



HB 0583

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A bill to be entitled  
An act relating to the indigent care surtax; 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)1. 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 at a



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31 rate not to exceed 0.5 percent, except that if a publicly  
 32 supported medical school is located in the county, the rate  
 33 shall not exceed 1 percent.

34 2. Notwithstanding subparagraph 1., the governing body of  
 35 any county that has a population of fewer than 30,000 residents  
 36 may levy an indigent care surtax pursuant to an ordinance  
 37 approved by a unanimous vote of the governing body or  
 38 conditioned to take effect only upon approval by a majority vote  
 39 of the electors of the county voting in a referendum. The surtax  
 40 may be levied at a rate not to exceed 1 percent.

41 (b) If the surtax is conditioned to take effect upon  
 42 approval in a referendum, a statement that includes a brief and  
 43 general description of the purposes to be funded by the surtax  
 44 and that conforms to the requirements of s. 101.161 shall be  
 45 placed on the ballot by the governing body of the county. The  
 46 following questions shall be placed on the ballot:

47  
 48 FOR THE. . . .CENTS TAX  
 49 AGAINST THE. . . .CENTS TAX  
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51 (c)1. The ordinance adopted by the governing body  
 52 providing for the imposition of the surtax must set forth a plan  
 53 for providing health care services to qualified residents, as  
 54 defined in paragraph (d). The plan and subsequent amendments to  
 55 it shall fund a broad range of health care services for indigent  
 56 persons and the medically poor, including, but not limited to,  
 57 primary care and preventive care, as well as hospital care. It  
 58 shall emphasize a continuity of care in the most cost-effective  
 59 setting, taking into consideration a high quality of care and  
 60 geographic access. Where consistent with these objectives, it



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61 shall include, without limitation, services rendered by  
62 physicians, clinics, community hospitals, mental health centers,  
63 and alternative delivery sites, as well as at least one regional  
64 referral hospital where appropriate. It shall provide that  
65 agreements negotiated between the county and providers shall  
66 include reimbursement methodologies that take into account the  
67 cost of services rendered to eligible patients, recognize  
68 hospitals that render a disproportionate share of indigent care,  
69 provide other incentives to promote the delivery of charity  
70 care, and require cost containment, including, but not limited  
71 to, case management. The plan must also include innovative  
72 health care programs that provide cost-effective alternatives to  
73 traditional methods of service delivery and funding.

74 2. In addition to the uses specified or services required  
75 to be provided under this subsection, the ordinance adopted by a  
76 county that has a population of fewer than 30,000 residents may  
77 pledge surtax proceeds to service new or existing bond  
78 indebtedness incurred to finance, plan, construct, or  
79 reconstruct a public or not-for-profit hospital in such county  
80 and any land acquisition, land improvement, design, or  
81 engineering costs related to such hospital, if the governing  
82 body of the county determines that a public or not-for-profit  
83 hospital existing at the time of issuance of the bonds  
84 authorized under this subparagraph would, more likely than not,  
85 otherwise cease to operate. The plan required under this  
86 paragraph may, by an extraordinary vote of the governing body of  
87 the county of such county, provide that some or all of the  
88 surtax revenues and any interest earned must be expended for the  
89 purpose of servicing such bond indebtedness. Such county may  
90 also use the services of the Division of Bond Finance of the



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91 State Board of Administration pursuant to the State Bond Act to  
92 issue bonds under this subparagraph. A jurisdiction may not  
93 issue bonds under this subparagraph more frequently than once  
94 per year. Any county that has a population of fewer than 30,000  
95 residents at the time the bonds authorized in this subparagraph  
96 are issued retains the authority granted under this subparagraph  
97 throughout the term of the bonds, including the term of any  
98 refinancing bonds, regardless of any subsequent increase in  
99 population which would result in the county having 30,000 or  
100 more residents and regardless of amendments to or repeal of this  
101 subparagraph.

102 (d) For the purpose of this subsection, "qualified  
103 residents" means residents of the authorizing county who are:

- 104 1. Qualified as indigent persons as certified by the  
105 authorizing county;
- 106 2. Certified by the authorizing county as meeting the  
107 definition of the medically poor, defined as persons having  
108 insufficient income, resources, and assets to provide the needed  
109 medical care without using resources required to meet basic  
110 needs for shelter, food, clothing, and personal expenses; not  
111 being eligible for any other state or federal program or having  
112 medical needs that are not covered by any such program; or  
113 having insufficient third-party insurance coverage. In all  
114 cases, the authorizing county shall serve as the payor of last  
115 resort; or
- 116 3. Participating in innovative, cost-effective programs  
117 approved by the authorizing county.

118 (e) Moneys collected pursuant to this subsection remain  
119 the property of the state and shall be distributed by the  
120 Department of Revenue on a regular and periodic basis to the



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121 clerk of the circuit court as ex officio custodian of the funds  
 122 of the authorizing county. The clerk of the circuit court shall:

123 1. Maintain the moneys in an indigent health care trust  
 124 fund.

125 2. Invest any funds held on deposit in the trust fund  
 126 pursuant to general law.

127 3. Disburse the funds, including any interest earned, to  
 128 any provider of health care services, as provided in paragraphs  
 129 (c) and (d), upon directive from the authorizing county.

130 4. Disburse the funds, including any interest earned, to  
 131 service any bond indebtedness authorized in this subsection upon  
 132 directive from the authorizing county, which directive may be  
 133 irrevocably given at the time the bond indebtedness is incurred.

134 (f) Notwithstanding any other provision of this section, a  
 135 county may not levy local option sales surtaxes authorized in  
 136 this subsection and subsections (2) and (3) in excess of a  
 137 combined rate of 1 percent or, if a publicly supported medical  
 138 school is located in the county or the county has a population  
 139 of fewer than 30,000 residents, in excess of a combined rate of  
 140 1.5 percent.

141 Section 2. This act shall take effect upon becoming a law.