

**Lee County Board of County Commissioners
Agenda Item Summary**

Bluc Sheet No. 20020739

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a public hearing and consider **1)** the adoption of a County Ordinance enacting a one-half cents (½¢) sales tax increase levy for essential health care services subject to Referendum approval, **2)** subject to the adoption of the Ordinance, adopt a County Resolution presenting a Special Referendum Question to the electorate at the November 5, 2002 election, for the proposed one-half percent (½%) [one-half cents (½¢)] surtax on each one dollar sale for essential health care services for Qualified Lee County Residents for a period of ten (10) years.

WHY ACTION IS NECESSARY: Implements direction of the proposed County Ordinance enacting a one-half cents (½¢) sales tax levy subject to Referendum approval on November 5, 2002.

WHAT ACTION ACCOMPLISHES: Submits Referendum Question in an authorizing Ordinance and Resolution to the Supervisor of Elections.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # CW **5:00 #6**

3. MEETING DATE:

07-09-2002

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

STATUTE CHS.101.161, 212.054, & 212.055(7), F.S.

ORDINANCE

ADMIN. CODE

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION

BY: *James G. Yaeger*
James G. Yaeger

7. BACKGROUND:

At its regular Board meetings of June 11th and June 18th, the Board directed a proposed Ordinance and ballot language to public hearing. This item is being presented to consider the adoption of a County Ordinance enacting a one-half cents (½¢) sales tax increase levy under the provisions of Section 212.055(7), Florida Statutes, authorizing Lee County to impose a discretionary surtax of one-half percent (½%) [one-half cents (½¢)] surtax on each one dollar sale for essential health care services for Qualified Lee County Residents for a period of ten (10) years.

Upon approval by the Board of the proposed Ordinance and the Resolution, a Special Referendum Question will be presented to the electorate for approval on Tuesday, November 5, 2002. The Resolution incorporates the ballot question and election notice and forwards same to the Supervisor of Elections for the Referendum.

If the Authorizing Ordinance is not adopted, Board action on the Resolution is not needed.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i> 6/20/02	OM <i>[Signature]</i> 6/21/02	RISK <i>[Signature]</i> 6/20/02	GC <i>[Signature]</i> 6-20-02	<i>[Signature]</i> 6-20-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *JA*
6/20/02 11:50am
[Signature] PS

CO. ATTY'S
FORWARDED
TO CO. ADMIN.
10:55am

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE IMPOSING AN INDIGENT CARE ONE-HALF PERCENT SURTAX (ONE-HALF CENTS [~~1/2¢~~] ON EACH ONE DOLLAR SALE) ON CERTAIN TRANSACTIONS OCCURRING WITHIN LEE COUNTY FROM WHICH TAXES ARE PAYABLE TO THE STATE OF FLORIDA UNDER THE PROVISIONS OF CHAPTER 212, FLORIDA STATUTES; PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL NOT BE EFFECTIVE UNLESS APPROVED AT A SPECIAL REFERENDUM ELECTION; PROVIDING THAT THE IMPOSITION OF THE ONE-HALF CENTS SURTAX SHALL BE EFFECTIVE FOR A PERIOD OF TEN YEARS, BEGINNING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2012, UNLESS FLORIDA STATUTE SECTION 212.055(7) IS NOT REENACTED BY THE LEGISLATURE, THEREBY REPEALING THAT SECTION AS OF OCTOBER 1, 2005; PROVIDING A PLAN FOR PROVIDING HEALTH CARE SERVICES TO QUALIFIED RESIDENTS; PROVIDING FOR THE PURPOSE OF EXPENDITURES AND PROJECTS ("THE MEDICAL PLAN"); DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A SPECIAL REFERENDUM ELECTION ON NOVEMBER 5, 2002; PROVIDING BALLOT LANGUAGE AND A BRIEF DESCRIPTION OF HEALTH CARE SERVICES TO BE FUNDED; PROVIDING DEFINITIONS; DIRECTING THE SPECIAL REFERENDUM ELECTION IN ACCORDANCE WITH LAW; PROVIDING FOR CODIFICATION IN THE LEE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.055(7), Florida Statutes, authorizes Lee County to impose a discretionary Indigent Care Surtax of one-half percent (½%) upon most taxable transactions occurring within Lee County and taxable under Chapter 212 of

the Florida Statutes; and,

WHEREAS, a one-half percent ($\frac{1}{2}\%$) surtax would, under current state sales tax rates, result in a one-half cents ($\frac{1}{2}\phi$) surtax on each one dollar (\$1.00) sale; and,

WHEREAS, monies received from the Indigent Care Surtax authorized by Section 212.055(7), Florida Statutes, shall be utilized by Lee County to provide essential health care services to qualified residents as authorized by applicable state law for the benefit of the citizens of Lee County; and,

WHEREAS, a brief description of the purposes for the expenditure of the raised funds is set forth in the ballot language contained in this Ordinance, while a more specific plan is attached hereto (Exhibit A) with the purpose and intent to further state a specific, identified range of health care services for qualified residents, but not limited to, primary care and preventive care as well as hospital care, including compensation to service providers, to be funded from the revenue derived from the levied surtax ("The Medical Plan"); and,

WHEREAS, the provision of health care services, including trauma and emergency services, are a matter of significant public concern to the citizens of Lee County; and,

WHEREAS, the levy of a discretionary one-half percent ($\frac{1}{2}\%$) Indigent Care Surtax serves a public purpose and is to the public's benefit by continuing to insure a viable, organized delivery system of indigent, medically poor or innovative, cost-effective programs of health care, trauma and emergency services; and,

WHEREAS, Section 212.055(7), Florida Statutes, requires voter approval in a Special Referendum Election prior to imposition of the discretionary Indigent Care

Surtax;

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

SECTION 1. AUTHORIZATION

This Ordinance is authorized by Section 212.055(7), Florida Statutes, "Voter-Approved Indigent Care Surtax", and other applicable law.

SECTION 2. PURPOSE

The levy herein of the additional one-half cents ($\frac{1}{2}\text{¢}$) Indigent Care Surtax on each one dollar (\$1.00) sale, as administered and collected per Section 212.054, Florida Statutes, will serve the public purpose of providing and making available to Lee County, funds to finance a broad range of health care services for qualified residents, including; but not limited to, primary care and preventive care, as well as hospital care, trauma and emergency services, including compensation to service providers, as authorized by Section 212.055(7), Florida Statutes.

The proceeds of the additional one-half cents ($\frac{1}{2}\text{¢}$) surtax may not be pledged for the purpose of servicing new bond indebtedness incurred pursuant to law. The additional one-half cents ($\frac{1}{2}\text{¢}$) surtax proceeds shall not be used to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of this surtax. Proceeds of the surtax and any interest thereon shall be expended only as authorized by Section 212.055(7), Florida Statutes.

SECTION 3. DEFINITIONS

“Qualified Resident” means a qualified person as defined by Section 212.055(7), Florida Statutes.

SECTION 4. IMPOSITION OF THE DISCRETIONARY INDIGENT CARE SURTAX

To the extent authorized by Sections 212.054, 212.055 and 212.055(7), Florida Statutes, there is hereby imposed and levied, a one-half percent ($\frac{1}{2}\%$) (one-half cents [$\frac{1}{2}\phi$] on each one dollar [\$1.00] sale) Indigent Care Surtax upon any tax paid to the State of Florida pursuant to Chapter 212, Florida Statutes, which results from a taxable transaction occurring within Lee County, which transactions are subject to the state tax imposed on sales, use, rentals, admissions to facilities or events and other transactions as identified in Chapter 212, Florida Statutes. The tax will be levied for a period of ten (10) consecutive years, pursuant to Section 11, hereof.

SECTION 5. DISTRIBUTION OF SURTAX

Pursuant to Section 212.055(7), Florida Statute, the proceeds of the one-half cents ($\frac{1}{2}\phi$) sales tax surtax hereby imposed and levied shall solely be utilized to fund a broad range of health care services for qualified residents including, but not limited to, trauma and emergency care, primary care and preventive care, as well as hospital care, including compensation for service providers. The County and health care providers shall enter into negotiated agreements to determine reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of

indigent care, provide other incentives to promote the delivery of charity care, and provide a viable, organized delivery system of medical and trauma services.

SECTION 6. MEDICAL PLAN

The attached Medical Plan (Exhibit A) and as incorporated herein sets forth specifically how health care and trauma and emergency services will be provided. Pursuant to Section 212.055(7), Florida Statutes, the Medical Plan sets forth the distribution of the funds for a broad range of health care services for qualified residents, as defined herein, including, but not limited to, primary care and preventive care, as well as hospital care. The Plan emphasizes a continuity of care in the most cost-effective setting, taking into consideration a high quality of care and geographic access. Where consistent with these objectives, it includes, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital, where appropriate. The Plan provides for agreements to be negotiated between the County and providers, including reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognizing hospitals that render a disproportionate share of indigent care, providing other incentives to promote the delivery of charity care and require cost containment including, but not limited to, case management. The Plan may be amended as the County deems appropriate and in the public's interest, subject to the notice and public hearing requirements hereof and in compliance with Section 212.055(7), Florida Statutes.

SECTION 7. SPECIAL REFERENDUM ELECTION

The discretionary Indigent Care Surtax imposed and levied in Section 4. of this Ordinance shall not take effect unless and until this Ordinance levying the discretionary Indigent Care Surtax as so imposed is approved by a majority of the qualified electors of the County voting in a special County-wide referendum election on the surtax. A majority vote of the qualified electors for the one-half cents ($\frac{1}{2}\phi$) surtax shall approve this Ordinance and the levy of said tax surcharge as provided herein and as stated in Sections 4. and 11. hereof.

The Supervisor of Elections of Lee County is hereby directed to hold a Special Referendum Election on November 5, 2002, on the levy of the discretionary indigent care one-half percent ($\frac{1}{2}\%$) (one-half cents [$\frac{1}{2}\phi$] on one dollar [\$1.00] sales) surtax by this County Ordinance, as provided by the "Indigent Care Surtax" Provision, Section 212.055(7), Florida Statutes, Section 101.161, Florida Statutes, and other applicable law.

The Supervisor of Elections of Lee County shall cause the ballot question substantially in the following form to be placed on the ballot:

Official Ballot

Referendum for a Lee County
Emergency, Trauma and Essential Health Care
One-Half Cents Surtax

Shall Lee County Ordinance No. 02-___ be approved, levying a Countywide one-half cents ($\frac{1}{2}\phi$) per dollar sale surtax beginning January 1, 2003, to finance essential health care services pursuant to a Medical Plan for Qualified Lee County Residents, including trauma and

emergency services, primary, preventive, hospital and mental health care, and compensation for service providers per Section 212.055(7), F.S., for 10 years if that Section is reenacted by October 1, 2005?

_____ For the one-half cents tax

_____ Against the one-half cents tax

The Special Referendum Election shall be held at the polling places designated in each precinct in Lee County and be conducted by election officials duly appointed by applicable general law. The polls will be open at the voting places from 7:00 a.m. to 7:00 p.m., on November 5, 2002. Absentee voting shall be permitted upon compliance with applicable law. The Special Referendum Election shall be conducted pursuant to applicable general law for elections.

The County is hereby authorized to take all actions necessary to include, but not be limited to, adoption of subsequent motions, Resolutions and advertised notices so as to place this issue for special referendum and to carry out the intent of this Ordinance.

SECTION 8. ADVERTISEMENT

The notice of this referendum shall be advertised in accordance with the provisions of Section 100.342, Florida Statutes. A referendum notice, substantially in the form attached hereto as Exhibit B, shall be advertised. Proof of Publication shall be provided to the Chairman of the Board of County Commissioners for Lee County upon such publication being made.

SECTION 9. CODIFICATION

It is the intention of the Board of County Commissioners of Lee County that the provisions of this Ordinance shall become and be made a part of the Lee County Code and the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Sections 8., 9., and 10. shall not be codified.

SECTION 10. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity shall not affect other provisions or applications of the Ordinance that are declared severable.

SECTION 11. EFFECTIVE DATE FOR LEVY OF THE ADDITIONAL SALES TAX

The tax levied and imposed hereby and in Section 4. hereof shall be effective from January 1, 2003 through December 31, 2012, both inclusive, unless Section 212.055(7), Florida Statutes, is not reenacted by the Florida Legislature thereby repealing that section as of October 1, 2005, should this Ordinance with its surtax levy be approved in the Special Referendum Election to be held on November 5, 2002.

SECTION 12. REPEAL

A majority vote of the qualified electors against the one-half cent ($\frac{1}{2}\%$) sales tax shall disapprove this Ordinance and the sales tax surcharge as provided herein

and, upon such event, this Ordinance will be deemed repealed and of no further force or effect.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect when the Clerk of Circuit Court has received official notification from the Secretary of State that this Ordinance has been duly filed with the Secretary of State.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 200_.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

DRAFT

Lee County Emergency, Trauma & Essential Health Care Medical Plan

1. Introduction

The purpose of the Lee County Emergency, Trauma & Essential Health Care Medical Plan ("Plan") is to support and strengthen emergency and trauma services which are critical to the health, safety and welfare of the citizens of Lee County. The Plan is designed to provide a broad range of essential health care services to qualified Lee County residents. The principal objective is to provide a stabilized funding mechanism for Lee County's State-approved Level II Trauma Center and Lee County's emergency services. By providing and promoting access to primary and preventive urgent care, qualified residents will receive needed care in the most cost-effective health care delivery setting and maximize the efficiency of Emergency Departments in Lee County.

2. Plan Oversight

The Lee County Board of County Commissioners is responsible to ensure the Plan is implemented and maintained in accordance with Plan requirements. The Board of County Commissioners will establish a dependent Emergency, Trauma and Essential Health Care Advisory Council ("Council") charged with the administration and operation of the Plan. In addition, the Council will act as an advisory board to the Board of County Commissioners.

The Council shall consist of fifteen (15) members who shall be appointed by the Board of County Commissioners. Each Commissioner shall appoint 3 members of the Council. The majority of members shall be members of the health care community and shall, as much as possible, represent health care providers in the same proportion as the initial distribution formula. Terms shall be staggered. Council members shall elect annually from among its members a chair and vice-chair, and other officers its deems necessary. Council members shall receive no compensation for their service as members, but shall receive reimbursement for their actual expenses incurred while acting on behalf of the Council and in accordance with Florida law governing public officers and employees.

The Council shall be authorized to administer the Plan utilizing reasonable customs and practices expected of a health care payor entity. The Council is authorized and required to develop and adopt regulations, policies and procedures needed to administer the Plan, including, but not limited to, an Administrative Manual and a Provider Manual. The following subject matters shall be included: Certification and Eligibility Procedures, Accounting and Financial Management, Provider Credentialing, Case Management, and Complaint Resolution.

The Board of County Commissioners shall, at a time it deems advisable, consider the feasibility of obtaining authorization from the Florida Legislature to transition the dependent Council to independent status.

3. Persons Served

The Plan will provide reimbursement as a payor of last resort for health care services rendered to individuals who meet residency requirements and financial eligibility requirements.

- a. Residency Requirements. Health care services will be limited to persons who maintain residency in Lee County. A person is considered to be residing in Lee County when they establish or maintain a physical living arrangement within Lee County (other than a medical facility or correctional institution) which they or someone responsible for them consider to be their home and they have no intention of moving outside of Lee County; or when their children are enrolled in schools within Lee County; or when they have filed a Declaration of Domicile in the Office of the Clerk of Circuit Court.

A person is not considered a resident of Lee County, regardless of time spent within Lee County, if the person or family maintains a residence in another county, state or country and intends to return to that county, state, or country.

- b. Qualified Residents. For the purposes of the Plan, "qualified residents" means residents of Lee County who are:
 - i. Indigent Residents. A resident of Lee County who is certified by Lee County, in accordance with policies and procedures developed by the Council, as having income at or below 150 percent of the Federal Poverty Guidelines, as determined by the Federal government on an annual basis.
 - ii Medically Poor Residents. Residents of Lee County certified by Lee County, in accordance with policies and procedures developed by the Council as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet the basic needs for shelter, food, clothing, and personal expenses; not being eligible for any other state or federal programs or having medical needs that are not covered by any such program; or having insufficient third party insurance coverage.
 - ii Participating Residents. Residents of Lee County who are participating in innovative, cost-effective programs approved by Lee County.

4. Covered Services

The Plan shall fund a broad range of health care services, including trauma care, hospital emergency services and care, emergency behavioral and mental health crisis stabilization services, physician emergency services and care, rape trauma counseling and treatment, as well as primary and preventive urgent care. Services provided in an Emergency Department for non-emergency medical conditions are not reimbursed by the Plan.

5. Service Area

The Plan is limited to reimbursement for covered services provided solely within the boundaries of Lee County to qualified residents of Lee County.

6. Provider Reimbursement

The Plan will secure services from various providers throughout Lee County in accordance with the mission of providing quality health care services in a cost-effective manner. Services will be rendered by Lee County's State-approved Trauma Center, physicians, clinics, community hospitals providing emergency medical care and services, community behavioral and mental health centers providing behavioral and mental health crisis stabilization services, and rape counseling centers. Participating providers who receive reimbursement shall be licensed by the State of Florida and eligible to participate in the Medicare program.

Reimbursement under the Plan is a payment of last resort. Providers will be required to use reasonable efforts to seek reimbursement from other health care programs in which a resident may be eligible. Payment to providers for services rendered to qualified residents shall be no greater than the Medicare rate of reimbursement and shall be accepted by providers as payment in full for those services covered by the Plan.

As set forth in Florida law¹, agreements negotiated between Lee County and providers shall include reimbursement methodologies that take into account: the cost of services rendered to eligible patients; recognize hospitals that render a disproportionate share of indigent care; provide other incentives to promote the delivery of charity care; and require cost containment, including, but not limited to, case management.

The Plan shall have a right to recover from proceeds of claims, of whatever type, arising out of injuries to qualified residents which necessitated services reimbursed by the Plan. The amount of recovery shall be no greater than the amount reimbursed by the Plan.

7. Allocation of Revenues

Revenues generated from the half-cent sales surtax shall be allocated into the following categories:

¹ F.S. 212.055(7)(c)

a. Funding Categories

Lee County's State-approved Level II Trauma Center	15%
Other critical community health care services including Primary and Preventive Urgent Care, Emergency Behavioral & Mental Health Crisis Stabilization Care, Rape Trauma Counseling & Treatment, and Enhanced Emergency Response. Of the 20% allocated for Other Critical Community Health Care Services funding, 75% shall be designated for the Primary and Preventive Urgent Care component to be developed by Lee County in conjunction with Lee County's Federally Qualified Health Center.	20%
Plan Administration	10%

b. Reimbursement Categories

Physician Emergency and Trauma Care and follow up care in Physician Offices	20%
Hospital Emergency Care	35%

The Council may recommend to the Lee County Board of County Commissioners a re-allocation of excess funds from one category to another in accordance with community needs, consistent with the objectives of the Plan. Any excess funds remaining at the end of the fiscal year of the Plan shall be carried over for use in the following and future years.

8. Funding of Critical Community Health Care Services

Timely access to trauma care provided by a State-approved Trauma Center is of critical significance to the outcome of trauma patients. Moreover, access to health care in the most cost-effective health care delivery setting maximizes the efficiency of emergency services. Thus, the Lee County Board of County Commissioners finds the health care services listed below are innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

a. Trauma Services

The funds allocated for Lee County's state-approved Level II Trauma Center shall be disbursed to the organization holding the Lee County State-approved Trauma Center designation exclusively for the operational cost of the Trauma Center. Operations cost include, but are not limited to, the costs of employed physicians

and employed staff and ancillary support services. Services provided by the Trauma Center shall not be eligible for reimbursement under the Plan. The organization holding Lee County's State-approved Trauma Center designation shall provide an annual accounting of the uses of the disbursed funds.

b. Primary and Preventive Urgent Care, Emergency Behavioral & Mental Health Crisis Stabilization Care, Rape Trauma Counseling and Treatment, and Enhanced Emergency Response

The funds allocated for Primary and Preventive Urgent Care, Emergency Behavioral & Mental Health Crisis Stabilization Care, Rape Trauma Counseling and Treatment, and Enhanced Emergency Response shall be disbursed to providers and agencies in accordance with a distribution formula approved by the Council, consistent with the objectives of this Plan. Services funded in accordance with the formula approved by the Council shall not be eligible for reimbursement under the Plan. The Council shall, as a condition of distribution of funds, require that any and all providers or agencies receiving such funds shall provide an annual accounting of the uses of the disbursed funds.

9. **Definitions**

- a. "Emergency Services and Care" means medical screening, examination, and evaluation by a physician, or to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition exists, and if it does, the care treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the service capability of the facility. F.S. 395.002(10).
- b. "Emergency Medical Condition" means (a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, such that the absence of immediate medical attention could reasonably be expected to result in any of the following: serious jeopardy to patient health, including a pregnant woman or fetus; serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. (b) With respect to a pregnant woman: that there is inadequate time to effect safe transfer to another hospital prior to delivery; that a transfer may pose a threat to the health and safety of the patient or fetus; or that there is evidence of the onset and persistence of uterine contractions or rupture of the membranes. F.S. 395.002(9).
- c. "Federal Poverty Guideline" or "Federal Poverty Level" means the income guideline established by the Federal government on an annual basis which identifies poverty level for single individuals and families.
- d. "Fiscal Year" means the same fiscal year as the Lee County Government.

- e. "Hospital" means a facility licensed by the State of Florida under chapter 395 of the Florida Statutes, which meets the definition of hospital as set forth in §395.002(13).
- f. "Insufficient third party insurance coverage" means there is no health insurance coverage for a service for which reimbursement is sought under the Plan.
- g. "Physician" means an individual licensed by the State of Florida to practice under Chapter 458 and Chapter 459 of the Florida Statutes.
- h. "State-approved Trauma Center" means a hospital that has successfully completed the selection process pursuant to Florida law and has been approved by the Florida Department of Health to operate as a trauma center in the state of Florida.
- i. "Urgent Care" means medical screening, examination, evaluation, care and treatment by a physician, or other qualified personnel to the extent provided by law, for an illness or injury that is not life-threatening but which requires prompt medical attention to prevent the onset of an emergency medical condition.

NOTICE OF SPECIAL ELECTION

PLEASE TAKE NOTICE that on Tuesday, November 5, 2002, there will be conducted and held, a County-wide Special Referendum Election at which the duly qualified voters of Lee County, Florida, will be asked if they approve or disapprove of the adoption of Lee County Ordinance No. 02-____, providing for the imposition and levy therein of a Voter-Approved Indigent Care Surtax of one-half percent ($\frac{1}{2}\%$), thus being a one-half cents ($\frac{1}{2}\phi$) per dollar sale sales surtax within Lee County on transactions so taxable under Chapter 212, Florida Statutes, to become effective, if approved, on January 1, 2003, and ending on December 31, 2012, unless Section 212.055(7), Florida Statutes, is repealed and not reenacted by the Florida Legislature by October 1, 2005, pursuant to law.

Lee County Ordinance No. 02-____ and the surtax levy thereon, which are subject to the Special Referendum Election, are proposed for imposition pursuant to Section 212.055(7), Florida Statutes. The form of ballot will read substantially as follows:

Official Ballot

Referendum for a Lee County Emergency, Trauma and Essential Health Care One-Half Cents Surtax

Shall Lee County Ordinance No. 02-____ be approved, levying a Countywide one-half cents ($\frac{1}{2}\phi$) per dollar sale surtax beginning January 1, 2003, to finance essential health care services pursuant to a Medical Plan for Qualified Lee County Residents, including trauma and emergency services, primary, preventive, hospital and mental health care, and compensation for service providers per Section 212.055(7), F.S., for 10 years if that Section is reenacted by October 1, 2005?

_____ For the one-half cents tax

_____ Against the one-half cents tax

EXHIBIT B

A majority vote of the qualified electors for the one-half cents ($\frac{1}{2}\phi$) tax will approve Lee County Ordinance No. 02-____ and the effective levy of the tax. A majority vote of the qualified electors against the one-half cents ($\frac{1}{2}\phi$) surtax will disapprove Lee County Ordinance No. 02-____, and the tax will not become effective.

The election will be conducted between the hours of 7:00 a.m. and 7:00 p.m.. All duly registered voters of Lee County may participate in the election. A copy of this Notice, a copy of Ordinance No. 02-____ with the Medical Plan and implementing Resolution No. ____ are on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, 2115 Second Street, Fort Myers, Florida 33901, and may be inspected or copied during regular business hours. Copies of the Notice, Ordinance and Resolution are also available to the public at the Information Desk on the first floor lobby of the Courthouse Administration Building.

Information concerning voter registration and precinct locations may be obtained from the Office of the Supervisor of Elections, Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida, Telephone number: (239) 339-6300.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 101.161, Florida Statutes (2001) and other provisions of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

Ad Size: 1/4 page

Publishing Dates: _____

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 9th day of July, 2002, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE IMPOSING AN INDIGENT CARE ONE-HALF PERCENT SURTAX (ONE-HALF CENTS [$\frac{1}{2}\%$] ON EACH ONE DOLLAR SALE) ON CERTAIN TRANSACTIONS OCCURRING WITHIN LEE COUNTY FROM WHICH TAXES ARE PAYABLE TO THE STATE OF FLORIDA UNDER THE PROVISIONS OF CHAPTER 212, FLORIDA STATUTES; PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL NOT BE EFFECTIVE UNLESS APPROVED AT A SPECIAL REFERENDUM ELECTION; PROVIDING THAT THE IMPOSITION OF THE ONE-HALF CENTS SURTAX SHALL BE EFFECTIVE FOR A PERIOD OF TEN YEARS, BEGINNING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2012, UNLESS FLORIDA STATUTE SECTION 212.055(7) IS NOT REENACTED BY THE LEGISLATURE, THEREBY REPEALING THAT SECTION AS OF OCTOBER 1, 2005; PROVIDING A PLAN FOR PROVIDING HEALTH CARE SERVICES TO QUALIFIED RESIDENTS; PROVIDING FOR THE PURPOSE OF EXPENDITURES AND PROJECTS ("THE MEDICAL PLAN"); DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A SPECIAL REFERENDUM ELECTION ON NOVEMBER 5, 2002; PROVIDING BALLOT LANGUAGE AND A BRIEF DESCRIPTION OF HEALTH CARE SERVICES TO BE FUNDED; PROVIDING DEFINITIONS; DIRECTING THE SPECIAL REFERENDUM ELECTION IN ACCORDANCE WITH LAW; PROVIDING FOR CODIFICATION IN THE LEE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during

regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2001).

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By: James Yaeger
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: 6/25/02 & 7/2/02

LEE COUNTY RESOLUTION NO. ____

A RESOLUTION PRESENTING A REFERENDUM QUESTION FOR A PROPOSED LEE COUNTY QUALIFIED RESIDENTS ONE-HALF PERCENT ($\frac{1}{2}\%$) [ONE-HALF CENTS ($\frac{1}{2}$ ¢)] SURTAX, PURSUANT TO LEE COUNTY ORDINANCE NO. 02-____.

WHEREAS, Section 212.055(7), Florida Statutes, authorizes Lee County to impose a discretionary surtax of one-half percent ($\frac{1}{2}\%$) upon identified taxable transactions occurring within Lee County and taxable under Chapter 212 of the Florida Statutes; and

WHEREAS, a one-half percent ($\frac{1}{2}\%$) surtax would, under current state sales tax rates, result in a one-half cents ($\frac{1}{2}$ ¢) surtax on each one dollar (\$1.00) sale; and

WHEREAS, monies received from the local government Indigent Care Surtax as authorized by Section 212.055(7), Florida Statutes, shall be utilized by Lee County solely for providing a broad range of health care services to qualified residents; and

WHEREAS, the provision of a viable organized delivery system of health care, trauma and emergency services to qualified residents is a matter of public concern to the citizens of Lee County; and

WHEREAS, the levy of the indigent care one-half percent ($\frac{1}{2}\%$) surtax serves a public purpose and will be to the public's benefit to assure the effective delivery of trauma, emergency and health care services; and

WHEREAS, the Board of County Commissioners is required to call an election referendum to determine whether the Voter-Approved Indigent Care one-half percent ($\frac{1}{2}\%$) [one-half cents] ($\frac{1}{2}$ ¢) surtax as proposed by Ordinance No. 02-____ shall be adopted; and

WHEREAS, Section 11, Ch. 2000-312, Florida Laws, provides that Section 212.055(7), Florida Statutes, shall be reviewed by the Legislature prior to October 1, 2005, and shall be repealed on that date unless reenacted by the Legislature.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Resolution is authorized by Section 125.01, Florida Statutes, Lee County Ordinance No. 02-____, and other applicable Florida law.

2. The referendum question as called for per Lee County Ordinance No. 02-____, and as further stated and incorporated herein by Exhibit "A" hereto shall take effect if approved by a majority of the qualified electors of the County voting on said county-wide special referendum question in the general election of November 5, 2002. All duly registered voters of the County, without regard to party affiliation, are allowed to participate or vote in such Special Referendum Election.

3. The Supervisor of Elections of Lee County is hereby directed to present the attached ballot question (Exhibit "A" hereto) to the voters of Lee County, Florida, and to hold the Special Referendum Election thereon, on the general election date of November 5, 2002.

4. The Special Referendum Election shall be held at the polling places duly designated in each precinct in Lee County and be conducted by election officials duly appointed by applicable general law. The hours of election, absentee voting, canvassing, delivery of ballots and publication of notice of the referendum question shall be as provided by the requirements of law. Said election and all proceedings shall be conducted according to the requirements of the Florida Election Laws.

5. The Board of County Commissioners or its designees are hereby authorized to take all lawful actions necessary in order that this referendum question is properly placed on the ballot for the general election date of November 5, 2002.

6. A copy of Exhibit A hereto shall be advertised in accordance with the provisions of Section 100.342, Florida Statutes, to insure public notice of the referendum question. Proof of publication shall be provided to the Chairman of the Board of County Commissioners of Lee County upon such publication being made.

This Resolution shall become effective immediately upon its adoption. The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, was as follows:

Bob Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Andrew Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this ____ day of _____, 2002.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

NOTICE OF SPECIAL ELECTION

PLEASE TAKE NOTICE that on Tuesday, November 5, 2002, there will be conducted and held, a County-wide Special Referendum Election at which the duly qualified voters of Lee County, Florida, will be asked if they approve or disapprove of the adoption of Lee County Ordinance No. 02-____, providing for the imposition and levy therein of a Voter-Approved Indigent Care Surtax of one-half percent (½%), thus being a one-half cents (½¢) per dollar sale sales surtax within Lee County on transactions so taxable under Chapter 212, Florida Statutes, to become effective, if approved, on January 1, 2003, and ending on December 31, 2012, unless Section 212.055(7), Florida Statutes, is repealed and not reenacted by the Florida Legislature by October 1, 2005, pursuant to law.

Lee County Ordinance No. 02-____ and the surtax levy thereon, which are subject to the Special Referendum Election, are proposed for imposition pursuant to Section 212.055(7), Florida Statutes. The form of ballot will read substantially as follows:

Official Ballot

Referendum for a Lee County
Emergency, Trauma and Essential Health Care
One-Half Cents Surtax

Shall Lee County Ordinance No. 02-____ be approved, levying a Countywide one-half cents (½¢) per dollar sale surtax beginning January 1, 2003, to finance essential health care services pursuant to a Medical Plan for Qualified Lee County Residents, including trauma and emergency services, primary, preventive, hospital and mental health care, and compensation for service providers per Section 212.055(7), F.S., for 10 years if that Section is reenacted by October 1, 2005?

- _____ For the one-half cents tax
- _____ Against the one-half cents tax

EXHIBIT A

A majority vote of the qualified electors for the one-half cents (½¢) tax will approve Lee County Ordinance No. 02-____ and the effective levy of the tax. A majority vote of the qualified electors against the one-half cents (½¢) surtax will disapprove Lee County Ordinance No. 02-____, and the tax will not become effective.

The election will be conducted between the hours of 7:00 a.m. and 7:00 p.m.. All duly registered voters of Lee County may participate in the election. A copy of this Notice, a copy of Ordinance No. 02-____ with the Medical Plan and implementing Resolution No. ____ are on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, 2115 Second Street, Fort Myers, Florida 33901, and may be inspected or copied during regular business hours. Copies of the Notice, Ordinance and Resolution are also available to the public at the Information Desk on the first floor lobby of the Courthouse Administration Building.

Information concerning voter registration and precinct locations may be obtained from the Office of the Supervisor of Elections, Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida, Telephone number: (239) 339-6300.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 101.161, Florida Statutes (2001) and other provisions of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

Ad Size: 1/4 page

Publishing Dates: _____