

On September 21, 2011 the Hillsborough County Board of County Commissioners enacted Hillsborough County Ordinance 11-13 the "PIP Medical Providers Ordinance". Since enactment of the ordinance, staff has received input from local attorneys representing several businesses that may be affected by the ordinance. Staff, working with HCSO representatives, reviewed the ordinance in light of this input and determined that the ordinance should be amended to provide greater protections to legitimate businesses and clinics which are not engaged in fraudulent practices.

At its regular meeting of February 8, 2012, the Board reviewed the drafted ordinance amendments and directed staff to schedule and advertise a public hearing for consideration of this ordinance amending Ordinance 11-13.

List Attachments:

Proposed Amended Ordinance

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ORDINANCE NUMBER: _____
AMENDMENT TO ORDINANCE 11- 13

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA AMENDING HILLSBOROUGH COUNTY ORDINANCE 11-13; AMENDING PORTIONS OF SECTION 4 CONCERNING THE DEFINITION OF A PERSONAL INJURY MEDICAL PROVIDER AND DELETING THE PROPERTY OWNER FROM INCLUSION THE TERM “OPERATING A PIP MEDICAL PROVIDER CLINIC”; AMENDING PORTIONS OF SECTION 6 DELETING THE MINIMUM DAYS AND HOURS A DESIGNATED PHYSICIAN MUST BE PRESENT AT A CLINIC, DELETING THE REQUIREMENT FOR PROPERTY OWNER INFORMATION ON THE LICENSING APPLICATION, CLARIFYING THAT DEPARTMENT INSPECTIONS SHALL NOT VIOLATE MEDICAL RECORDS PRIVACY REQUIREMENTS, AND DELETING REFERENCE TO A PROPERTY OWNER’S RESPONSIBILITY CONCERNING LICENSING OF A CLINIC; AMENDING PORTIONS OF SECTION 7 CLARIFYING THAT INSPECTIONS SHALL NOT VIOLATE MEDICAL RECORDS PRIVACY REQUIREMENTS AND REVISING CONDITIONS BY WHICH A LICENSE MAY BE DENIED OR REVOKED DUE TO EMPLOYEE CRIMINAL CONDUCT OR HISTORY; AMENDING PORTIONS OF SECTION 8 CLARIFYING THAT INSPECTIONS SHALL NOT VIOLATE MEDICAL RECORDS PRIVACY REQUIREMENTS, DELETING CERTAIN MINIMUM CLINIC OPERATIONAL REQUIREMENTS, AND DELETING REFERENCE THE NUMBER OF CLINICS A DESIGNATED PHYSICIAN MAY SERVE; AMENDING PORTIONS OF SECTION 11 CLARIFYING THAT INSPECTIONS SHALL NOT VIOLATE MEDICAL RECORDS PRIVACY REQUIREMENTS; AMENDING PORTIONS OF SECTION 12 DESIGNATING THAT THE COUNTY MAY ENFORCE ORDINANCE 11-13 BY CIVIL OR ADMINISTRATIVE ACTION AS OF THE EFFECTIVE DATE OF ORDINANCE 11-13 AND DESIGNATING THAT NO CRIMINAL ENFORCEMENT OF THE ORDINANCE MAY BEGIN PRIOR TO ONE YEAR FROM THAT DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hillsborough County Board of County Commissioners (BOCC) has determined a need to license businesses operating as Personal Injury Protection (PIP) Medical Providers within the jurisdiction of Hillsborough County, to provide local

1 oversight of these businesses and hinder fraudulent and other illegal activities related to
2 these clinics; and

3
4 **WHEREAS,** on September 21, 2011, the BOCC enacted Hillsborough County
5 Ordinance 11-13 in order to protect the citizens of Hillsborough County from certain PIP
6 Medical Provider Clinics which were engaging in fraudulent activities; and

7
8 **WHEREAS,** after the enactment of Ordinance 11-13, County and Sheriff’s
9 Office staff received constructive input from representatives of legitimate businesses that
10 may be effected by Ordinance 11-13; and

11
12 **WHEREAS,** staff from the County and the Sheriff’s Office have reviewed
13 Ordinance 11-13 and determined that the ordinance should be amended in order to
14 provide greater protections to legitimate businesses and clinics which are not engaged in
15 fraudulent practices; and

16
17 **WHEREAS,** it is not the intent of this Ordinance to interfere with legitimate
18 medical clinics treating auto accident patients; and

19
20 **WHEREAS,** the BOCC finds and declares that it remains in the public interest to
21 continue the regulation of Personal Injury Protection (PIP) Medical Providers licensed to
22 operate in Hillsborough County; and

23
24 **WHEREAS,** the BOCC has determined that Ordinance 11-13 should be amended
25 in order to better regulate PIP Medical Provider Clinics while protecting legitimate
26 businesses and clinics.

27
28
29 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
30 **COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

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32 **SECTION 1:** Section 4 of Hillsborough County Ordinance 11-13 is amended to read:

33
34 **SECTION 4: DEFINITIONS**

35
36 **A. Applicant:** Means the owner or a person or persons authorized by the
37 owner to complete an application for a license to operate a PIP Medical Provider business
38 in Hillsborough County.

39
40 **B. Department:** Means the Department designated by the County
41 Administrator to administer the mandates of this Ordinance.
42

1 **C. Personal Injury Protection (PIP) Medical Provider:** Means any
 2 person, clinic, or other business that provides medical or physical therapy treatment to
 3 patients or clients claiming an injury from an automobile accident and which:
 4

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

10 (b) if the person or entity has been in business for less than one
 11 year as of the enactment of this Ordinance, receives at least 50% of the Provider's
 12 patients or clients in the form of referrals from anyone receiving any
 13 remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in
 14 return for referring any patient or client to the PIP Medical Provider during a three
 15 month period;
 16

17 or

18
 19 2. (a) during the year prior to the enactment of this ordinance,
 20 received 90% or more of the Provider's gross income from billing PIP insurance
 21 providers, or

22 (b) if the person or entity has been in business for less than one
 23 year as of the enactment of this Ordinance, receives 90% or more of the
 24 Provider's gross income from billing PIP insurance providers during a three
 25 month period;
 26

27 or

28
 29 3. (a) during the year prior to the enactment of this ordinance,
 30 received \$200,000.00 or more in gross income from the billing of PIP insurance
 31 providers, or

32 (b) if the person or entity has been in business for less than one
 33 year as of the enactment of this Ordinance, receives \$50,000.00 or more in gross
 34 income from the billing of PIP insurance providers during a three month period.
 35

36 For the purposes of this ordinance, documentation provided to the Department or
 37 to Law Enforcement from the insurance industry or ~~a reliable third party~~ from the
 38 National Insurance Crime Bureau may provide reasonable grounds for an investigation of
 39 a person, clinic, or business concerning licensing requirements.
 40

41 For the purposes of this ordinance, the term "physical therapy" includes any type
 42 of massage therapy provided in response to a doctor's prescription or direction.
 43

44 PIP Medical Provider does not include clinics:

- 1
 2 1. Licensed as a facility pursuant to Chapter 395, Florida Statutes;
 3
 4 2. Where the more than 50% of the majority of the physicians who
 5 provide services in the clinic primarily provide surgical services;
 6
 7 3. Owned by a publicly held corporation whose shares are traded on a
 8 national exchange or on the over-the-counter market and whose total assets at the
 9 end of the corporation's most recent fiscal quarter exceeded \$50 million;
 10
 11 4. Affiliated with an accredited Florida medical school for the
 12 education of physicians licensed under Chapters 458, 459, or 460 Florida Statutes
 13 at which training is provided for medical or chiropractic students, residents, or
 14 fellows;
 15 5. ~~That do not primarily treat patients claiming injury due to an auto~~
 16 ~~accident~~ That received less than 50% of their patients or clients in the form of
 17 referrals from anyone receiving any remuneration, directly or indirectly, overtly
 18 or covertly, in cash or in kind, in return for referring any patient or client to the
 19 PIP Medical Provider, or if the clinic has been in business for less than one year
 20 as of the enactment of this Ordinance, received less than 50% of their patients or
 21 clients in the form of referrals from anyone receiving any remuneration, directly
 22 or indirectly, overtly or covertly, in cash or in kind, in return for referring any
 23 patient or client to the PIP Medical Provider during a three month period. This
 24 sub-section is applicable only to clinics that received less than \$200,000.00 in
 25 annual gross income from the billing of PIP insurance providers or, if in business
 26 for less than one year, receives less than \$50,000.00 in gross income from the
 27 billing of PIP insurance providers during a three month period;
 28
 29 6. That, during the year prior to the enactment of this ordinance,
 30 received less than 10% or more of their gross income from billing PIP insurance
 31 providers, or if the clinic has been in business for less than one year as of the
 32 enactment of this Ordinance, received less than 10% or more of its gross income
 33 from billing PIP insurance providers during a three month period. This sub-
 34 section is applicable only to clinics that received less than \$200,000.00 in annual
 35 gross income from the billing of PIP insurance providers or, if in business for less
 36 than one year, receives less than \$50,000.00 in gross income from the billing of
 37 PIP insurance providers during a three month period;
 38
 39 ~~67.~~ That do treat patients claiming injury due to an auto accident; but
 40 which do not bill services for such treatment or therapy, in whole or part, to PIP
 41 insurance providers;
 42
 43 ~~78.~~ Owned by a corporate entity exempt from federal taxation under
 44 26 U.S.C. 501(c) (3) or (4).

1
 2 **89.** That perform only magnetic resonance imaging, static radiographs,
 3 computed tomography, or positron emission tomography.
 4

5 **910.** Accredited by the Joint Commission as an Outpatient / Ambulatory
 6 Care clinic.
 7

8 **D. License:** Shall mean a certificate issued pursuant to this Ordinance
 9 by the Department, on an annual basis, authorizing the operation of a specific PIP
 10 Medical Provider location in Hillsborough County and which contains the State's
 11 required registration number on its face, if applicable. Each license shall at a minimum
 12 identify on its face the clinic's name and physical address, the responsible physician's
 13 name, the clinic owner's name and address, and the property owner's name and address.
 14 Each license shall have a unique number identification on its face.
 15

16 **E. Operating or Operate a PIP Medical Provider Clinic:** Means to
 17 conduct the affairs of or manage the operations of a PIP Medical Provider Clinic (as
 18 defined in paragraph "C" above) including, but not limited to, any one or more of the
 19 following:
 20

21 1. scheduling or accepting appointment(s) solely for services
 22 (including but not limited to diagnosis, treatment, and/or therapy) which are billed
 23 for payment to a PIP insurance provider;
 24

25 2. prescribing, dispensing, or administering any medicine, medical or
 26 physical treatment, medical or physical therapy, massage treatment or therapy, or
 27 acupuncture treatment or therapy;
 28

29 3. accepting payments from one or more PIP insurance providers for
 30 any of the events listed in paragraphs 1 and 2 above;
 31

32 ~~4. leasing or owning property for use as, or in connection with, a PIP~~
 33 ~~Medical Provider Clinic or business; or~~
 34

35 **54.** employing or contracting with any person for compensation to
 36 work in connection with the provision of services at a PIP Medical Provider
 37 Clinic or business.
 38

39 **F. Person:** Means an individual, partnership, corporation, association,
 40 or other legal entity.
 41

42 **G. PIP:** Means personal injury protection insurance.
 43
 44

1 **SECTION 2:** Section 6 of Hillsborough County Ordinance 11-13 is amended to read:
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3 **SECTION 6: LICENSE APPLICATION PROCESS AND**
4 **REQUIREMENTS**
5

6 **A. Application Required:** Any PIP Medical Provider, as defined in
7 Section 4C above, must complete an application available from the Department, which
8 shall at a minimum require the applicant to provide the following information:
9

10 1. The registration or license number from the State Department of
11 Health as required by Chapter 457, §458.309, §459.005, Chapter 460, Chapter
12 480, or Chapter 486, Florida Statutes, if the applicant and/or clinic must be
13 registered or licensed in accordance with state law;
14

15 2. Designation of the physician who shall be responsible for
16 operating the clinic and complying with all requirements related to registration
17 and operation of the clinic. The designated physician must have a full, active, and
18 unencumbered license under Chapters 456, 458, 459, or 460, Florida Statutes, and
19 shall actively practice at the clinic location for which the physician has assumed
20 responsibility. Within fifteen days after termination or absence of a designated
21 physician, the clinic must notify the Department of the identity of another
22 designated physician for the clinic or forfeit the clinic’s license. The phrase
23 “actively practice at the clinic location” means that the designated physician is
24 physically and personally involved in the day to day operation of the clinic, ~~and~~
25 ~~physically present at the clinic location at least three days per calendar week and~~
26 ~~for at least four hours each of those three days;~~
27

28 3. Proof satisfactory to the Department that the designated physician
29 is a signor on the applicant’s operating bank account and all liability insurance
30 policies;
31

32 4. A list of all persons associated with the management or operation
33 of the clinic, whether paid or unpaid, part-time or full-time, including all contract
34 labor and independent contractors. This list includes, but is not limited to, all
35 owners, operators, employees, and volunteers. For persons listed, the following
36 additional information must be provided:
37

- 38 a. The person’s title;
- 39 b. A copy of the person’s license issued by the State
40 Department of Health to engage in the practice of:
 - 41 (1) Acupuncture pursuant to Chapter 457, F.S.,
 - 42 (2) Medicine pursuant to Chapter 458, F.S.,
 - 43 (3) Osteopathic Medicine pursuant to Chapter 459, F.S.,
 - 44 (4) Chiropractic Medicine pursuant to Chapter 460, F.S.,

- 1 (5) Physical Therapy pursuant to Chapter 486, F.S., or
 2 (6) Massage Therapy pursuant to Chapter 480, F.S.;
- 3 c. The person's current home address, telephone number, and
 4 date-of-birth;
- 5 d. A list of all criminal convictions whether misdemeanor or
 6 felony for that person;
- 7 e. A copy of a current Florida driver's license or a current
 8 government issued photo identification card issued to that person;
- 9 f. A set of that person's fingerprints (any person who has
 10 already gone through a successful background investigation and
 11 fingerprinting with the state pursuant to the requirements in
 12 Chapter 400, F.S., is exempt from this requirement upon providing
 13 sufficient documentation of such investigation and fingerprinting);
 14 and
- 15 g. If that person is an owner, ~~If more than one owner~~, the
 16 percentage of ownership for each owner or shareholder.
- 17
- 18 5. The property owner's name, address, telephone number, ~~and a~~
 19 ~~copy of the property owner's Florida driver's license or current government~~
 20 ~~issued photo identification card, if the property owner is an individual and is~~
 21 ~~different from the clinic owner;~~
 22
- 23 6. If currently in business, a copy of a valid business tax receipt
 24 required pursuant to Chapter 205, Florida Statutes, issued before enactment of this
 25 Ordinance;
- 26
- 27 7. Whether the clinic dispenses controlled substances at the clinic
 28 site;
- 29
- 30 8. A floor plan of the clinic showing the location and size of the
 31 waiting area, location and size of the patient rooms, the location and type of
 32 diagnostic and/or physical therapy equipment;
- 33
- 34 9. Any other information the Department Director reasonably deems
 35 necessary; and
 36
- 37 10. A sworn and notarized statement from both the designated
 38 physician and the clinic owner attesting to the veracity and accuracy of the
 39 information provided in the application.
 40

41 In the event that any information provided in the application changes, a new or
 42 updated application must be filed with the Department in accordance with Section 9
 43 below within fifteen days of the change.
 44

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

7
8 It is the applicant’s sole responsibility to provide accurate contact information
9 when submitting the application to the Department. If the application for a clinic license
10 is not properly completed, in the sole discretion of the Department, the Department shall
11 notify the designated contact person listed in the application. A completed application
12 must be received by the Department within fifteen business days of receipt of the
13 deficiency notice from the Department to avoid assessment of another application fee.
14 Failure to timely respond within the fifteen days shall result in a denial of the application
15 as incomplete. A new application must then be submitted, accompanied by the full
16 nonrefundable application fee, in order to request a license.

17
18 **C. Department Inspections:** The Department shall perform inspection(s)
19 of the clinic facility ~~and site as necessary~~ to determine whether or not the application
20 submitted is accurate in all respects and to verify compliance with the requirements
21 contained in ~~s~~Sections 6 and 8 of this ordinance. However, in no event shall any
22 inspection violate any medical records privacy requirements, including HIPPA, or
23 involve the inspection of private or confidential medical information without appropriate
24 authorization or permission.

25
26 **D. Time Limit for Licensing:** Beginning upon enactment of this
27 Ordinance, no PIP Medical Provider may operate in Hillsborough County without a valid
28 Hillsborough County License (as defined herein) except as provided in Section 5 above.
29 In addition, it shall be a violation of this Ordinance for the property owner where the
30 clinic is situated to allow an unlicensed PIP Medical Provider to open or operate without
31 a valid PIP Medical Provider license, except as provided in Section 5 above.

32
33 **SECTION 3:** Section 7 of Hillsborough County Ordinance 11-13 is amended to read:

34
35 **SECTION 7: GROUNDS FOR LICENSE DENIAL OR REVOCATION**

36
37 The Department Director may deny or revoke a PIP Medical Provider license
38 upon the occurrence of one or more of the following:

- 39
40 A. An application contains false information or missing information;
41
42 B. The clinic is not registered, if required, with the State in accordance with
43 §458.309 or §459.005, Florida Statutes, or has had its registration suspended or revoked
44 by the State;

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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. However, in no event shall any inspection violate any medical records privacy requirements, including HIPPA, or involve the inspection of private or confidential medical information without appropriate authorization or permission;

E. Failure of any licensed person ~~connected~~ temporarily or permanently employed 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)~~ temporary or permanent employee of the clinic for any charge of fraud or theft 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;

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

3
4 Staff may grant an exception to sub-sections G and H above, if more than ten (10) years
5 have elapsed since the adjudication date or date of the final order as the case may be.

6
7 **SECTION 4:** Section 8 of Hillsborough County Ordinance 11-13 is amended to read:

8
9 **SECTION 8: ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS**

10
11 A. Upon the enactment of this Ordinance a valid Hillsborough County PIP
12 Medical Provider license issued pursuant to this Ordinance must be prominently
13 displayed in a common public area of the clinic, except as provided in Section 5 of this
14 Ordinance.

15
16 B. In the event any information contained in the license application changes,
17 a new updated application must be filed with the Department within fifteen days of the
18 change. Failure to do so will result in license revocation or denial, and the possibility of
19 other action as provided for in Section 13 of this Ordinance.

20
21 C. A PIP Medical Provider license is non-transferable and cannot be
22 assigned. Whenever ownership of a PIP Medical Provider changes, a new application
23 must be filed for a new license and all applicable fees paid.

24
25 D. A valid business tax receipt must be maintained by the PIP Medical
26 Provider.

27
28 E. Any code enforcement officer, law enforcement officer, or any other
29 persons authorized to enforce county ordinances must be allowed access for inspection of
30 the clinic premises during regular business hours. However, in no event shall any
31 inspection violate any medical records privacy requirements, including HIPPA, or
32 involve the inspection of private or confidential medical information without appropriate
33 authorization or permission.

34
35 F. The designated physician shall secure all prescription pads so that only a
36 person authorized to issue prescriptions may access them. Upon enactment of this
37 Ordinance, every written prescription must include the clinic’s name, address, and
38 Hillsborough County’s license number assigned to that clinic.

39
40 G. The PIP Medical Provider shall not limit the form of payment for services,
41 prescriptions, or other treatment to PIP insurance claims only.
42

1 H. The PIP Medical Provider shall not limit the provision of the clinic’s
2 services or treatment to only patients or clients making claims, or paying for the services
3 or treatment, through PIP insurance providers.
4

5 I. PIP Medical Providers shall ~~at a minimum~~ be open to the public for
6 business ~~no less than three days a week~~ with regularly scheduled business hours to see
7 walk-in clients or patients, or for allowing clients and patients to make appointments for
8 services, therapy, or other treatment. The clinic’s telephone number for making
9 appointments shall be prominently displayed on the main entrance door, or on the front of
10 the building. ~~Nothing in this section shall prohibit a clinic from being open for business~~
11 ~~in excess of the minimum business hours established above. During the minimum~~
12 ~~business hours established above for a clinic being open to the public, the clinic’s~~
13 ~~telephone number for making appointments shall be answered directly by a clinic~~
14 ~~employee and not by a prerecorded message. It shall be prima facie evidence that a clinic~~
15 ~~is not open for business to the public during the minimum business hours if the clinic’s~~
16 ~~telephone is not answered directly by a clinic employee after three attempts within one~~
17 ~~minimum business hours time period.~~
18

19 J. A person licensed pursuant to Chapter 456, 457,458, 459, 460, 480, or
20 486, Florida Statutes shall be on the premises during all times the clinic is open for
21 business.
22

23 ~~K. — A physician may not serve or operate as a designated physician for more~~
24 ~~than five PIP Medical Provider Clinics.~~
25

26 L.K. All PIP Medical Clinics must be operated by a physician licensed pursuant
27 to Chapter 456, 458, 459 or 460, Florida Statutes.
28

29 **SECTION 5:** Section 11 of Hillsborough County Ordinance 11-13 is amended to read:
30

31 **SECTION 11: VIOLATION AND INSPECTIONS**
32

33 It shall be unlawful for any person to violate any provision of this Ordinance or to
34 operate a PIP Medical Provider without a valid County issued PIP Medical Provider
35 license. Any code enforcement officer, law enforcement officer, or any other persons
36 authorized to enforce county ordinances may enter the clinic premises and conduct an
37 inspection to determine compliance with this Ordinance at any time someone is present
38 on the premises. However, in no event shall any inspection violate any medical records
39 privacy requirements, including HIPPA, or involve the inspection of private or
40 confidential medical information without appropriate authorization or permission.
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1 **SECTION 6:** Section 13 of Hillsborough County Ordinance 11-13 is amended to read:

2

3 **SECTION 13: ENFORCEMENT AND PENALTIES**

4

5 The County’s code enforcement officers, law enforcement, or any other person
6 authorized to enforce county ordinances may enforce the provisions of this Ordinance, as
7 follows:-

8

9 A. Beginning on October 26, 2011, Nothing contained herein shall prevent the
10 County from taking such other lawful action in law and equity as may be necessary to
11 remedy any violation of, or refusal to comply with, any part of this Ordinance, including
12 but not limited to: Code Enforcement action pursuant to Hillsborough County Ordinance
13 No. 10-27, as amended; Pursuit of injunctive and/or declaratory relief in a court of
14 competent jurisdiction; or Initiating an action to recover any and all damages that may
15 result from a violation of, or a refusal to comply with, any part of this Ordinance.

16

17 B. Beginning on October 26, 2012, Nothing contained herein shall prevent
18 enforcement action ~~or legal remedy available~~ under controlling state law including, ~~but~~
19 ~~not limited to,~~ prosecution as a misdemeanor with a fine not exceeding Five-Hundred
20 Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both
21 fine and imprisonment, may be imposed as a penalty.

22

23 **SECTION 7: SEVERABILITY**

24

25 If any section, subsection, sentence, clause, phrase, or provision of this
26 Amendment to Ordinance 11-13 is for any reason held invalid or unconstitutional by any
27 court of competent jurisdiction, such holding shall not be construed to render the
28 remaining provisions of this Ordinance Amendment invalid or unconstitutional.

29

30 **SECTION 8: INCLUSION IN THE HILLSBOROUGH COUNTY CODE**

31

32 The provisions of this Amendment to Ordinance 11-13 shall be included and
33 incorporated in the Hillsborough County Code, as an addition or amendment thereto, and
34 shall be appropriately renumbered to conform to the uniform numbering system of the
35 Hillsborough County Code, once established.

36

37 **SECTION 9: FILING OF ADMENDMENT TO ORDINANCE 11-13 AND**
38 **EFFECTIVE DATE**

39

40 In accordance with the provisions of §125.66, Florida Statutes, governing
41 ordinances, a certified copy of this Amendment to Ordinance 11-13 shall be filed with the
42 Florida Department of State by the Clerk of the Board of County Commissioners. This
43 Ordinance Amendment shall take effect upon filing with the Florida Department of State.

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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 _____, by a vote of _____ voting yes and _____ voting no, as the same appears in record in Minute Book _____ of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this _____ day of _____, 2012.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: _____
Deputy Clerk

Approved By County Attorney
As To Form and Legal Sufficiency:

By: _____
Sr. Assistant County Attorney