

By Senator Mitchell

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A bill to be entitled
An act relating to health care; amending s.
212.055, F.S.; allowing small counties having a
specified population to levy an indigent care
surtax; providing procedures; providing uses of
the surtax; providing a maximum tax rate;
providing an effective date.

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

Section 1. Subsection (7) of section 212.055, Florida
Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative
intent; authorization and use of proceeds.--It is the
legislative intent that any authorization for imposition of a
discretionary sales surtax shall be published in the Florida
Statutes as a subsection of this section, irrespective of the
duration of the levy. Each enactment shall specify the types
of counties authorized to levy; the rate or rates which may be
imposed; the maximum length of time the surtax may be imposed,
if any; the procedure which must be followed to secure voter
approval, if required; the purpose for which the proceeds may
be expended; and such other requirements as the Legislature
may provide. Taxable transactions and administrative
procedures shall be as provided in s. 212.054.

(7) VOTER-APPROVED INDIGENT CARE SURTAX.--

(a) The governing body in each county that has a
population of less than 800,000 residents may levy an indigent
care surtax pursuant to an ordinance conditioned to take
effect only upon approval by a majority vote of the electors
of the county voting in a referendum. The surtax may be levied

1 at a rate not to exceed 0.5 percent, except that if a publicly
2 supported medical school is located in the county, the rate
3 shall not exceed 1 percent.

4 (b) A statement that includes a brief and general
5 description of the purposes to be funded by the surtax and
6 that conforms to the requirements of s. 101.161 shall be
7 placed on the ballot by the governing body of the county. The
8 following questions shall be placed on the ballot:

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FOR THE. . . .CENTS TAX

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AGAINST THE. . . .CENTS TAX

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13 (c) Notwithstanding paragraph (a), the governing body
14 in each county that has a population of fewer than 30,000
15 residents may levy an indigent care surtax pursuant to an
16 ordinance approved by an extraordinary vote of the county
17 commission or conditioned to take effect only upon approval by
18 a majority vote of the electors of the county voting in a
19 referendum. In addition to the uses otherwise set out in this
20 subsection, a county that has a population of fewer than
21 30,000 residents may use the services of the Division of Bond
22 Finance of the State Board of Administration pursuant to the
23 State Bond Act to issue bonds under this subsection. A
24 jurisdiction may not issue bonds under this subsection more
25 frequently than once per year. Any county that has a
26 population of fewer than 30,000 residents at the time the
27 bonds authorized in this subsection are issued retains the
28 authority granted under this subsection throughout the term of
29 the bonds, including the term of any refinancing bonds,
30 regardless of any subsequent increase in population which
31 results in the county's having 30,000 or more residents. The

1 rate of the surtax levied under this paragraph may not exceed
2 1 percent.

3 (d)~~(c)~~ The ordinance adopted by the governing body
4 providing for the imposition of the surtax must set forth a
5 plan for providing health care services to qualified
6 residents, as defined in paragraph~~(e)~~~~(d)~~. The plan and
7 subsequent amendments to it shall fund a broad range of health
8 care services for indigent persons and the medically poor,
9 including, but not limited to, primary care and preventive
10 care, as well as hospital care. It shall emphasize a
11 continuity of care in the most cost-effective setting, taking
12 into consideration a high quality of care and geographic
13 access. Where consistent with these objectives, it shall
14 include, without limitation, services rendered by physicians,
15 clinics, community hospitals, mental health centers, and
16 alternative delivery sites, as well as at least one regional
17 referral hospital where appropriate. It shall provide that
18 agreements negotiated between the county and providers shall
19 include reimbursement methodologies that take into account the
20 cost of services rendered to eligible patients, recognize
21 hospitals that render a disproportionate share of indigent
22 care, provide other incentives to promote the delivery of
23 charity care, and require cost containment, including, but not
24 limited to, case management. The plan must also include
25 innovative health care programs that provide cost-effective
26 alternatives to traditional methods of service delivery and
27 funding. In addition to the services otherwise authorized
28 under this subsection, in counties having a population of
29 fewer than 30,000 residents the plan for providing health care
30 services to qualified residents may, by an extraordinary vote
31 of the county commission, provide that some or all of the

1 surtax revenues and any interest accrued thereon must be
2 expended for the purpose of servicing bond indebtedness
3 incurred to finance, plan, construct, or reconstruct a public
4 hospital in the county and for any land acquisition, land
5 improvement, design, or engineering costs related thereto, if
6 the county commission has determined that a currently existing
7 public hospital would, more likely than not, otherwise cease
8 to operate.

9 (e)(d) As used in ~~For the purpose of~~ this subsection,
10 the term "qualified residents" means residents of the
11 authorizing county who are:

12 1. Qualified as indigent persons as certified by the
13 authorizing county;

14 2. Certified by the authorizing county as meeting the
15 definition of the medically poor, defined as persons having
16 insufficient income, resources, and assets to provide the
17 needed medical care without using resources required to meet
18 basic needs for shelter, food, clothing, and personal
19 expenses; not being eligible for any other state or federal
20 program or having medical needs that are not covered by any
21 such program; or having insufficient third-party insurance
22 coverage. In all cases, the authorizing county shall serve as
23 the payor of last resort; or

24 3. Participating in innovative, cost-effective
25 programs approved by the authorizing county.

26 (f)(e) Moneys collected pursuant to this subsection
27 remain the property of the state and shall be distributed by
28 the Department of Revenue on a regular and periodic basis to
29 the clerk of the circuit court as ex officio custodian of the
30 funds of the authorizing county. The clerk of the circuit
31 court shall:

- 1 1. Maintain the moneys in an indigent health care
- 2 trust fund.
- 3 2. Invest any funds held on deposit in the trust fund
- 4 pursuant to general law.
- 5 3. Disburse the funds, including any interest earned,
- 6 to any provider of health care services, as provided in
- 7 paragraphs (c) and (d), upon directive from the authorizing
- 8 county.
- 9 4. Disburse the funds, including any interest accrued
- 10 thereon, to service any bond indebtedness otherwise authorized
- 11 in this section, upon a directive from the authorizing county,
- 12 which directive may be irrevocably given at the time the bond
- 13 indebtedness is incurred.
- 14 ~~(g)(f)~~ Notwithstanding any other provision of this
- 15 section, a county may not levy local option sales surtaxes
- 16 authorized in this subsection and subsections (2) and (3) in
- 17 excess of a combined rate of 1 percent or, if a publicly
- 18 supported medical school is located in the county or the
- 19 county has a population of fewer than 30,000 residents, in
- 20 excess of a combined rate of 1.5 percent.

21 Section 2. This act shall take effect October 1, 2002.

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24 SENATE SUMMARY

25 Allows counties having a population of fewer than 30,000

26 residents to levy an indigent care surtax at a rate of no

27 more than 1 percent. Provides procedures and uses,

28 including expending tax proceeds on a public hospital.