

Identification needed for health care district services

Number: INFORMAL

Date: August 02, 2005

The Honorable Susan Bucher
Representative, District 88
2240 Palm Beach Lakes Boulevard
Suite 102
West Palm Beach, Florida 33409-3403

Dear Representative Bucher:

You ask whether the enabling legislation for the Health Care District of Palm Beach County provides for the delivery of health care services to all residents of Palm Beach County or limits such services to citizens. You state that currently the District requires anyone applying for services to provide either a social security number or a driver's license, which has the effect of eliminating many of the people residing within the county from receiving services.

In 2003, the Legislature enacted Chapter 03-326, Laws of Florida, codifying, amending, and reenacting the special acts relating to the Health Care District of Palm Beach County (District).[1] Section 3 of the special act recreates the District's charter. Section 6 of the charter provides that the governing board of the District is "vested with the authority and responsibility to provide for the comprehensive planning and delivery of adequate health care facilities, including, but not limited to, hospitals, and services for the citizens of the County, particularly medically needy citizens." To accomplish this, the board is authorized to "plan, set policy guidelines for, fund, establish, construct, lease, operate, and maintain such health care facilities as shall be necessary for the use of the people of the County,"[2] and

"(3) To provide health care services to residents of the County through the utilization of health care facilities not owned and operated by the District. The provision of said care is hereby found and declared to be a public purpose and necessary for the preservation of the public health and welfare of the residents of the County."[3]

Thus, the district's charter interchangeably uses the terms "citizens," "people," and "residents." An examination of the statement of intent by the Legislature contained in section 2 of the district's charter, however, indicates that the Legislature recognized that "it is in the public interest to provide a source of funding for indigent and medically needy residents of Palm Beach County (the "County") and to maximize the health and well-being of Palm Beach County residents by providing comprehensive planning, funding, and coordination of health care service delivery."

It is a fundamental principle of statutory construction that the construction of statutes is to be guided by the intent of the Legislature.[4] Thus, in light of the express declaration of intent by the Legislature in the charter that the legislation is intended to provide for the health and well-being of Palm Beach County residents, it appears that the District was created to serve the residents of

Palm Beach County and not merely residents who are United States citizens.[5]

As noted above, however, you have advised this office that the district requires anyone applying for services to provide either a social security number or a driver's license number.[6] This office in Attorney General Opinion 99-71, considered the authority of the Department of Health to process an application for licensure when the applicant does not have a social security number as required by section 455.564(1), Florida Statutes. This office concluded that the provision for social security numbers contained in section 455.564, Florida Statutes, should be construed in light of its legislative intent, which is to assist in the effective enforcement of child support orders and not to limit the persons to whom licenses may be issued. Thus, the statute should not be construed to prohibit the Department of Health from issuing licenses to otherwise qualified aliens who do not possess social security numbers. This office suggested that the department should use an alternative uniform identification number, such as an alien's Immigration and Naturalization Service number, for a person who does not have a social security number. Similarly, in Attorney General Opinion 97-74, this office recommended that the clerk of court, in processing applications for marriage licenses for those individuals who did not have a social security number, use an alternate uniform identification number, such as an alien's Immigration and Naturalization Service Number.

The District may wish to consider taking a similar approach. If the District wishes to verify that individuals seeking health services are in fact residents of the county, it may wish to permit other forms of identification indicating the individual's place of residence. As evidence of residency, public officials will generally consider such things as a driver license, automobile registration, voter registration, declarations of domicile, location of bank account, rent receipts, home mortgage, tax returns, and employment documents.[7]

I hope that the above informal comments may be of assistance to you. Thank you for contacting the Florida Attorney General's Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tfl

[1] See ss. 1 and 2, Ch. 03-326, Laws of Fla., respectively stating that pursuant to s. 189.429, Fla. Stat., the act "constitutes the codification of all special acts relating to the Health Care District of Palm Beach County" into a single, comprehensive special act charter for the District, and codifying, reenacting, amending and repealing Chs. 87-450, 92-340, 93-382, 96-509, and 00-489, Laws of Fla., as provided therein. *And* see s. 4 of Ch. 03-326, Laws of Fla., stating that "Chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida, are repealed."

[2] Section 6(1) of the charter (s. 3[6][1], Ch. 03-326, Laws of Fla.).

[3] Section 6(3) of the charter (s. 3[6][1], Ch. 03-326, Laws of Fla.).

[4] See, e.g., *Ervin v. Peninsular Telephone Company*, 53 So. 2d 647 (Fla. 1951) (Supreme Court has duty in construction of statutes to ascertain Legislature's intention and effectuate it); *State v. Webb*, 398 So. 2d 820 (Fla. 1981) (legislative intent is the polestar by which the courts must be guided).

[5] See generally Op. Att'y Gen. Fla. 83-62 in which this office concluded that the word 'residents' as used in Ch. 67-1724, Laws of Fla., as it related to the admission to and treatment at district hospitals, means a person who makes his home or place of abode within the geographical boundaries of the Lower Florida Keys Hospital District with no present intention of moving outside the district.

[6] See s. 7 of Public Law 93-579, The Privacy Act of 1974, 88 Stat. 1897, effective December 31, 1974, which in subsection (a)(1) makes it unlawful, with certain exceptions, for any federal, state or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security account number. An exception to the general proscription against requiring Social Security numbers, however, is contained in 42 U.S.C. s. 405(c)(2)(C)(i) which provides that a state, or political subdivision thereunder, may, "in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers . . . for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number[.]"

[7] Cf. s. 196.015, Fla. Stat., stating that the following are relevant factors that may be considered by the property appraiser in making his or her determination as to the intent of a person claiming a homestead exemption to establish a permanent residence in this state:

- "(1) Formal declarations of the applicant.
- (2) Informal statements of the applicant.
- (3) The place of employment of the applicant.
- (4) The previous permanent residency by the applicant in a state other than Florida or in another country and the date non-Florida residency was terminated.
- (5) The place where the applicant is registered to vote.
- (6) The place of issuance of a driver's license to the applicant.
- (7) The place of issuance of a license tag on any motor vehicle owned by the applicant.
- (8) The address as listed on federal income tax returns filed by the applicant.
- (9) The previous filing of Florida intangible tax returns by the applicant."