

Bill No. HB 349, 2nd Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Hargrett and Lee moved the following amendment to		
12	amendment (592272):		
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14	<b>Senate Amendment (with title amendment)</b>		
15	On page 50, between lines 20 and 21,		
16			
17	insert:		
18	Section 22. Subsection (4) of section 212.055, Florida		
19	Statutes, is amended to read:		
20	212.055 Discretionary sales surtaxes; legislative		
21	intent; authorization and use of proceeds.--It is the		
22	legislative intent that any authorization for imposition of a		
23	discretionary sales surtax shall be published in the Florida		
24	Statutes as a subsection of this section, irrespective of the		
25	duration of the levy. Each enactment shall specify the types		
26	of counties authorized to levy; the rate or rates which may be		
27	imposed; the maximum length of time the surtax may be imposed,		
28	if any; the procedure which must be followed to secure voter		
29	approval, if required; the purpose for which the proceeds may		
30	be expended; and such other requirements as the Legislature		
31	may provide. Taxable transactions and administrative		

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1 procedures shall be as provided in s. 212.054.

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

3 (a) The governing body in each county the government  
4 of which is not consolidated with that of one or more  
5 municipalities, which has a population of at least 800,000  
6 residents and is not authorized to levy a surtax under  
7 subsection (5) or subsection (6), may levy, pursuant to an  
8 ordinance either approved by an extraordinary vote of the  
9 governing body or conditioned to take effect only upon  
10 approval by a majority vote of the electors of the county  
11 voting in a referendum, a discretionary sales surtax at a rate  
12 that may not exceed 0.5 percent.

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

19

20 FOR THE. . . .CENTS TAX

21 AGAINST THE. . . .CENTS TAX

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23 (c) The ordinance adopted by the governing body  
24 providing for the imposition of the surtax shall set forth a  
25 plan for providing health care services to qualified  
26 residents, as defined in paragraph (d). Such plan and  
27 subsequent amendments to it shall fund a broad range of health  
28 care services for both indigent persons and the medically  
29 poor, including, but not limited to, primary care and  
30 preventive care as well as hospital care. The plan must also  
31 address the services to be provided by the Level I trauma

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

29 (d) For the purpose of this subsection, the term  
30 "qualified resident" means residents of the authorizing county  
31 who are:

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

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

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

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

21           1. Maintain the moneys in an indigent health care  
22 trust fund;

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

25           3. Disburse the funds, including any interest earned,  
26 to any provider of health care services, as provided in  
27 paragraphs (c) and (d), upon directive from the authorizing  
28 county. However, if a county has a population of at least  
29 800,000 residents and has levied the surtax authorized in this  
30 subsection, notwithstanding any directive from the authorizing  
31 county, on October 1 of each calendar year, the clerk of the

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1 court shall issue a check in the amount of \$6.5 million to a  
2 hospital in its jurisdiction that has a Level I trauma center  
3 or shall issue a check in the amount of \$3.5 million to a  
4 hospital in its jurisdiction that has a Level I trauma center  
5 if that county enacts and implements a hospital lien law in  
6 accordance with chapter 98-499, Laws of Florida. The issuance  
7 of the checks on October 1 of each year is provided in  
8 recognition of the Level I trauma center status and shall be  
9 in addition to the base contract amount received during fiscal  
10 year 1999-2000 and any additional amount negotiated to the  
11 base contract. If the hospital receiving funds for its Level I  
12 trauma center status requests such funds to be used to  
13 generate federal matching funds under Medicaid, the clerk of  
14 the court shall instead issue a check to the Agency for Health  
15 Care Administration to accomplish that purpose to the extent  
16 that it is allowed through the General Appropriations Act.

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

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

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23 (Redesignate subsequent sections.)

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 54, line 6, after the semicolon,

29

30 insert:

31 amending s. 212.055, F.S.; expanding the

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1 authorized use of the indigent care surtax to  
2 include trauma centers; renaming the surtax;  
3 requiring the plan set out in the ordinance to  
4 include additional provisions concerning Level  
5 I trauma centers; providing requirements for  
6 annual disbursements to hospitals on October 1  
7 to be in recognition of the Level I trauma  
8 center status and to be in addition to a base  
9 contract amount, plus any negotiated additions  
10 to indigent care funding; authorizing funds  
11 received to be used to generate federal  
12 matching funds under certain conditions and  
13 authorizing payment by the clerk of the court;

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