

By the Committees on Health & Human Services
 Appropriations, Community Affairs, Health Care Licensing &
 Regulation and Representatives Lacasa, Cosgrove, Rubio,
 Sorensen, Villalobos, Betancourt, Garcia, Prieguez, Wilson and
 Cantens

1 A bill to be entitled
 2 An act relating to the county public hospital
 3 surtax; amending s. 212.055, F.S.; revising
 4 provisions that require the counties authorized
 5 to levy the surtax to annually appropriate a
 6 specified minimum amount for operation,
 7 administration, and maintenance of the county
 8 public general hospital; providing procedure
 9 for disbursement of funds; requiring a
 10 governing board, agency, or authority in such
 11 counties to adopt and implement a health care
 12 plan for indigent health care services;
 13 providing for appointment of members of such
 14 entity; specifying provisions of the plan;
 15 providing for annual audit; providing an
 16 effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Paragraph (d) of subsection (5) of section
 21 212.055, Florida Statutes, is amended, paragraph (e) is
 22 redesignated as paragraph (f), and a new paragraph (e) is
 23 added to said subsection, to read:

24 212.055 Discretionary sales surtaxes; legislative
 25 intent; authorization and use of proceeds.--It is the
 26 legislative intent that any authorization for imposition of a
 27 discretionary sales surtax shall be published in the Florida
 28 Statutes as a subsection of this section, irrespective of the
 29 duration of the levy. Each enactment shall specify the types
 30 of counties authorized to levy; the rate or rates which may be
 31 imposed; the maximum length of time the surtax may be imposed,

1 if any; the procedure which must be followed to secure voter
2 approval, if required; the purpose for which the proceeds may
3 be expended; and such other requirements as the Legislature
4 may provide. Taxable transactions and administrative
5 procedures shall be as provided in s. 212.054.

6 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as
7 defined in s. 125.011(1) may levy the surtax authorized in
8 this subsection pursuant to an ordinance either approved by
9 extraordinary vote of the county commission or conditioned to
10 take effect only upon approval by a majority vote of the
11 electors of the county voting in a referendum. In a county as
12 defined in s. 125.011(1), for the purposes of this subsection,
13 "county public general hospital" means a general hospital as
14 defined in s. 395.002 which is owned, operated, maintained, or
15 governed by the county or its agency, authority, or public
16 health trust.

17 (d) As provided in subparagraphs 1. and 2., the county
18 must ~~shall~~ continue to contribute each year an amount equal to
19 at least 80 percent of that percentage of the total county
20 budget appropriated for the operation, administration, and
21 maintenance of the county public general hospital from the
22 county's general revenues in the fiscal year of the county
23 ending September 30, 1991, as follows:

24 1. Sixty-five percent of such amount must be promptly
25 and irrevocably remitted to the public health trust, agency,
26 or authority responsible for the county public general
27 hospital, to be used solely for the purpose of operating and
28 maintaining such hospital.

29 2. Thirty-five percent of such amount must be promptly
30 and irrevocably remitted to a governing board, agency, or
31 authority that is wholly independent from the public health

1 trust, agency, or authority responsible for the county public
2 general hospital, to be used solely for the purpose of funding
3 the plan for indigent health care services provided for in
4 paragraph (e). The county shall not direct the public health
5 trust, agency, or authority responsible for the county public
6 general hospital to assume or revise the budget of the county
7 public general hospital to include financial responsibilities
8 for any health or nonhealth programs unrelated to the
9 operation, maintenance, or administration of the county public
10 general hospital or in any other manner divert funds of the
11 county public general hospital from the operation,
12 administration, or maintenance of the county public general
13 hospital, effective October 1, 2000.

14 (e) A governing board, agency, or authority shall be
15 chartered by the county commission upon this act becoming law.
16 The governing board, agency, or authority shall adopt and
17 implement a health care plan for indigent health care
18 services. The governing board, agency, or authority shall
19 consist of no more than seven and no fewer than five members
20 appointed by the county commission. The members of the
21 governing board, agency, or authority shall be at least 18
22 years of age and residents of the county. No member may be
23 employed by or affiliated with a health care provider or the
24 public health trust, agency, or authority responsible for the
25 county public general hospital. The following community
26 organizations shall each appoint a representative to a
27 nominating committee: the South Florida Hospital and
28 Healthcare Association, the Miami-Dade County Public Health
29 Trust, the Dade County Medical Association, the Miami-Dade
30 County Homeless Trust, and the Mayor of Miami-Dade County.
31 This committee shall nominate between 10 and 14 county

1 citizens for the governing board, agency, or authority. The
2 slate shall be presented to the county commission and the
3 county commission shall confirm the top five to seven
4 nominees, depending on the size of the governing board. Until
5 such time as the governing board, agency, or authority is
6 created, the funds provided for in subparagraph (d)2. shall be
7 placed in a restricted account set aside from other county
8 funds and not disbursed by the county for any other purpose.

9 1. The plan shall divide the county into a minimum of
10 four and maximum of six service areas, with no more than one
11 participant hospital per service area. The county public
12 general hospital shall be designated as the provider for one
13 of the service areas. Services shall be provided through
14 participants' primary acute care facilities.

15 2. The plan and subsequent amendments to it shall fund
16 a broad range of health care services for both indigent
17 persons and the medically poor, including, but not limited to,
18 primary care, preventive care, hospital emergency room care,
19 and hospital care necessary to stabilize the patient. For the
20 purposes of this section, "stabilization" means stabilization
21 as defined in s. 397.311(30). Where consistent with these
22 objectives, the plan shall include, without limitation,
23 services rendered by physicians, clinics, community hospitals,
24 mental health centers, and alternative delivery sites, as well
25 as at least one regional referral hospital per service area.
26 The plan shall provide that agreements negotiated between the
27 governing board, agency, or authority and providers shall
28 recognize hospitals that render a disproportionate share of
29 indigent care, provide other incentives to promote the
30 delivery of charity care to draw down federal funds where
31 appropriate, and require cost containment, including, but not

1 limited to, case management. Service providers shall receive
2 a per member per month fee or capitation for those members
3 enrolled in their service area as compensation for the
4 services rendered pursuant to this subparagraph. Upon
5 determination of eligibility, enrollment shall be deemed to
6 have occurred at the time services were rendered. The
7 capitation amount or rate shall be determined prior to program
8 implementation by an independent actuarial consultant. In no
9 event shall such reimbursement rates exceed the Medicaid rate.
10 The plan must also provide that any hospitals owned and
11 operated by government entities on or after the effective date
12 of this act must, as a condition of receiving funds under this
13 subsection, afford public access equal to that provided under
14 s. 286.011 as to any meeting of the governing board, agency,
15 or authority the subject of which is budgeting resources for
16 the retention of charity care, as that term is defined in the
17 rules of the Agency for Health Care Administration. The plan
18 shall also include innovative health care programs that
19 provide cost-effective alternatives to traditional methods of
20 service and delivery funding.

21 3. The plan's benefits shall be made available to all
22 county residents currently eligible to receive health care
23 services as indigents or medically poor as defined in
24 paragraph (4)(d).

25 4. Eligible residents who participate in the health
26 care plan shall receive coverage for a period of 12 months or
27 the period extending from the time of enrollment to the end of
28 the current fiscal year, per enrollment period, whichever is
29 less.

30 5. At the end of each fiscal year, the governing
31 board, agency, or authority shall prepare an audit that

1 reviews the budget of the plan, delivery of services, and
2 quality of services, and makes recommendations to increase the
3 plan's efficiency. The audit shall take into account
4 participant hospital satisfaction with the plan and assess the
5 amount of poststabilization patient transfers requested, and
6 accepted or denied, by the county public general hospital.

7 Section 2. This act shall take effect July 1, 2000.
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