

1                   A bill to be entitled  
2           An act relating to discretionary sales  
3           surtaxes; amending s. 212.055, F.S.; correcting  
4           an obsolete reference; postponing the  
5           expiration date for the indigent care surtax;  
6           requiring an extraordinary vote of a county  
7           commission to extend a surtax; providing an  
8           effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsection (4) of section 212.055, Florida  
13   Statutes, 1996 Supplement, is amended to read:

14           212.055 Discretionary sales surtaxes; legislative  
15   intent; authorization and use of proceeds.--It is the  
16   legislative intent that any authorization for imposition of a  
17   discretionary sales surtax shall be published in the Florida  
18   Statutes as a subsection of this section, irrespective of the  
19   duration of the levy. Each enactment shall specify the types  
20   of counties authorized to levy; the rate or rates which may be  
21   imposed; the maximum length of time the surtax may be imposed,  
22   if any; the procedure which must be followed to secure voter  
23   approval, if required; the purpose for which the proceeds may  
24   be expended; and such other requirements as the Legislature  
25   may provide. Taxable transactions and administrative  
26   procedures shall be as provided in s. 212.054.

27           (4) INDIGENT CARE SURTAX.--

28           (a) The governing body in each county the government  
29   of which is not consolidated with that of one or more  
30   municipalities, which has a population of at least 800,000  
31   residents and is not authorized to levy a surtax under

1 subsection (5) or subsection (6), may levy, pursuant to an  
2 ordinance either approved by an extraordinary vote of the  
3 governing body or conditioned to take effect only upon  
4 approval by a majority vote of the electors of the county  
5 voting in a referendum, a discretionary sales surtax at a rate  
6 that may not exceed 0.5 percent. ~~Any county that levies the~~  
7 ~~surtax authorized by this subsection shall continue to expend~~  
8 ~~county funds for the medically poor and related health~~  
9 ~~services in an amount equal to the amount that it expended for~~  
10 ~~the medically poor and related health services in the fiscal~~  
11 ~~year preceding the adoption of the authorizing ordinance.~~

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) Notwithstanding s. 212.054(5), the sales surtax  
23 may take effect on the first day of any month, as fixed by the  
24 ordinance adopted pursuant to paragraph (a), but may not take  
25 effect until at least 60 days after the date of adoption of  
26 the ordinance adopted pursuant to paragraph (a) or, if the  
27 surtax is made subject to a referendum, at least 60 days after  
28 the date of approval by the electors of the ordinance adopted  
29 pursuant to paragraph (a).

30 (d) The ordinance adopted by the governing body  
31 providing for the imposition of the surtax shall set forth a

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

1 (e) For the purpose of this subsection, the term  
2 "qualified resident" means residents of the authorizing county  
3 who are:

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

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

16 3. Participating in innovative, cost-effective  
17 programs approved by the authorizing county.

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

24 1. Maintain the moneys in an indigent health care  
25 trust fund;

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

28 3. Disburse the funds, including any interest earned,  
29 to any provider of health care services, as provided in  
30 paragraphs (d) and (e), upon directive from the authorizing  
31 county.

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

5 (h) This subsection expires October 1, 2005 ~~1998~~.

6 Section 2. Any county which levied the tax prior to  
7 October 1, 1998, must adopt an ordinance, by an extraordinary  
8 vote, to extend the surtax to October 1, 2005, and to  
9 specifically authorize the provision of s. 212.055(4)(a)  
10 relating to the amount of the tax to be levied.

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