

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Health Care Services offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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

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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 circuit court shall issue a check in the amount of \$6 million  
2 to a hospital in its jurisdiction that has a Level I trauma  
3 center. The issuance of the checks on October 1 of each year  
4 is provided in recognition of the Level I trauma center status  
5 and shall be in addition to the base contract amount received  
6 during fiscal year 1999-2000 and any additional amount  
7 negotiated to the base contract.

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

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

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

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

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

25  
26 FOR THE . . . CENTS TAX  
27 AGAINST THE . . . CENTS TAX  
28

29 (c) The ordinance adopted by the governing body  
30 providing for the imposition of the surtax must set forth a  
31 plan for providing health care services to qualified

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

23 (d) For the purpose of this subsection, "qualified  
24 residents" means residents of the authorizing county 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

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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.

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. This act shall take effect upon becoming a  
27 law.

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

31 And the title is amended as follows:

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