

1                   A bill to be entitled  
2           An act relating to indigent health care;  
3           amending s. 154.306, F.S.; providing for  
4           excluding active-duty military personnel and  
5           certain institutionalized county residents from  
6           state population estimates when calculating a  
7           county's financial responsibility for  
8           hospitals' treatment of specific counties'  
9           indigent residents; amending s. 212.055, F.S.;  
10          expanding the authorized use of the indigent  
11          care discretionary sales surtax to include  
12          trauma centers; renaming the surtax; requiring  
13          the plan set out in the ordinance to include  
14          additional provisions concerning Level I trauma  
15          centers; providing requirements for annual  
16          disbursements to hospitals on October 1 to be  
17          in recognition of the Level I trauma status and  
18          to be in addition to a base contract amount  
19          plus any negotiated additions to indigent care  
20          funding; authorizing certain counties to levy a  
21          voter-approved indigent care discretionary  
22          sales surtax; providing for the surtax to be  
23          conditioned upon approval by a majority vote of  
24          the electors; limiting the rate of the surtax;  
25          providing requirements for the ordinance  
26          adopted by the governing body of the county  
27          which imposes the surtax; providing for  
28          proceeds of the surtax to be used to provide  
29          health care services to qualified residents;  
30          defining "qualified residents"; providing for  
31          the administration of proceeds collected

1           pursuant to the surtax; limiting the total  
2           amount of certain local option sales surtaxes  
3           that may be imposed by a county; providing  
4           effective dates.

5

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

7

8           Section 1. Subsection (5) is added to section 154.306,  
9 Florida Statutes, to read:

10           154.306 Financial responsibility for certified  
11 residents who are qualified indigent patients treated at an  
12 out-of-county participating hospital or regional referral  
13 hospital.--Ultimate financial responsibility for treatment  
14 received at a participating hospital or a regional referral  
15 hospital by a qualified indigent patient who is a certified  
16 resident of a county in the State of Florida, but is not a  
17 resident of the county in which the participating hospital or  
18 regional referral hospital is located, is the obligation of  
19 the county of which the qualified indigent patient is a  
20 resident. Each county shall reimburse participating hospitals  
21 or regional referral hospitals as provided for in this part,  
22 and shall provide or arrange for indigent eligibility  
23 determination procedures and resident certification  
24 determination procedures as provided for in rules developed to  
25 implement this part. The agency, or any county determining  
26 eligibility of a qualified indigent, shall provide to the  
27 county of residence, upon request, a copy of any documents,  
28 forms, or other information, as determined by rule, which may  
29 be used in making an eligibility determination.

30           (5) For the purpose of computing the maximum amount  
31 that a county at or below 100,000 in population may be

1 required to pay, the agency must reduce the official state  
2 population estimates by the number of inmates and patients  
3 residing in the county in institutions operated by the Federal  
4 Government, the Department of Corrections, the Department of  
5 Health, or the Department of Children and Family Services, and  
6 by the number of active-duty military personnel residing in  
7 the county, all of whom shall shall not be considered  
8 residents of the county, provided that the county agrees to  
9 accept such documents, forms, or other information used to  
10 certify financial eligibility and county residency, provided  
11 by the participating hospital or regional referral hospital to  
12 the county residence as valid and true without requiring  
13 reverification by the county of residence, and provided such  
14 documentation is complete and in the form required by s.  
15 154.3105.

16 Section 2. Effective upon this act becoming a law,  
17 subsection (4) of section 212.055, Florida Statutes, is  
18 amended and subsection (7) is added to that section to read:

19 212.055 Discretionary sales surtaxes; legislative  
20 intent; authorization and use of proceeds.--It is the  
21 legislative intent that any authorization for imposition of a  
22 discretionary sales surtax shall be published in the Florida  
23 Statutes as a subsection of this section, irrespective of the  
24 duration of the levy. Each enactment shall specify the types  
25 of counties authorized to levy; the rate or rates which may be  
26 imposed; the maximum length of time the surtax may be imposed,  
27 if any; the procedure which must be followed to secure voter  
28 approval, if required; the purpose for which the proceeds may  
29 be expended; and such other requirements as the Legislature  
30 may provide. Taxable transactions and administrative  
31 procedures shall be as provided in s. 212.054.

1 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

2 (a) The governing body in each county the government  
3 of which is not consolidated with that of one or more  
4 municipalities, which has a population of at least 800,000  
5 residents and is not authorized to levy a surtax under  
6 subsection (5) or subsection (6), may levy, pursuant to an  
7 ordinance either approved by an extraordinary vote of the  
8 governing body or conditioned to take effect only upon  
9 approval by a majority vote of the electors of the county  
10 voting in a referendum, a discretionary sales surtax at a rate  
11 that may not exceed 0.5 percent.

12 (b) If the ordinance is conditioned on a referendum, a  
13 statement that includes a brief and general description of the  
14 purposes to be funded by the surtax and that conforms to the  
15 requirements of s. 101.161 shall be placed on the ballot by  
16 the governing body of the county. The following questions  
17 shall be placed on the ballot:

18  
19 FOR THE. . . .CENTS TAX  
20 AGAINST THE. . . .CENTS TAX  
21

22 (c) The ordinance adopted by the governing body  
23 providing for the imposition of the surtax shall set forth a  
24 plan for providing health care services to qualified  
25 residents, as defined in paragraph (d). Such plan and  
26 subsequent amendments to it shall fund a broad range of health  
27 care services for both indigent persons and the medically  
28 poor, including, but not limited to, primary care and  
29 preventive care as well as hospital care. The plan must also  
30 address the services to be provided by the Level I trauma  
31 center.It shall emphasize a continuity of care in the most

1 cost-effective setting, taking into consideration both a high  
 2 quality of care and geographic access. Where consistent with  
 3 these objectives, it shall include, without limitation,  
 4 services rendered by physicians, clinics, community hospitals,  
 5 mental health centers, and alternative delivery sites, as well  
 6 as at least one regional referral hospital where appropriate.  
 7 It shall provide that agreements negotiated between the county  
 8 and providers, including hospitals with a Level I trauma  
 9 center, will include reimbursement methodologies that take  
 10 into account the cost of services rendered to eligible  
 11 patients, recognize hospitals that render a disproportionate  
 12 share of indigent care, provide other incentives to promote  
 13 the delivery of charity care, promote the advancement of  
 14 technology in medical services, recognize the level of  
 15 responsiveness to medical needs in trauma cases, and require  
 16 cost containment including, but not limited to, case  
 17 management. It must also provide that any hospitals that are  
 18 owned and operated by government entities on May 21, 1991,  
 19 must, as a condition of receiving funds under this subsection,  
 20 afford public access equal to that provided under s. 286.011  
 21 as to meetings of the governing board, the subject of which is  
 22 budgeting resources for the rendition of charity care as that  
 23 term is defined in the Florida Hospital Uniform Reporting  
 24 System (FHURS) manual referenced in s. 408.07. The plan shall  
 25 also include innovative health care programs that provide  
 26 cost-effective alternatives to traditional methods of service  
 27 delivery and funding.

28 (d) For the purpose of this subsection, the term  
 29 "qualified resident" means residents of the authorizing county  
 30 who are:  
 31

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

3           2. Certified by the authorizing county as meeting the  
4 definition of the medically poor, defined as persons having  
5 insufficient income, resources, and assets to provide the  
6 needed medical care without using resources required to meet  
7 basic needs for shelter, food, clothing, and personal  
8 expenses; or not being eligible for any other state or federal  
9 program, or having medical needs that are not covered by any  
10 such program; or having insufficient third-party insurance  
11 coverage. In all cases, the authorizing county is intended to  
12 serve as the payor of last resort; or

13           3. Participating in innovative, cost-effective  
14 programs approved by the authorizing county.

15           (e) Moneys collected pursuant to this subsection  
16 remain the property of the state and shall be distributed by  
17 the Department of Revenue on a regular and periodic basis to  
18 the clerk of the circuit court as ex officio custodian of the  
19 funds of the authorizing county. The clerk of the circuit  
20 court shall:

21           1. Maintain the moneys in an indigent health care  
22 trust fund;

23           2. Invest any funds held on deposit in the trust fund  
24 pursuant to general law; and

25           3. Disburse the funds, including any interest earned,  
26 to any provider of health care services, as provided in  
27 paragraphs (c) and (d), upon directive from the authorizing  
28 county. However, if a county has a population of at least  
29 800,000 residents and has levied the surtax authorized in this  
30 subsection, notwithstanding any directive from the authorizing  
31 county, on October 1 of each calendar year, the clerk of the

1 court shall issue a check in the amount of \$6.5 million to a  
2 hospital in its jurisdiction that has a Level I trauma center  
3 or shall issue a check in the amount of \$3.5 million to a  
4 hospital in its jurisdiction that has a Level I trauma center  
5 if that county enacts and implements a hospital lien law in  
6 accordance with chapter 98-499, Laws of Florida. The issuance  
7 of the checks on October 1 of each year is provided in  
8 recognition of the Level I trauma center status and shall be  
9 in addition to the base contract amount received during fiscal  
10 year 1999-2000 and any additional amount negotiated to the  
11 base contract. If the hospital receiving funds for its Level I  
12 trauma center status requests such funds to be used to  
13 generate federal matching funds under Medicaid, the clerk of  
14 the court shall instead issue a check to the Agency for Health  
15 Care Administration to accomplish that purpose to the extent  
16 that it is allowed through the General Appropriations Act.

17 (f) Notwithstanding any other provision of this  
18 section, a county shall not levy local option sales surtaxes  
19 authorized in this subsection and subsections (2) and (3) in  
20 excess of a combined rate of 1 percent.

21 (g) This subsection expires October 1, 2005.

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

23 (a) The governing body in each county that has a  
24 population of less than 800,000 residents may levy an indigent  
25 care surtax pursuant to an ordinance conditioned to take  
26 effect only upon approval by a majority vote of the electors  
27 of the county voting in a referendum. The surtax may be levied  
28 at a rate not to exceed 0.5 percent, except that if a publicly  
29 supported medical school is located in the county, the rate  
30 shall not exceed 1 percent.

31

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

6  
7                           FOR THE. . . .CENTS TAX  
8                           AGAINST THE. . . .CENTS TAX  
9

10           (c) The ordinance adopted by the governing body  
11 providing for the imposition of the surtax must set forth a  
12 plan for providing health care services to qualified  
13 residents, as defined in paragraph (d). The plan and  
14 subsequent amendments to it shall fund a broad range of health  
15 care services for indigent persons and the medically poor,  
16 including, but not limited to, primary care and preventive  
17 care, as well as hospital care. It shall emphasize a  
18 continuity of care in the most cost-effective setting, taking  
19 into consideration a high quality of care and geographic  
20 access. Where consistent with these objectives, it shall  
21 include, without limitation, services rendered by physicians,  
22 clinics, community hospitals, mental health centers, and  
23 alternative delivery sites, as well as at least one regional  
24 referral hospital where appropriate. It shall provide that  
25 agreements negotiated between the county and providers shall  
26 include reimbursement methodologies that take into account the  
27 cost of services rendered to eligible patients, recognize  
28 hospitals that render a disproportionate share of indigent  
29 care, provide other incentives to promote the delivery of  
30 charity care, and require cost containment, including, but not  
31 limited to, case management. The plan must also include

1 innovative health care programs that provide cost-effective  
2 alternatives to traditional methods of service delivery and  
3 funding.

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

6 1. Qualified as indigent persons as certified by the  
7 authorizing county;

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

18 3. Participating in innovative, cost-effective  
19 programs approved by the authorizing county.

20 (e) Moneys collected pursuant to this subsection  
21 remain the property of the state and shall be distributed by  
22 the Department of Revenue on a regular and periodic basis to  
23 the clerk of the circuit court as ex officio custodian of the  
24 funds of the authorizing county. The clerk of the circuit  
25 court shall:

26 1. Maintain the moneys in an indigent health care  
27 trust fund.

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

30 3. Disburse the funds, including any interest earned,  
31 to any provider of health care services, as provided in

1 paragraphs (c) and (d), upon directive from the authorizing  
2 county.

3 (f) Notwithstanding any other provision of this  
4 section, a county may not levy local option sales surtaxes  
5 authorized in this subsection and subsections (2) and (3) in  
6 excess of a combined rate of 1 percent or, if a publicly  
7 supported medical school is located in the county, in excess  
8 of a combined rate of 1.5 percent.

9 Section 3. Except as otherwise provided herein, this  
10 act shall take effect July 1, 2000.