall be performed by an independent hearing officer appointed by the County to perform license reviews and hearings. The hearing officer shall review the applicant's request and all supporting documents to determine if, by a preponderance of the evidence, sufficient cause exists to grant a hearing on the request. In the event the applicant's request and supporting documents do not state a prima facie case that an error has occurred, the hearing officer may summarily dismiss the request and notify the applicant in writing of the dismissal. Whenever, in the opinion of the hearing officer, an applicant's request and supporting documentation establishes a prima facie case of error, a hearing will be set

and conducted for the hearing officer to rule upon the matter. The standard of review for denial of a license is upon the Applicant to prove by a preponderance of the evidence its entitlement to the license.

An applicant whose license is revoked by the Department Director, may request in writing a hearing before a hearing officer. The request must be received by the Department Director within fifteen days of the date of the notice of revocation. The request for hearing shall be assigned to an independent hearing officer appointed by the County to perform license reviews and hearings. A hearing will be set and conducted for the hearing officer to rule on whether the revocation should be upheld or over turned. The standard of review is clear and convincing evidence the facts support the revocation.

The County Administrator shall adopt a policy establishing review and hearing procedures. All reviews and hearings will be conducted in accordance with that policy. In addition to other powers of the hearing officer as set forth under the County Administrator's policy, the hearing officer shall have the authority to issue subpoenas for the production of documents and attendance of witnesses at the hearing. The decision of the hearing officer shall be final. Any clinic whose license is denied (except for an incomplete license application) or revoked, shall be subject to the moratorium provisions of this Ordinance until or unless the denial or revocation is over turned on appeal by a court of competent jurisdiction.

Any license that has been denied or revoked may not be reissued to the clinic location, regardless of the clinic's name, while the moratorium is in effect or for a period of five years, whichever is longer; except, that when a denial is solely based on an incomplete application, there is no prohibition against reapplying as provided elsewhere in this Ordinance. Any designated physician of a clinic whose clinic license has been revoked may not operate, or continue to operate as the designated physician at any other PIP Medical Provider Clinic in Hillsborough County for a period of five years.

SECTION 10: LICENSE RENEWALS

Licenses required for PIP Medical Providers shall be valid for one year from the date of issuance. At least sixty days prior to expiration of the license, a renewal application must be submitted, along with a non-refundable renewal application fee of Five-Hundred Dollars (\$500.00). Provided the PIP Medical Provider named in the renewal application and all information on the application are in compliance with this Ordinance, a renewal license shall be issued by the Department, after payment of an annual license fee of One-Thousand Five-Hundred Dollars (\$1,500.00). Renewal licenses shall only be issued to businesses that were previously licensed and who timely file a renewal application. The Board of County Commissioners may amend the fee schedule by resolution.

SECTION 11: VIOLATION AND INSPECTIONS

It shall be unlawful for any person to violate any provision of this Ordinance or to operate a PIP Medical Provider without a valid County issued PIP Medical Provider license. Any code enforcement officer, law enforcement officer, or any other persons authorized to enforce county ordinances may enter the clinic premises and conduct an inspection to determine compliance with this Ordinance at any time someone is present on the premises.

SECTION 12: SERVICE OF NOTICE; PUBLIC RECORDS

Any notice required by this Ordinance shall be in writing and sent by certified mail or hand delivery to the mailing address set forth on the application for the PIP Medical Provider license, except the notices for code violations shall be provided in the manner prescribed by Hillsborough County Ordinance No. 10-27, as amended. The mailing address set forth in the application shall be considered the correct mailing address.

SECTION 13: ENFORCEMENT AND PENALTIES

The County's code enforcement officers, law enforcement, or any other person authorized to enforce county ordinances may enforce the provisions of this Ordinance. Any enforcement action or legal remedy available under controlling state law including, but not limited to, prosecution as a misdemeanor with a fine not exceeding Five-Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty. Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

- A. Code Enforcement action pursuant to Hillsborough County Ordinance No. 10-27, as amended.
- B. Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
- C. Initiating an action to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or
- D. Utilizing any other action or enforcement method allowable by law.

SECTION 14: ALLOCATION OF FEES

Fees collected pursuant to this Ordinance shall be used exclusively to pay for the County's administrative costs including but not limited to the application process, inspections, and enforcement activities.

SECTION 15: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 16: APPLICATION

This ordinance shall be applicable throughout Hillsborough County unless any municipality exercises its option, by an affirmative vote of its governing body, not to have this ordinance apply within its municipal limits or to enact its own municipal ordinance regulating this area.

SECTION 17: INCLUSION IN THE HILLSBOROUGH COUNTY CODE

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established.

SECTION 18: FILING OF ORDINANCE AND EFFECTIVE DATE

In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall take effect upon filing with the Florida Department of State.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of September 21, 2011, by a vote of 7 voting yes and 0 voting no, as the same appears in record in Minute Book 424 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 22nd day of September, 2011.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: Beverly Anne Miller
Deputy Clerk



Approved By County Attorney
As To Form and Legal Sufficiency:

By: [Signature]
Sr. Assistant County Attorney

**FLORIDA DEPARTMENT OF STATE****RICK SCOTT**
Governor**DIVISION OF LIBRARY AND INFORMATION SERVICES****KURT S. BROWNING**
Secretary of State

September 26, 2011

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
P. O. Box 1110
Tampa, Florida 33601-1110

Attention: Ms. Julia Poupart, Manager
BOCC Records

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated September 22, 2011 and certified copies of Hillsborough County Ordinance Nos. 11-12, 11-13 and 11-14, which were filed in this office on September 23, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/jw



The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

NOTICE OF INTENT TO CONSIDER COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment, the following ordinance at a meeting on September 21, 2011 at 2:00 p.m. in the Board of County Commissioners Board Room, County Center Second Floor, 601 East Kennedy Boulevard, Tampa, Florida:

AN ORDINANCE OF HILLSBOROUGH COUNTY RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE TITLE "PIP MEDICAL PROVIDERS ORDINANCE"; PROVIDING FOR LEGISLATIVE FINDINGS AND AUTHORITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REQUIREMENT OF LICENSURE OF CERTAIN PIP MEDICAL PROVIDERS; CREATING A LICENSE APPLICATION PROCESS AND REQUIREMENTS FOR LICENSURE; PROVIDING FOR GROUNDS TO DENY A LICENSE OR REVOKE A LICENSE; PROVIDING FOR ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS; PROVIDING FOR A PROCESS TO REVIEW A LICENSE DENIAL OR REVOCATION; PROVIDING FOR LICENSE RENEWALS; PROVIDING FOR VIOLATIONS AND INSPECTIONS; PROVIDING FOR SERVICE OF NOTICE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ALLOCATION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR COUNTY WIDE APPLICATION; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12TH FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL. 33602.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County, Florida
9/10/2011
#4768

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is the Advertising Accounting Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

09/10/2011

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

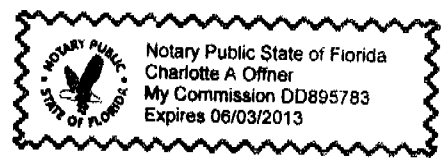
J. Rosenthal

Sworn to and subscribed by me this 12 day
of Sept. A.D. 2011

Personally Known or Produced Identification
Type of Identification Produced _____

Charlotte A. Offner

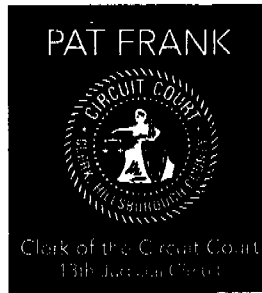
RECEIVED
2011 SEP 26 AM 11:33
CLERK TO
THE BOARD (A)



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SEP 16 2011

COUNTY ATTORNEYS OFFICE
ACCOUNTANT



September 22, 2011

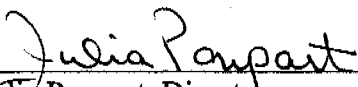
MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #11-13
Hillsborough County PIP Medical Providers Ordinance

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #11-13, adopted by the Board of County Commissioners on September 21, 2011. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,



Julia Poupart, Director
BOCC Records/VAB

bam
Attachment
Federal Express AB# 8744 5634 4288

FedEx® US Airbill

Express 8744 5634 4288

Senders Copy

1 From Please print and press hard. Sender's FedEx Account Number: 1401814829-NLY

Date: 9-22-11

Sender's Name: BOCC RECORDS PROCESSING

Company: CLERK CIRCUIT COURT 12TH FL

Address: 601 EAST KENNEDY BLVD

TAMPA FL 33602

City: TAMPA State: FL ZIP: 33602-3503

2 Your Internal Billing Reference: 180 Ord#s: 11-12, 11-13, 11-14

3 To Recipient's Name: _____ Phone: _____

Company: LIZ CLOUD PROGRAM ADMIN
 Address: FLORIDA DEPARTMENT OF STATE
 R A GRAY BLDG
 500 S BRONOUGH STREET ROOM 101
 TALLAHASSEE FL 32399-0250

City: _____ State: _____ ZIP: 0430174825



Ship and track packages at fedex.com
 Shipping jobs starting Monday. Your account. Access all the tools you need!

4a Express Package Service

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FedEx 2Day FedEx Express Saver

Express Freight Service

FedEx 1Day Freight FedEx 2Day Freight FedEx 3Day Freight

Packaging FedEx Pak FedEx Box FedEx Tube Other

Special Handling and Delivery Signature Options

No Signature Required Direct Signature Indirect Signature

Does this shipment contain dangerous goods? Yes No

Payment Bill to: Recipient Third Party Credit Card Cash/Check

Total Packages: _____ Total Weight: _____ Total Declared Value: _____

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Form 2710 - FedEx® 01/04 - 3010 FedEx® PRINTED IN U.S.A. 515

605

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POUCH NEEDED.

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough) COUNTY ORDINANCE # (11 - 13)
(e.g., 00-001)

PRIMARY KEYFIELD

DESCRIPTOR: (Pip Medical Providers Ordinance)

SECONDARY KEYFIELD

DESCRIPTOR: (Creating A License Application Process And Requirements For Licensure)

OTHER KEYFIELD

DESCRIPTOR: (Providing For Grounds To Deny A License Or Revoke A License)

ORDINANCE DESCRIPTION: (Regulation of PIP Medical Provider Clinics)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: () AMENDMENT # 2: ()

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: () REPEAL # 3: ()

REPEAL # 2: () REPEAL # 4: ()

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: () KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: () Rev. 4/10/01

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Victor D. Crist
Ken Hagan
Al Higginbotham
Lesley "Les" Miller, Jr.
Sandra L. Murman
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Donald R. Odom, Interim County Attorney

Managing Attorneys

Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

TO: Midge Dixon, BOCC Records
FROM: Paul D. Johnston, Sr. Assistant County Attorney *PDJ*
SUBJECT: Ordinance - PIP Medical Providers
DATE: September 22, 2011

Enclosed please find the above-referenced Ordinances as adopted by the Board of County Commissioners on September 21, 2011.

Please provide copies of the Ordinance as appropriate and provide this office with a copy of the official acknowledgment of receipt.

If you have any questions, please contact me at (813) 272-5673.

PDJ:saa

Enclosures

RECEIVED
2011 SEP 22 AM 10:25
CLERK TO
THE BOARD (A)



HILLSBOROUGH COUNTY MEDICAL ASSOCIATION, INC.

606 S. BOULEVARD • TAMPA, FLORIDA 33606 • TELEPHONE (813) 253-0471 • FAX (813) 253-3737

20 July, 2011

The Honorable Kevin Beckner
Hillsborough County Commissioner
601 E. Kennedy Boulevard
Tampa, FL 33602

Commissioner Kevin Beckner
District 6 County Wide

JUL 22 2011

RECEIVED

Dear Commissioner Beckner:

I am pleased to relate that the Hillsborough County Medical Association (HCMA) after discussion and vote of our Executive Council, is fully supportive of your planned ordinance addressing the pattern of fraudulent insurance claims that has been linked to certain clinics operating in Hillsborough County. These clinics treat patients purported to be injured in what are alleged to be staged auto accidents.

In light of National Insurance Crime Bureau data that the State of Florida has had the highest number of questionable auto accident claims in the nation since at least 2010 and the alarming increase in the number businesses operating as Personal Injury (PIP) Medical Providers, we cannot ignore the negative impact on consumers and insurers in Hillsborough County, as well as the State of Florida.

Your proposed ordinance makes it clear that is not intended to interfere with legitimate medical clinics treating auto accident patients. We appreciate your recognizing the importance of this issue as reflected in the language in SECTION 4: DEFINITIONS C. Personal Injury Protection (PIP) Medical Provider of your proposed ordinance. It will be critical that language in any final ordinance is clearly crafted to respect those physician (MD/DO) supervised medical clinics providing necessary medical services for individuals that have been truly injured in automobile accidents. The HCMA will be particularly vigilant in regard to any effort by others to obfuscate your effort to recognize the professional role of physician caregivers in legitimate clinics.

Again, thank you for the thorough background you, your staff and other staff presented to the HCMA.

Please feel free to call on me or other leaders of the HCMA for any further comments in support of you efforts addressing this shameful activity in our community.

Respectfully,

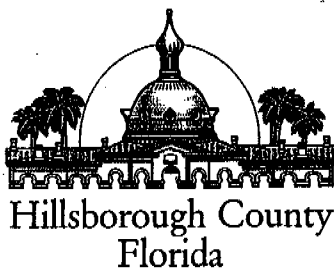
A handwritten signature in cursive script that reads "Mathis L. Becker".

Mathis L. Becker, M.D., FACS
President, Hillsborough County Medical Association

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
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Sandra L. Murman
Mark Sharpe



Renée Francis Lee, County Attorney
Donald R. Odom, Deputy County Attorney

Managing Attorneys
Christine M. Beck
Robert E. Brazel
Hank Ennis
Mary Helen Farris
Susan J. Fernandez
Sheree C. Fish
Adam J. Gormly
Jennie Granahan Tarr

MEMORANDUM

To: Midge Dixon, BOCC Records

From: Paul D. Johnston, ^{PDJ} Senior Assistant County Attorney

Re: ~~Draft~~ Ordinance - "PIP" Ordinance

Date: February 3, 2011

Attached is a draft copy of the above referenced Ordinance. The Notice will be advertised in the Tampa Tribune on February 4, 2011 for the February 16, 2011, public hearing. Please make the documents available for public inspection during regular business hours.

If you have any questions, please call Shelia at 272-5670 x 30152.

Thanks for your help.

PDJ:saa

Attachments

RECEIVED
2011 FEB -4 AM 10:42
CLERK TO
THE BOARD (A)

601 E. Kennedy Boulevard, 27th Floor
Post Office Box 1110 • Tampa, Florida 33601
(813) 272-5670 • Fax: (813) 272-5231

An Affirmative Action/Equal Opportunity Employer

Dixon, Midge

From: Alfonso, Shelia
Sent: Monday, September 19, 2011 3:16 PM
To: Dixon, Midge
Cc: Johnston, Paul
Subject: Emailing: 11th Draft of PIP Ordinance - clean copy.pdf
Attachments: 11th Draft of PIP Ordinance - clean copy.pdf

Midge, attached please find a copy of the PIP Ordinance scheduled for a public hearing on September 21, 2011 at 2:00 p.m., item #D-2

Thanks

Your message is ready to be sent with the following file or link attachments:

11th Draft of PIP Ordinance - clean copy.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED

2011 SEP 19 PM 3:35

CLERK TO
THE BOARD (A)

**BOCC MEETING AGENDA
SUPPLEMENT**



MEETING DATE: September 21, 2011

D-2 Additional Material & Corrected Information

AGENDA ITEM N^o: D-2

This information will be uploaded and available on COIN.