



HB 0087B

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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 for construction of the act in pari materia with laws enacted during the 2003 Regular Session or the 2003 Special Session A of the Legislature; 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



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31 care surtax pursuant to an ordinance conditioned to take effect
 32 only upon approval by a majority vote of the electors of the
 33 county voting in a referendum. The surtax may be levied at a
 34 rate not to exceed 0.5 percent, except that if a publicly
 35 supported medical school is located in the county, the rate
 36 shall not exceed 1 percent.

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

43 (b) A statement that includes a brief and general
 44 description of the purposes to be funded by the surtax and that
 45 conforms to the requirements of s. 101.161 shall be placed on
 46 the ballot by the governing body of the county. The following
 47 questions shall be placed on the ballot:
 48

49 FOR THE. . .CENTS TAX 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 such county, provide that some or all of the surtax revenues and
88 any interest earned must be expended for the purpose of
89 servicing such bond indebtedness. Such county may also use the
90 services of the Division of Bond Finance of the State Board of



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

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

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

116 (e) Moneys collected pursuant to this subsection remain
 117 the property of the state and shall be distributed by the
 118 Department of Revenue on a regular and periodic basis to the
 119 clerk of the circuit court as ex officio custodian of the funds
 120 of the authorizing county. The clerk of the circuit court shall:



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121 1. Maintain the moneys in an indigent health care trust
 122 fund.

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

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

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

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

139 Section 2. If any law amended by this act was also amended
 140 by a law enacted at the 2003 Regular Session of the Legislature
 141 or at the 2003 Special Session A of the Legislature, such laws
 142 shall be construed as if they had been enacted at the same
 143 session of the Legislature, and full effect shall be given to
 144 each if possible.

145 Section 3. This act shall take effect upon becoming a law.