

By Representative Martinez

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 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (4) of section 212.055, Florida
11 Statutes, 1996 Supplement, is amended to read:

12 212.055 Discretionary sales surtaxes; legislative
13 intent; authorization and use of proceeds.--It is the
14 legislative intent that any authorization for imposition of a
15 discretionary sales surtax shall be published in the Florida
16 Statutes as a subsection of this section, irrespective of the
17 duration of the levy. Each enactment shall specify the types
18 of counties authorized to levy; the rate or rates which may be
19 imposed; the maximum length of time the surtax may be imposed,
20 if any; the procedure which must be followed to secure voter
21 approval, if required; the purpose for which the proceeds may
22 be expended; and such other requirements as the Legislature
23 may provide. Taxable transactions and administrative
24 procedures shall be as provided in s. 212.054.

25 (4) INDIGENT CARE SURTAX.--

26 (a) The governing body in each county the government
27 of which is not consolidated with that of one or more
28 municipalities, which has a population of at least 800,000
29 residents and is not authorized to levy a surtax under
30 subsection (5) or subsection (6), may levy, pursuant to an
31 ordinance either approved by an extraordinary vote of the

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

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

16
17 FOR THE . . . CENTS TAX
18 AGAINST THE . . . CENTS TAX
19

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

28 (d) The ordinance adopted by the governing body
29 providing for the imposition of the surtax shall set forth a
30 plan for providing health care services to qualified
31 residents, as defined in paragraph (e). Such plan and

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

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, 2008 ~~1998~~.

6 Section 2. This act shall take effect upon becoming a
7 law.

8
9 *****

10 HOUSE SUMMARY

11 Postpones the 1998 expiration date for the indigent care
12 discretionary sales surtax to 2008.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31