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3 **ORDINANCE NUMBER: 11-_____**
4

5 AN ORDINANCE OF HILLSBOROUGH COUNTY RELATING TO
6 PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE TITLE
7 “PIP MEDICAL PROVIDERS ORDINANCE”; PROVIDING FOR
8 LEGISLATIVE FINDINGS AND AUTHORITY; PROVIDING FOR
9 PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS;
10 PROVIDING FOR THE REQUIREMENT OF LICENSURE OF
11 CERTAIN PIP MEDICAL PROVIDERS; CREATING A LICENSE
12 APPLICATION PROCESS AND REQUIREMENTS FOR LICENSURE;
13 PROVIDING FOR GROUNDS TO DENY A LICENSE OR REVOKE A
14 LICENSE; PROVIDING FOR ADDITIONAL LICENSE COMPLIANCE
15 REQUIREMENTS; PROVIDING FOR A PROCESS TO REVIEW A
16 LICENSE DENIAL OR REVOCATION; PROVIDING FOR LICENSE
17 RENEWALS; PROVIDING FOR VIOLATIONS AND INSPECTIONS;
18 PROVIDING FOR SERVICE OF NOTICE; PROVIDING FOR
19 ENFORCEMENT AND PENALTIES; PROVIDING FOR
20 ALLOCATION OF FEES; PROVIDING FOR SEVERABILITY;
21 PROVIDING FOR COUNTY WIDE APPLICATION; PROVIDING
22 FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN
23 EFFECTIVE DATE.
24

25 **WHEREAS**, the Hillsborough County Board of County Commissioners (BOCC)
26 has been advised by the Hillsborough County Sheriff’s Office, that a pattern of fraudulent
27 insurance claims has been linked to clinics operating in Hillsborough County which
28 primarily treat patients allegedly injured in staged auto accidents; and
29

30 **WHEREAS**, automobile insurance fraud remains a major problem negatively
31 effecting consumers and insurers within Hillsborough County, as well as the State of
32 Florida; and
33

34 **WHEREAS**, accident investigators with the Hillsborough County Sheriff’s
35 Office have documented a rise in questionable accidents with inconsistent explanations as
36 to how the accidents occurred; and
37

38 **WHEREAS**, the Hillsborough County Sheriff’s Office has identified a large
39 number of automobile accidents to be staged through on-scene observations, as well as
40 the admissions of involved parties admitting to investigators that the accidents were
41 staged; and
42

43 **WHEREAS**, law enforcement authorities have been able to determine through
44 undercover investigations that the parties involved in these staged accidents are part of a
45 much larger organized crime group involved in defrauding insurance providers through
46 clinics that bill PIP insurance providers for nonexistent injuries; and

1
2 **WHEREAS**, it has been determined that persons associated with these same
3 organized crime groups are engaging in other organized criminal activity including
4 money laundering, racketeering, witness intimidation, and human trafficking; and
5

6 **WHEREAS**, the undercover investigations of the Sheriff’s Office into these
7 clinics and organizations has proven to be lengthy, costly, and man-power intensive; and
8

9 **WHEREAS**, according to the National Insurance Crime Bureau (NICB), the
10 State of Florida has had the highest number of staged auto accident questionable claims
11 in the nation since at least 2007; and
12

13 **WHEREAS**, the number of staged auto accident questionable claims within
14 Hillsborough County increased 546% from 2008 to; and
15

16 **WHEREAS**, the Insurance Information Institute estimates that the fraud on
17 insurance providers costs individual policy holders in Hillsborough County as much as
18 \$50.00 per vehicle in increased insurance premiums with the expectation that this figure
19 will rise to around \$85.00 per vehicle in 2011; and
20

21 **WHEREAS**, Hillsborough County currently has an estimated 158 of businesses
22 operating as Personal Injury Protection (PIP) Medical Providers, compared with 22 in
23 Pasco County, 74 in Pinellas County, 20 in Manatee County, and 17 in Polk County; and
24

25 **WHEREAS**, the BOCC has determined that licensing of existing businesses
26 operating as Personal Injury Protection (PIP) Medical Providers within the jurisdiction of
27 Hillsborough County, will provide local oversight of these businesses and hinder
28 fraudulent and other illegal activities related to these clinics; and
29

30 **WHEREAS**, it is not the intent of this Ordinance to interfere with legitimate
31 medical clinics treating auto accident patients; and
32

33 **WHEREAS**, the BOCC finds and declares a need to impose regulations on
34 Personal Injury Protection (PIP) Medical Providers licensed to operate in Hillsborough
35 County; and
36
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
39 **COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**
40

41 **SECTION 1: TITLE**
42

43 This Ordinance shall be known and may be cited as the “PIP Medical Providers
44 Ordinance”.
45
46

1 **SECTION 2: LEGISLATIVE FINDINGS AND AUTHORITY**

2
3 The recitals set forth above are incorporated herein. The BOCC finds and
4 declares there exists a need to enact an ordinance requiring the regulation of certain
5 clinics operating in Hillsborough County, which primarily treat patients allegedly injured
6 in auto accidents and receive all or a major portion of the clinic's income from personal
7 injury protection insurance claims.

8
9 This Ordinance is enacted pursuant to §125.66, Florida Statutes, and under the
10 home rule powers of Hillsborough County, and is in the best interest of the health, peace,
11 safety, and general welfare of the people of Hillsborough County.

12
13 **SECTION 3: PURPOSE AND INTENT**

14
15 The purpose and intent of this Ordinance is to:

16
17 a. promote the health, safety, and general welfare of the residents of
18 Hillsborough County, and

19
20 b. inhibit fraudulent auto insurance claims which negatively effect both
21 consumers and insurers within Hillsborough County through the regulation of certain
22 clinics (as defined below) currently operating in Hillsborough County, which primarily
23 treat patients allegedly injured in auto accidents and receive all or a major portion of the
24 clinic's income from personal injury protection insurance claims.

25
26 **SECTION 4: DEFINITIONS**

27
28 **A. Applicant:** Means the owner or a person or persons authorized by the
29 owner to complete an application for a license to operate a PIP Medical Provider business
30 in Hillsborough County.

31
32 **B. Department:** Means the Department designated by the County
33 Administrator to administer the mandates of this Ordinance.

34
35 **C. Personal Injury Protection (PIP) Medical Provider:** Means any
36 person, clinic, or other business that provides medical or physical therapy treatment to
37 patients or clients claiming an injury from an automobile accident and which:

38
39 1. (a) during the year prior to the enactment of this ordinance,
40 received at least 50% of the Provider's patients or clients in the form of referrals
41 from anyone receiving any remuneration, directly or indirectly, overtly or
42 covertly, in cash or in kind, in return for referring any patient or client to the PIP
43 Medical Provider, or

44 (b) if the person or entity has been in business for less than one
45 year as of the enactment of this Ordinance, receives at least 50% of the Provider's
46 patients or clients in the form of referrals from anyone receiving any

1 remuneration, directly or indirectly, overtly or covertly, in cash or in kind, in
2 return for referring any patient or client to the PIP Medical Provider during a three
3 month period;

4

5 or

6

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

10

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

14

15 or

16

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

20

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

23

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

28

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

31

32 PIP Medical Provider does not include clinics:

33

34 1. Licensed as a facility pursuant to Chapter 395, Florida Statutes;

35

36 2. Where the majority of the physicians who provide services in the
37 clinic primarily provide surgical services;

38

39 3. Owned by a publicly held corporation whose shares are traded on a
40 national exchange or on the over-the-counter market and whose total assets at the
41 end of the corporation's most recent fiscal quarter exceeded \$50 million;

42

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

46

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

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

6
7 7. Owned by a corporate entity exempt from federal taxation under
8 26 U.S.C. 501(c) (3) or (4).

9
10 8. That perform only magnetic resonance imaging, static radiographs,
11 computed tomography, or positron emission tomography.

12
13 9. Accredited by the Joint Commission as an Outpatient / Ambulatory
14 Care clinic.

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

23
24 **E. Operating or Operate a PIP Medical Provider Clinic:** Means to
25 conduct the affairs of or manage the operations of a PIP Medical Provider Clinic (as
26 defined in paragraph "C" above) including, but not limited to, any one or more of the
27 following:

28
29 1. scheduling or accepting appointment(s) solely for services
30 (including but not limited to diagnosis, treatment, and/or therapy) which are billed
31 for payment to a PIP insurance provider;

32
33 2. prescribing, dispensing, or administering any medicine, medical or
34 physical treatment, medical or physical therapy, massage treatment or therapy, or
35 acupuncture treatment or therapy;

36
37 3. accepting payments from one or more PIP insurance providers for
38 any of the events listed in paragraphs 1 and 2 above;

39
40 4. leasing or owning property for use as, or in connection with, a PIP
41 Medical Provider Clinic or business; or

42
43 5. employing or contracting with any person for compensation to
44 work in connection with the provision of services at a PIP Medical Provider
45 Clinic or business.
46

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

3
4 **G. PIP:** Means personal injury protection insurance.

5
6 **SECTION 5: LICENSE REQUIRED**

7
8 Beginning upon enactment of this Ordinance, no PIP Medical Provider as defined
9 in this Ordinance, may operate in Hillsborough County without first obtaining a PIP
10 Medical Provider license issued by the Department. A PIP Medical Provider currently in
11 operation must file its application with the Department on or before 30 days after the
12 enactment of this Ordinance. A PIP Medical Provider currently in operation who has
13 filed an application and paid the application fee may continue operating until the
14 Department renders a decision to either grant or deny the license and notifies the clinic of
15 the decision. A PIP Medical Provider currently in operation who timely files an
16 administrative appeal of the denial of a license by the Department may continue
17 operating during the administrative appeal process. The clinic must obtain its license, if
18 approved, from the Department within five business days of notification by the
19 Department. Licenses shall be granted only for clinics that satisfy the requirements of
20 this Ordinance, including the payment of the application and license fees.

21
22 **SECTION 6: LICENSE APPLICATION PROCESS AND REQUIREMENTS**

23
24 **A. Application Required:** Any PIP Medical Provider, as defined in
25 Section 4C above, must complete an application available from the Department, which
26 shall at a minimum require the applicant to provide the following information:

27
28 1. The registration or license number from the State Department of
29 Health as required by Chapter 457, §458.309, §459.005, Chapter 460, Chapter
30 480, or Chapter 486, Florida Statutes, if the applicant and/or clinic must be
31 registered or licensed in accordance with state law;

32
33 2. Designation of the physician who shall be responsible for
34 operating the clinic and complying with all requirements related to registration
35 and operation of the clinic. The designated physician must have a full, active, and
36 unencumbered license under Chapters 456, 458, 459, or 460, Florida Statutes, and
37 shall actively practice at the clinic location for which the physician has assumed
38 responsibility. Within fifteen days after termination or absence of a designated
39 physician, the clinic must notify the Department of the identity of another
40 designated physician for the clinic or forfeit the clinic's license. The phrase
41 "actively practice at the clinic location" means that the designated physician is
42 physically and personally involved in the day to day operation of the clinic, and
43 physically present at the clinic location at least three days per calendar week and
44 for at least four hours each of those three days;

1 3. Proof satisfactory to the Department that the designated physician
2 is a signor on the applicant's operating bank account and all liability insurance
3 policies;
4

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

- 10
- 11 a. The person's title;
 - 12 b. A copy of the person's license issued by the State
13 Department of Health to engage in the practice of:
 - 14 (1) Acupuncture pursuant to Chapter 457, F.S.,
 - 15 (2) Medicine pursuant to Chapter 458, F.S.,
 - 16 (3) Osteopathic Medicine pursuant to Chapter 459, F.S.,
 - 17 (4) Chiropractic Medicine pursuant to Chapter 460, F.S.,
 - 18 (5) Physical Therapy pursuant to Chapter 486, F.S., or
 - 19 (6) Massage Therapy pursuant to Chapter 480, F.S.;
 - 20 c. The person's current home address, telephone number, and
21 date-of-birth;
 - 22 d. A list of all criminal convictions whether misdemeanor or
23 felony for that person;
 - 24 e. A copy of a current Florida driver's license or a current
25 government issued photo identification card issued to that person;
 - 26 f. A set of that person's fingerprints (any person who has
27 already gone through a successful background investigation and
28 fingerprinting with the state pursuant to the requirements in
29 Chapter 400, F.S., is exempt from this requirement upon providing
30 sufficient documentation of such investigation and fingerprinting);
31 and
 - 32 g. If more than one owner, the percentage of ownership for
33 each owner or shareholder.
- 34

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

39

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

43

44 7. Whether the clinic dispenses controlled substances at the clinic
45 site;

1 8. A floor plan of the clinic showing the location and size of the
2 waiting area, location and size of the patient rooms, the location and type of
3 diagnostic and/or physical therapy equipment;
4

5 9. Any other information the Department Director reasonably deems
6 necessary; and
7

8 10. A sworn and notarized statement from both the designated
9 physician and the clinic owner attesting to the veracity and accuracy of the
10 information provided in the application.
11

12 In the event that any information provided in the application changes, a new
13 updated application must be filed with the Department in accordance with Section 9
14 below within fifteen days of the change.
15

16 **B. Application Fee and Requirements:** Each application for a PIP
17 Medical Provider license shall be accompanied by a nonrefundable application fee in the
18 amount of Five-Hundred Dollars (\$500.00). The application fee is in addition to the One-
19 Thousand Five-Hundred Dollars (\$1,500.00) annual fee. Any changes to the application
20 or license fees authorized by this Ordinance may be accomplished by Resolution of the
21 BOCC without the need to revise the Ordinance.
22

23 It is the applicant's sole responsibility to provide accurate contact information
24 when submitting the application to the Department. If the application for a clinic license
25 is not properly completed, in the sole discretion of the Department, the Department shall
26 notify the designated contact person listed in the application. A completed application
27 must be received by the Department within fifteen business days of receipt of the
28 deficiency notice from the Department to avoid assessment of another application fee.
29 Failure to timely respond within the fifteen days shall result in a denial of the application
30 as incomplete. A new application must then be submitted, accompanied by the full
31 nonrefundable application fee, in order to request a license.
32

33 **C. Department Inspections:** The Department shall perform inspection(s)
34 of the clinic facility and site as necessary to determine whether or not the application
35 submitted is accurate in all respects and to verify compliance with the requirements
36 contained in section 8 of this ordinance.
37

38 **D. Time Limit for Licensing:** Beginning upon enactment of this
39 Ordinance, no PIP Medical Provider may operate in Hillsborough County without a valid
40 Hillsborough County License (as defined herein) except as provided in Section 5 above.
41 In addition, it shall be a violation of this Ordinance for the property owner where the
42 clinic is situated to allow an unlicensed PIP Medical Provider to open or operate without
43 a valid PIP Medical Provider license, except as provided in Section 5 above.
44
45
46

1 **SECTION 7: GROUNDS FOR LICENSE DENIAL OR REVOCATION**
2

3 The Department Director may deny or revoke a PIP Medical Provider license
4 upon the occurrence of one or more of the following:
5

6 A. An application contains false information or missing information;
7

8 B. The clinic is not registered, if required, with the State in accordance with
9 §458.309 or §459.005, Florida Statutes, or has had its registration suspended or revoked
10 by the State;
11

12 C. For any clinic in operation prior to the enactment of this Ordinance, a copy
13 of a valid business tax receipt issued prior to the enactment of this Ordinance, is not
14 submitted with the application for each clinic location. For renewals, a copy of the
15 current valid business tax receipt for each clinic location is not submitted with the
16 application for renewal;
17

18 D. Failure to allow for inspection of the clinic for compliance with this
19 Ordinance by a code enforcement officer, law enforcement officer, or any other person
20 authorized to enforce ordinance violations in Hillsborough County at any time the clinic
21 is open or occupied;
22

23 E. Failure of any licensed person connected with the clinic to maintain an
24 active license in good standing with the state agency authorized by the applicable state
25 statutes to regulate or discipline said license;
26

27 F. The arrest of any staff member (paid or unpaid) for a charge of fraud
28 related to the operation of the clinic;
29

30 G. The facility is owned or operated by any person, or has a contractual or
31 employment relationship with a person whose professional license in a related health care
32 field has been suspended or revoked or has had other disciplinary action taken against
33 this person's professional license;
34

35 H. The employment, or continued employment of any person convicted of or
36 pled guilty or *nolo contendere* to a felony crime of honesty, fraud, or moral turpitude,
37 regardless of whether or not adjudication was withheld (even if sealed or expunged) in
38 the State of Florida, any other state, or the United States;
39

40 I. Failure of the clinic to be open to the public during regular business hours
41 (pursuant in section 8. I. below) for a period of thirty or more consecutive days;
42

43 J. Failure of the clinic to notify the Department in writing of a change in the
44 designated physician within fifteen days pursuant to section 6 above;
45

1 K. Failure of the clinic to notify the Department in writing of any change in
2 the license application information within fifteen days pursuant to section 8 below; or
3

4 L. Failure to abide by any provision of this Ordinance;
5

6 M. If the payment for the application fee or license fee is invalid or
7 uncollectible for any reason.
8

9 Staff may grant an exception to sub-sections G and H above, if more than ten (10) years
10 have elapsed since the adjudication date or date of the final order as the case may be.
11

12 **SECTION 8: ADDITIONAL LICENSE COMPLIANCE REQUIREMENTS**
13

14 A. Upon the enactment of this Ordinance a valid Hillsborough County PIP
15 Medical Provider license issued pursuant to this Ordinance must be prominently
16 displayed in a common public area of the clinic, except as provided in Section 5 of this
17 Ordinance.
18

19 B. In the event any information contained in the license application changes,
20 a new updated application must be filed with the Department within fifteen days of the
21 change. Failure to do so will result in license revocation or denial, and the possibility of
22 other action as provided for in Section 13 of this Ordinance.
23

24 C. A PIP Medical Provider license is non-transferable and cannot be
25 assigned. Whenever ownership of a PIP Medical Provider changes, a new application
26 must be filed for a new license and all applicable fees paid.
27

28 D. A valid business tax receipt must be maintained by the PIP Medical
29 Provider.
30

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

43 H. The PIP Medical Provider shall not limit the provision of the clinic's
44 services or treatment to only patients or clients making claims, or paying for the services
45 or treatment, through PIP insurance providers.
46

1 I. PIP Medical Providers shall at a minimum be open to the public for
2 business no less than three days a week during regular business hours (9:00 a.m. to 5:00
3 p.m. Monday through Friday) to see walk-in clients or patients, or for allowing clients
4 and patients to make appointments for services, therapy, or other treatment . The clinic's
5 telephone number for making appointments shall be prominently displayed on the main
6 entrance door, or on the front of the building. Nothing in this section shall prohibit a
7 clinic from being open for business in excess of the minimum business hours established
8 above. During the minimum business hours established above for a clinic being open to
9 the public, the clinic's telephone number for making appointments shall be answered
10 directly by a clinic employee and not by a prerecorded message. A caller to a clinic
11 during minimum business hours may not be placed on hold for longer than three minutes.
12 It shall be prima facie evidence that a clinic is not open for business to the public during
13 the minimum business hours if the clinic's telephone is not answered directly by a clinic
14 employee after three attempts within one minimum business hours time period.

15
16 J. A person licensed pursuant to Chapter 456, 457, 458, 459, 460, 480, or
17 486, Florida Statutes shall be on the premises during all times the clinic is open for
18 business.

19
20 K. A physician may not serve or operate as a designated physician for more
21 than five PIP Medical Provider Clinics.

22
23 L. All PIP Medical Clinics must be operated by a physician licensed pursuant
24 to Chapter 456, 458, 459 or 460, Florida Statutes.

25 26 **SECTION 9: REVIEW OF LICENSE DENIAL OR REVOCATION**

27
28 The Department Director shall provide written notice of denial of any new or
29 renewal license specifying in writing the grounds for the denial. The applicant whose
30 application has been denied (except for an incomplete application) may request a formal
31 review of the denial before the County's hearing officer if the denial was erroneous. The
32 applicant must send a written request for review indicating the specific alleged error or
33 errors made by the County along with any and all facts that support the applicant's
34 position that the license was erroneously denied. The request must be received by the
35 Department Director within fifteen days of the date of the denial notice. The review shall
36 be performed by an independent hearing officer appointed by the County to perform
37 license reviews and hearings. The hearing officer shall review the applicant's request and
38 all supporting documents to determine if, by a preponderance of the evidence, sufficient
39 cause exists to grant a hearing on the request. In the event the applicant's request and
40 supporting documents do not state a prima facie case that an error has occurred, the
41 hearing officer may summarily dismiss the request and notify the applicant in writing of
42 the dismissal. Whenever, in the opinion of the hearing officer, an applicant's request and
43 supporting documentation establishes a prima facie case of error, a hearing will be set
44 and conducted for the hearing officer to rule upon the matter. The standard of review for
45 denial of a license is upon the Applicant to prove by a preponderance of the evidence its
46 entitlement to the license.

1
2 An applicant whose license is revoked by the Department Director, may request
3 in writing a hearing before a hearing officer. The request must be received by the
4 Department Director within fifteen days of the date of the notice of revocation. The
5 request for hearing shall be assigned to an independent hearing officer appointed by the
6 County to perform license reviews and hearings. A hearing will be set and conducted for
7 the hearing officer to rule on whether the revocation should be upheld or over turned.
8 The standard of review is clear and convincing evidence the facts support the revocation.
9

10 The County Administrator shall adopt a policy establishing review and hearing
11 procedures. All reviews and hearings will be conducted in accordance with that policy.
12 In addition to other powers of the hearing officer as set forth under the County
13 Administrator's policy, the hearing officer shall have the authority to issue subpoenas for
14 the production of documents and attendance of witnesses at the hearing. The decision of
15 the hearing officer shall be final. Any clinic whose license is denied (except for an
16 incomplete license application) or revoked, shall be subject to the moratorium provisions
17 of this Ordinance until or unless the denial or revocation is over turned on appeal by a
18 court of competent jurisdiction.
19

20 Any license that has been denied or revoked may not be reissued to the clinic
21 location, regardless of the clinic's name, while the moratorium is in effect or for a period
22 of five years, whichever is longer; except, that when a denial is solely based on an
23 incomplete application, there is no prohibition against reapplying as provided elsewhere
24 in this Ordinance. Any designated physician of a clinic whose clinic license has been
25 revoked may not operate, or continue to operate as the designated physician at any other
26 PIP Medical Provider Clinic in Hillsborough County for a period of five years.
27

28 **SECTION 10: LICENSE RENEWALS**

29
30 Licenses required for PIP Medical Providers shall be valid for one year from the
31 date of issuance. At least sixty days prior to expiration of the license, a renewal
32 application must be submitted, along with a non-refundable renewal application fee of
33 Five-Hundred Dollars (\$500.00). Provided the PIP Medical Provider named in the
34 renewal application and all information on the application are in compliance with this
35 Ordinance, a renewal license shall be issued by the Department, after payment of an
36 annual license fee of One-Thousand Five-Hundred Dollars (\$1,500.00). Renewal
37 licenses shall only be issued to businesses that were previously licensed and who timely
38 file a renewal application.
39

40 **SECTION 11: VIOLATION AND INSPECTIONS**

41
42 It shall be unlawful for any person to violate any provision of this Ordinance or to
43 operate a PIP Medical Provider without a valid County issued PIP Medical Provider
44 license. Any code enforcement officer, law enforcement officer, or any other persons
45 authorized to enforce county ordinances may enter the clinic premises and conduct an

1 inspection to determine compliance with this Ordinance at any time someone is present
2 on the premises.

3
4 **SECTION 12: SERVICE OF NOTICE; PUBLIC RECORDS**

5
6 Any notice required by this Ordinance shall be in writing and sent by certified
7 mail or hand delivery to the mailing address set forth on the application for the PIP
8 Medical Provider license, except the notices for code violations shall be provided in the
9 manner prescribed by Hillsborough County Ordinance No. 10-27, as amended. The
10 mailing address set forth in the application shall be considered the correct mailing
11 address.

12
13 **SECTION 13: ENFORCEMENT AND PENALTIES**

14
15 The County's code enforcement officers, law enforcement, or any other person
16 authorized to enforce county ordinances may enforce the provisions of this Ordinance.
17 Any enforcement action or legal remedy available under controlling state law including,
18 but not limited to, prosecution as a misdemeanor with a fine not exceeding Five-Hundred
19 Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both
20 fine and imprisonment, may be imposed as a penalty. Nothing contained herein shall
21 prevent the County from taking such other lawful action in law and equity as may be
22 necessary to remedy any violation of, or refusal to comply with, any part of this
23 Ordinance, including but not limited to:

24
25 A. Code Enforcement action pursuant to Hillsborough County Ordinance No.
26 10-27, as amended.

27
28 B. Pursuit of injunctive and/or declaratory relief in a court of competent
29 jurisdiction;

30
31 C. Initiating an action to recover any and all damages that may result from a
32 violation of, or a refusal to comply with, any part of this Ordinance; or

33
34 D. Utilizing any other action or enforcement method allowable by law.

35
36 **SECTION 14: ALLOCATION OF FEES**

37
38 Fees collected pursuant to this Ordinance shall be used exclusively to pay for the
39 County's administrative costs including but not limited to the application process,
40 inspections, and enforcement activities.

41
42 **SECTION 15: SEVERABILITY**

43
44 If any section, subsection, sentence, clause, phrase, or provision of this Ordinance
45 is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

1 such holding shall not be construed to render the remaining provisions of this Ordinance
2 invalid or unconstitutional.

3
4 **SECTION 16: APPLICATION**

5
6 This ordinance shall be applicable throughout Hillsborough County unless any
7 municipality exercises its option, by an affirmative vote of its governing body, not to
8 have this ordinance apply within its municipal limits or to enact its own municipal
9 ordinance regulating this area.

10
11 **SECTION 17: INCLUSION IN THE HILLSBOROUGH COUNTY CODE**

12
13 The provisions of this Ordinance shall be included and incorporated in the
14 Hillsborough County Code, as an addition or amendment thereto, and shall be
15 appropriately renumbered to conform to the uniform numbering system of the
16 Hillsborough County Code, once established.

17
18 **SECTION 18: FILING OF ORDINANCE AND EFFECTIVE DATE**

19
20 In accordance with the provisions of §125.66, Florida Statutes, governing
21 ordinances, a certified copy of this Ordinance shall be filed with the Florida Department
22 of State by the Clerk of the Board of County Commissioners. This Ordinance shall take
23 effect upon filing with the Florida Department of State.

1 **STATE OF FLORIDA**)
2 **COUNTY OF HILLSBOROUGH**)
3

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

10 WITNESS my hand and official seal this _____ day of _____, 2011.

11

12

PAT FRANK
CLERK OF THE CIRCUIT COURT

13

14

15

BY: _____
Deputy Clerk

16

17

18

19

20

21

22

Approved By County Attorney
As To Form and Legal Sufficiency:

23

24

25

By: _____
Sr. Assistant County Attorney

26