

ORDINANCE NO. 13 – 17

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO TAXATION; PROVIDING FOR THE LEVY OF A DISCRETIONARY INDIGENT HEALTH CARE SALES SURTAX OF ONE-HALF PERCENT (0.5%) PURSUANT TO FLORIDA STATUTES § 212.055(7); PROVIDING FOR THE COLLECTION, DISTRIBUTION AND USE OF THE SALES SURTAX PROCEEDS; PROVIDING FOR A PLAN FOR HEALTH CARE SERVICES; DEFINING WHO ARE QUALIFIED RESIDENTS; PROVIDING FOR AN INDIGENT HEALTH CARE TRUST FUND; PROVIDING FOR THE LEVY OF THE SALES SURTAX TO BE SUBJECT TO APPROVAL BY THE ELECTORS OF MANATEE COUNTY IN A REFERENDUM; PROVIDING FOR A REFERENDUM TO BE HELD; PROVIDING FOR PUBLICATION OF NOTICE OF THE REFERENDUM; PROVIDING FOR NOTIFICATION OF APPROVAL OF SALES SURTAX; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statute § 212.055(7) authorizes the governing body in each county that has a population of less than 800,000 residents to levy, 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, a discretionary sales surtax that may not exceed 0.5 percent, for the purpose of funding health care services for indigent persons; and

WHEREAS, Manatee County meets the criteria established in Florida Statute § 212.055(7) to levy such a discretionary sales surtax; and

WHEREAS, the growing cost of health care, along with the growing number of residents in need of indigent care services has severely strained the fiscal resources available to the County to fund such care for the indigent residents of the County; and

WHEREAS, the levy of a discretionary sales surtax in the amount of one-half percent pursuant to Florida Statute § 212.055(7) will provide the necessary funds to adequately provide health care services to indigent persons in the County, and it is in the best interest of the public health, safety and welfare to levy and collect such a sales surtax.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. A new Article IV of Chapter 2-29 of the Manatee County Code is hereby created, and shall be entitled **Indigent Health Care Surtax**.

Section 2. A new Section 2-29-40 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-40. Indigent care surtax levied

a. There shall be levied throughout the incorporated and unincorporated areas of Manatee County, at the rate of 0.5% (one-half percent), a discretionary indigent care sales surtax (the “Sales Surtax”), pursuant to and in accordance with Florida Statute § 212.055(7).

b. Levy and collection of the Sales Surtax shall commence January 1, 2014, and shall continue until such time as the Sales Surtax is terminated or the rate is changed in the manner prescribed by law. In the event any unforeseen circumstances should delay completion of any of the formalities or procedures required by law, or if it is held by a court of competent jurisdiction or determined by a competent authority that the dates for collection of the Sales Surtax are inconsistent with the requirements of law, the Board of County Commissioners may by ordinance revise the effective dates for the levy of the Sales Surtax to conform to such requirements.

Section 3. A new Section 2-29-41 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-41. Collection and distribution of sales surtax

The Sales Surtax shall be collected and distributed in accordance with applicable law, including without limitation Florida Statute § 212.054 and § 212.055(7) (as such provisions may be amended from time to time), and applicable Florida Department of Revenue rules.

Section 4. A new Section 2-29-42 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-42. Plan for health care services

In accordance with Florida Statute § 212.055(7), there is hereby created a plan, incorporated herein by reference, entitled “Manatee County Indigent Health Care Plan” (“the Plan”). The Plan, dated February 25, 2013, may be revised from time to time by ordinance to reflect the evolution of indigent health care needs in the County. The Plan includes the following elements:

- a. It funds a broad range of health care services including but not limited to primary care, preventive care, and hospital care.

- b. It includes services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional hospital where appropriate.
- c. It provides that agreements negotiated between the county and the providers including reimbursement methods will take into account the cost of services to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote delivery of charity care, and will require cost containment, including but not limited to case management.
- d. It includes innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

Section 5. A new Section 2-29-43 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-43. Definition of qualified residents

In accordance with Florida Statute § 212.055(7), the term “qualified residents” means residents of Manatee County who are:

- a. Qualified as indigent persons as certified by the County;
- b. Certified by the County as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; not being eligible for any other state or federal program or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the County shall serve as the payor of last resort; or
- c. Participating in innovative, cost-effective programs approved by the County.

Section 6. A new Section 2-29-44 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-44. Use of proceeds

The proceeds of the Sales Surtax and any interest thereon shall be expended in Manatee County to provide health care services to qualified residents, in accordance with the provisions of the Plan, and of Sections 2-29-42 and 2-29-43, above.

Section 7. A new Section 2-29-45 of the Manatee County Code is hereby created to read as follows:

Sec. 2-29-45. Indigent health care trust fund

a. Pursuant to Florida Statute § 212.055(7)(e), the Clerk of the Circuit Court (the “Clerk”), shall establish and maintain an Indigent Health Care Trust Fund (“Trust Fund”) into which the Clerk shall deposit all proceeds of the Sales Surtax distributed to the County by the Department of Revenue.

b. The Clerk shall maintain and invest the Sales Surtax proceeds as required by Florida Statute § 212.055(7)(e), and shall disburse the funds, including any interest earned, as directed by the County, in accordance with Sections 2-29-41 through 2-29-44 above.

Section 8. Referendum

In accordance with Florida Statute § 212.055(7), this Sales Surtax shall take effect if and only if the electors of Manatee County approve the levy of the Sales Surtax by majority vote in the referendum called pursuant to this section. The referendum on the Sales Surtax shall be held for the electors on August 6, 2013. The ballot for such referendum shall contain the following title, statement and question, as required by Florida Statute § 101.161 and § 212.055(7)(b):

**COUNTYWIDE INDIGENT CARE ONE-HALF CENT
SALES SURTAX FOR HEALTH CARE SERVICES TO
QUALIFIED RESIDENTS**

Shall Manatee County levy a countywide one-half cent sales surtax? The proceeds of the sales surtax shall be used to fund health care services for Manatee County residents, including elderly persons and children, who are indigent or medically poor. Such services shall include primary and preventative care by physicians, clinics, hospitals, mental health centers and alternative delivery sites in a cost effective manner.

_____ FOR the one-half cents tax

_____ AGAINST the one-half cents tax

Section 9. Requirement for and advertisement of referendum

A notice of the referendum shall be published in a newspaper of general circulation in Manatee County in accordance with the requirements of Florida Statute § 100.342.

Section 10. Notice to Department of Revenue

The Clerk is directed to notify the Manatee County Supervisor of Elections and the Florida Department of Revenue within ten (10) days of the approval by referendum of the Sales Surtax, of the time period during which the Sales Surtax will be in effect, and of the rate, and provide a copy of this Ordinance and such other information as the Department may require.

Section 11. Codification

Only if the surtax is approved by the electors, then the Clerk shall thereafter transmit this Ordinance to the Codifier, which shall codify Sections 1 through 7 as provided herein, but shall not codify any other sections hereof.

Section 12. Repeal of Prior Ordinance

Ordinance 13-07, which had established a different date of referendum, is hereby repealed in its entirety.

Section 13. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the legislative intent of the Manatee County Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the application of the invalid provision, and those provisions of this Ordinance are declared severable.

Section 14. Effective Date of Ordinance

This Ordinance shall take effect immediately upon being filed with the Florida Department of State.

ADOPTED with a quorum present and voting this 9th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: _____
Larry Bustle, Chairman

By: _____
Deputy Clerk