

By Senator Mitchell

4-1265-00

See HB 531

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A bill to be entitled  
An act relating to discretionary sales  
surtaxes; amending s. 212.055, F.S.; reducing  
the minimum population requirement applicable  
to counties authorized to impose the indigent  
care surtax; deleting an obsolete reference;  
providing an effective date.

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

Section 1. Subsection (4) of section 212.055, Florida  
Statutes, is amended to read:

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

(4) INDIGENT CARE SURTAX.--

(a) The governing body in each county the government  
of which is not consolidated with that of one or more  
municipalities, which has a population of at least 190,000  
~~800,000~~ residents and is not authorized to levy a surtax under  
subsection (5) ~~or subsection (6)~~, may levy, pursuant to an

1 ordinance either approved by an extraordinary vote of the  
2 governing body or conditioned to take effect only upon  
3 approval by a majority vote of the electors of the county  
4 voting in a referendum, a discretionary sales surtax at a rate  
5 that may not exceed 0.5 percent.

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

12  
13 FOR THE. . . .CENTS TAX  
14 AGAINST THE. . . .CENTS TAX  
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16 (c) The ordinance adopted by the governing body  
17 providing for the imposition of the surtax shall set forth a  
18 plan for providing health care services to qualified  
19 residents, as defined in paragraph (d). Such plan and  
20 subsequent amendments to it shall fund a broad range of health  
21 care services for both indigent persons and the medically  
22 poor, including, but not limited to, primary care and  
23 preventive care as well as hospital care. It shall emphasize  
24 a continuity of care in the most cost-effective setting,  
25 taking into consideration both a high quality of care and  
26 geographic access. Where consistent with these objectives, it  
27 shall include, without limitation, services rendered by  
28 physicians, clinics, community hospitals, mental health  
29 centers, and alternative delivery sites, as well as at least  
30 one regional referral hospital where appropriate. It shall  
31 provide that agreements negotiated between the county and

1 providers will include reimbursement methodologies that take  
2 into account the cost of services rendered to eligible  
3 patients, recognize hospitals that render a disproportionate  
4 share of indigent care, provide other incentives to promote  
5 the delivery of charity care, and require cost containment  
6 including, but not limited to, case management. It must also  
7 provide that any hospitals that are owned and operated by  
8 government entities on May 21, 1991, must, as a condition of  
9 receiving funds under this subsection, afford public access  
10 equal to that provided under s. 286.011 as to meetings of the  
11 governing board, the subject of which is budgeting resources  
12 for the rendition of charity care as that term is defined in  
13 the Florida Hospital Uniform Reporting System (FHURS) manual  
14 referenced in s. 408.07. The plan shall also include  
15 innovative health care programs that provide cost-effective  
16 alternatives to traditional methods of service delivery and  
17 funding.

18 (d) For the purpose of this subsection, the term  
19 "qualified resident" means residents of the authorizing county  
20 who are:

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

23 2. Certified by the authorizing county as meeting the  
24 definition of the medically poor, defined as persons having  
25 insufficient income, resources, and assets to provide the  
26 needed medical care without using resources required to meet  
27 basic needs for shelter, food, clothing, and personal  
28 expenses; or not being eligible for any other state or federal  
29 program, or having medical needs that are not covered by any  
30 such program; or having insufficient third-party insurance

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1 coverage. In all cases, the authorizing county is intended to  
2 serve as the payor of last resort; or

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

5 (e) Moneys collected pursuant to this subsection  
6 remain the property of the state and shall be distributed by  
7 the Department of Revenue on a regular and periodic basis to  
8 the clerk of the circuit court as ex officio custodian of the  
9 funds of the authorizing county. The clerk of the circuit  
10 court shall:

11 1. Maintain the moneys in an indigent health care  
12 trust fund;

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

15 3. Disburse the funds, including any interest earned,  
16 to any provider of health care services, as provided in  
17 paragraphs (c) and (d), upon directive from the authorizing  
18 county.

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

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

24 Section 2. This act shall take effect upon becoming a  
25 law.

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28 LEGISLATIVE SUMMARY

29 Reduces the minimum population requirement applicable to  
30 counties authorized to impose the indigent care  
discretionary sales surtax from 800,000 to 190,000.

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