

By the Committees on Fiscal Resource; Comprehensive Planning,
Local and Military Affairs; and Senators Mitchell and Lee

314-2219A-00

1 A bill to be entitled
2 An act relating to discretionary sales
3 surtaxes; amending s. 212.055, F.S.; expanding
4 the authorized use of the indigent care surtax
5 to include trauma centers; renaming the surtax;
6 requiring the plan set out in the ordinance to
7 include additional provisions concerning Level
8 I trauma centers; providing requirements for
9 annual disbursements to hospitals on October 1
10 to be in recognition of the Level I trauma
11 status and to be in addition to a base contract
12 amount plus any negotiated additions to
13 indigent care funding; authorizing funds
14 received to be used to generate federal
15 matching funds under certain conditions and
16 authorizing payment by the clerk of the courts;
17 authorizing certain counties to levy a
18 voter-approved indigent care surtax; providing
19 for the surtax to be conditioned upon approval
20 by a majority vote of the electors; limiting
21 the rate of the surtax; providing requirements
22 for the ordinance adopted by the governing body
23 of the county which imposes the surtax;
24 providing for proceeds of the surtax to be used
25 to provide health care services to qualified
26 residents; defining the term "qualified
27 resident"; providing for the administration of
28 proceeds collected pursuant to the surtax;
29 limiting the total amount of certain local
30 option sales surtaxes that may be imposed by a
31 county; authorizing certain school districts to

1 levy additional discretionary millage;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (4) of section 212.055, Florida
7 Statutes, is amended, and subsection (7) is added to that
8 section, to read:

9 212.055 Discretionary sales surtaxes; legislative
10 intent; authorization and use of proceeds.--It is the
11 legislative intent that any authorization for imposition of a
12 discretionary sales surtax shall be published in the Florida
13 Statutes as a subsection of this section, irrespective of the
14 duration of the levy. Each enactment shall specify the types
15 of counties authorized to levy; the rate or rates which may be
16 imposed; the maximum length of time the surtax may be imposed,
17 if any; the procedure which must be followed to secure voter
18 approval, if required; the purpose for which the proceeds may
19 be expended; and such other requirements as the Legislature
20 may provide. Taxable transactions and administrative
21 procedures shall be as provided in s. 212.054.

22 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

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

1 voting in a referendum, a discretionary sales surtax at a rate
2 that may not exceed 0.5 percent.

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

9
10 FOR THE. . . .CENTS TAX
11 AGAINST THE. . . .CENTS TAX
12

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

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

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

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

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

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. However, if a county has a population of at least
19 800,000 residents and has levied the surtax authorized in this
20 subsection, notwithstanding any directive from the authorizing
21 county, on October 1 of each calendar year, the clerk of the
22 court shall issue a check in the amount of \$6.5 million to a
23 hospital in its jurisdiction that has a Level I trauma center
24 or shall issue a check in the amount of \$3.5 million to a
25 hospital in its jurisdiction that has a Level I trauma center
26 if that county enacts and implements a hospital lien law in
27 accordance with chapter 98-499, Laws of Florida. The issuance
28 of the checks on October 1 of each year is provided in
29 recognition of the Level I trauma center status and shall be
30 in addition to the base contract amount received during fiscal
31 year 1999-2000 and any additional amount negotiated to the

1 base contract. If the hospital receiving funds for its Level I
2 trauma center status requests such funds to be used to
3 generate federal matching funds under Medicaid, the clerk of
4 the court shall instead issue a check to the Agency for Health
5 Care Administration to accomplish that purpose to the extent
6 that it is allowed through the General Appropriations Act.

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

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

12 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

13 (a) The governing body in each county that has a
14 population of less than 800,000 residents may levy an indigent
15 care surtax pursuant to an ordinance conditioned to take
16 effect only upon approval by a majority vote of the electors
17 of the county voting in a referendum. The surtax may be levied
18 at a rate not to exceed 0.5 percent.

19 (b) A statement that includes a brief and general
20 description of the purposes to be funded by the surtax and
21 that conforms to the requirements of s. 101.161 shall be
22 placed on the ballot by the governing body of the county. The
23 following questions shall be placed on the ballot:

24
25 FOR THE. . . .CENTS TAX
26 AGAINST THE. . . .CENTS TAX
27

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

1 subsequent amendments to it shall fund a broad range of health
2 care services for indigent persons and the medically poor,
3 including, but not limited to, primary care and preventive
4 care, as well as hospital care. It shall emphasize a
5 continuity of care in the most cost-effective setting, taking
6 into consideration a high quality of care and geographic
7 access. Where consistent with these objectives, it shall
8 include, without limitation, services rendered by physicians,
9 clinics, community hospitals, mental health centers, and
10 alternative delivery sites, as well as at least one regional
11 referral hospital where appropriate. It shall provide that
12 agreements negotiated between the county and providers will
13 include reimbursement methodologies that take into account the
14 cost of services rendered to eligible patients, recognize
15 hospitals that render a disproportionate share of indigent
16 care, provide other incentives to promote the delivery of
17 charity care, and require cost containment including, but not
18 limited to, case management. The plan must also include
19 innovative health care programs that provide cost-effective
20 alternatives to traditional methods of service delivery and
21 funding.

22 (d) For the purpose of this subsection, the term
23 "qualified resident" means residents of the authorizing county
24 who are:

25 1. Qualified as indigent persons as certified by the
26 authorizing county;

27 2. Certified by the authorizing county as meeting the
28 definition of the medically poor, defined as persons having
29 insufficient income, resources, and assets to provide the
30 needed medical care without using resources required to meet
31 basic needs for shelter, food, clothing, and personal

1 expenses; not being eligible for any other state or federal
2 program or having medical needs that are not covered by any
3 such program; or having insufficient third-party insurance
4 coverage. In all cases, the authorizing county shall serve as
5 the payor of last resort; or

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

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

14 1. Maintain the moneys in an indigent health care
15 trust fund;

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

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

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

26 Section 2. Notwithstanding the General Appropriations
27 Act for 2000-2001, those school districts that have submitted
28 proposals to be a charter school district under section
29 228.058, Florida Statutes, prior to March 1, 2000, may levy up
30 to 1.0 additional discretionary school millage, for 1 year
31

1 only, to provide funds necessary to implement the transition
2 to charter district status.

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

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 1394

- 9 1) Increases the amount of money the clerk of the court
10 must issue a county that has levied the indigent health
11 and trauma center surtax to a help fund its Level I
12 trauma center from \$6.0 million to \$6.5 million and the
13 alternative amount from \$3.0 million to \$3.5 million.
14 2) Provides that if the hospital receiving funds for its
15 Level I trauma center status requests such funds to be
16 used to generate federal matching funds under Medicaid,
17 the clerk of the court shall instead issue a check to
18 the AHCA to accomplish that purpose.
19 3) Authorizes those school districts that have submitted
20 proposals to be a charter school district under s.
21 228.058, F.S., prior to March 1, 2000, to levy up to 1.0
22 additional discretionary school millage, for one year
23 only, to provide funds necessary to implement the
24 transition to charter district status.
25
26
27
28
29
30
31