

Bill No. HB 509, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Diaz de la Portilla moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 9, between lines 13 and 14,

15

16 insert:

17 Section 6. Paragraph (d) of subsection (5) of section
18 212.055, Florida Statutes, is amended, paragraph (e) is
19 redesignated as paragraph (f), and a new paragraph (e) is
20 added to said subsection, to read:

21 212.055 Discretionary sales surtaxes; legislative
22 intent; authorization and use of proceeds.--It is the
23 legislative intent that any authorization for imposition of a
24 discretionary sales surtax shall be published in the Florida
25 Statutes as a subsection of this section, irrespective of the
26 duration of the levy. Each enactment shall specify the types
27 of counties authorized to levy; the rate or rates which may be
28 imposed; the maximum length of time the surtax may be imposed,
29 if any; the procedure which must be followed to secure voter
30 approval, if required; the purpose for which the proceeds may
31 be expended; and such other requirements as the Legislature

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1 may provide. Taxable transactions and administrative
2 procedures shall be as provided in s. 212.054.

3 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as
4 defined in s. 125.011(1) may levy the surtax authorized in
5 this subsection pursuant to an ordinance either approved by
6 extraordinary vote of the county commission or conditioned to
7 take effect only upon approval by a majority vote of the
8 electors of the county voting in a referendum. In a county as
9 defined in s. 125.011(1), for the purposes of this subsection,
10 "county public general hospital" means a general hospital as
11 defined in s. 395.002 which is owned, operated, maintained, or
12 governed by the county or its agency, authority, or public
13 health trust.

14 (d) Except as provided in subparagraphs 1. and 2., the
15 county must ~~shall~~ continue to contribute each year an amount
16 equal to at least 80 percent of that percentage of the total
17 county budget appropriated for the operation, administration,
18 and maintenance of the county public general hospital from the
19 county's general revenues in the fiscal year of the county
20 ending September 30, 1991:

21 1. Twenty percent of such amount must be remitted to a
22 governing board, agency, or authority that is wholly
23 independent from the public health trust, agency, or authority
24 responsible for the county public general hospital, to be used
25 solely for the purpose of funding the plan for indigent health
26 care services provided for in paragraph (e);

27 2. However, in the first year of the plan, a total of
28 \$7 million shall be remitted to such governing board, agency,
29 or authority, to be used solely for the purpose of funding the
30 plan for indigent health care services provided for in
31 paragraph (e), and in the second year of the plan, a total of

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1 \$10 million shall be so remitted and used.

2 (e) A governing board, agency, or authority shall be
3 chartered by the county commission upon this act becoming law.
4 The governing board, agency, or authority shall adopt and
5 implement a health care plan for indigent health care
6 services. The governing board, agency, or authority shall
7 consist of nine no more than seven and no fewer than five
8 ~~members appointed by the county commission.~~ The members of
9 the governing board, agency, or authority shall be at least 18
10 years of age and residents of the county. No member or
11 immediate family member of a member may be employed by or
12 affiliated with a health care provider or the public health
13 trust, agency, or authority responsible for the county public
14 general hospital. The Governor, the President of the Senate,
15 and the Speaker of the House of Representatives shall each
16 submit a list of six names to the county commission for
17 appointment to the governing board, agency, or authority. The
18 commission shall appoint, by a two-thirds majority vote, two
19 members from each list of names submitted. In addition, the
20 South Florida Hospital and Health Care Association, the
21 Miami-Dade County Public Health Trust, and the Miami-Dade
22 County Homeless Trust shall each submit a list of four names
23 for appointment. The commission shall appoint one member, by a
24 two-thirds majority vote, from each list of names submitted.
25 ~~The following community organizations shall each appoint a~~
26 ~~representative to a nominating committee: the South Florida~~
27 ~~Hospital and Healthcare Association, the Miami-Dade County~~
28 ~~Public Health Trust, the Dade County Medical Association, the~~
29 ~~Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade~~
30 ~~County. This committee shall nominate between 10 and 14~~
31 ~~county citizens for the governing board, agency, or authority.~~

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1 ~~The slate shall be presented to the county commission and the~~
2 ~~county commission shall confirm the top five to seven~~
3 ~~nominees, depending on the size of the governing board.~~ Until
4 such time as the governing board, agency, or authority is
5 created, the funds provided for in subparagraph (d)2. shall be
6 placed in a restricted account set aside from other county
7 funds and not disbursed by the county for any other purpose.

8 1. The plan shall divide the county into a ~~minimum of~~
9 ~~four and~~ maximum of six service areas, with at least two no
10 ~~more than one~~ participant hospitals ~~hospital~~ per service area.
11 The county public general hospital shall be designated as the
12 provider for one of the service areas. Services shall be
13 provided through participants' primary acute care facilities.

14 2. The plan and subsequent amendments to it shall fund
15 a defined range of health care services for both indigent
16 persons and the medically poor, including primary care,
17 preventive care, hospital emergency room care, and hospital
18 care necessary to stabilize the patient. For the purposes of
19 this section, "stabilization" means stabilization as defined
20 in s. 397.311(30). Where consistent with these objectives, the
21 plan may include services rendered by physicians, clinics,
22 community hospitals, and alternative delivery sites, as well
23 as at least two regional referral hospitals per service area.
24 The plan shall provide that agreements negotiated between the
25 governing board, agency, or authority and providers shall
26 recognize hospitals that render a disproportionate share of
27 indigent care, provide other incentives to promote the
28 delivery of charity care to draw down federal funds where
29 appropriate, and require cost containment, including, but not
30 limited to, case management. From the funds specified in
31 subparagraphs (d)1. and 2. for indigent health care services,

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1 service providers shall receive reimbursement at a Medicaid
2 rate to be determined by the governing board, agency, or
3 authority created pursuant to this paragraph for the initial
4 emergency room visit, and a per-member per-month fee or
5 capitation for those members enrolled in their service area,
6 as compensation for the services rendered following the
7 initial emergency visit. Except for provisions of emergency
8 services, upon determination of eligibility, enrollment shall
9 be deemed to have occurred at the time services were rendered.
10 The provisions for specific reimbursement of emergency
11 services shall be repealed on July 1, 2001, unless otherwise
12 reenacted by the Legislature. The capitation amount or rate
13 shall be determined prior to program implementation by an
14 independent actuarial consultant. In no event shall such
15 reimbursement rates exceed the Medicaid rate. The plan must
16 also provide that any hospitals owned and operated by
17 government entities on or after the effective date of this act
18 must, as a condition of receiving funds under this subsection,
19 afford public access equal to that provided under s. 286.011
20 as to any meeting of the governing board, agency, or authority
21 the subject of which is budgeting resources for the retention
22 of charity care, as that term is defined in the rules of the
23 Agency for Health Care Administration. The plan shall also
24 include innovative health care programs that provide
25 cost-effective alternatives to traditional methods of service
26 and delivery funding.

27 3. The plan's benefits shall be made available to all
28 county residents currently eligible to receive health care
29 services as indigents or medically poor as defined in
30 paragraph (4)(d).

31 4. Eligible residents who participate in the health

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1 care plan shall receive coverage for a period of 12 months or
2 the period extending from the time of enrollment to the end of
3 the current fiscal year, per enrollment period, whichever is
4 less.

5 5. At the end of each fiscal year, the governing
6 board, agency, or authority shall prepare an audit that
7 reviews the budget of the plan, delivery of services, and
8 quality of services, and makes recommendations to increase the
9 plan's efficiency. The audit shall take into account
10 participant hospital satisfaction with the plan and assess the
11 amount of poststabilization patient transfers requested, and
12 accepted or denied, by the county public general hospital.

13 Section 7. The amendments to section 212.055(5),
14 Florida Statutes, made by this act shall be reviewed by the
15 Legislature prior to October 1, 2004, and shall be repealed on
16 that date unless otherwise reenacted by the Legislature.

17
18 (Redesignate subsequent sections.)

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20

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

22 And the title is amended as follows:

23 On page 1, line 21, after the second semicolon,
24
25 insert:

26 amending s. 212.055, F.S.; revising provisions
27 that require the counties authorized to levy
28 the surtax to annually appropriate a specified
29 minimum amount for operation, administration,
30 and maintenance of the county public general
31 hospital; providing procedure for disbursement

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1 of funds; requiring a governing board, agency,
2 or authority in such counties to adopt and
3 implement a health care plan for indigent
4 health care services; providing for appointment
5 of members of such entity; specifying
6 provisions of the plan; providing for annual
7 audit; providing for compensation to service
8 providers; providing for future review and
9 repeal;

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