

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

2
3 Section 1. Subsection (4) of section 212.055, Florida
4 Statutes, is amended, and paragraph (d) of subsection (5) of
5 that section is amended, present paragraph (e) of subsection
6 (5) is redesignated as paragraph (f), and a new paragraph (e)
7 is added to that subsection, to read:

8 212.055 Discretionary sales surtaxes; legislative
9 intent; authorization and use of proceeds.--It is the
10 legislative intent that any authorization for imposition of a
11 discretionary sales surtax shall be published in the Florida
12 Statutes as a subsection of this section, irrespective of the
13 duration of the levy. Each enactment shall specify the types
14 of counties authorized to levy; the rate or rates which may be
15 imposed; the maximum length of time the surtax may be imposed,
16 if any; the procedure which must be followed to secure voter
17 approval, if required; the purpose for which the proceeds may
18 be expended; and such other requirements as the Legislature
19 may provide. Taxable transactions and administrative
20 procedures shall be as provided in s. 212.054.

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

22 (a) The governing body in each county the government
23 of which is not consolidated with that of one or more
24 municipalities, which has a population of at least 800,000
25 residents and is not authorized to levy a surtax under
26 subsection (5) or subsection (6), may levy, pursuant to an
27 ordinance either approved by an extraordinary vote of the
28 governing body or conditioned to take effect only upon
29 approval by a majority vote of the electors of the county
30 voting in a referendum, a discretionary sales surtax at a rate
31 that may not exceed 0.5 percent.

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

7
8 FOR THE. . . .CENTS TAX
9 AGAINST THE. . . .CENTS TAX

10
11 (c) The ordinance adopted by the governing body
12 providing for the imposition of the surtax shall set forth a
13 plan for providing health care services to qualified
14 residents, as defined in paragraph (d). Such plan and
15 subsequent amendments to it shall fund a broad range of health
16 care services for both indigent persons and the medically
17 poor, including, but not limited to, primary care and
18 preventive care as well as hospital care. The plan must also
19 address the services to be provided by the Level I trauma
20 center.It shall emphasize a continuity of care in the most
21 cost-effective setting, taking into consideration both a high
22 quality of care and geographic access. Where consistent with
23 these objectives, it shall include, without limitation,
24 services rendered by physicians, clinics, community hospitals,
25 mental health centers, and alternative delivery sites, as well
26 as at least one regional referral hospital where appropriate.
27 It shall provide that agreements negotiated between the county
28 and providers, including hospitals with a Level I trauma
29 center,will include reimbursement methodologies that take
30 into account the cost of services rendered to eligible
31 patients, recognize hospitals that render a disproportionate

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

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

- 20 1. Qualified as indigent persons as certified by the
21 authorizing county;
- 22 2. Certified by the authorizing county as meeting the
23 definition of the medically poor, defined as persons having
24 insufficient income, resources, and assets to provide the
25 needed medical care without using resources required to meet
26 basic needs for shelter, food, clothing, and personal
27 expenses; or not being eligible for any other state or federal
28 program, or having medical needs that are not covered by any
29 such program; or having insufficient third-party insurance
30 coverage. In all cases, the authorizing county is intended to
31 serve as the payor of last resort; or

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

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

9 1. Maintain the moneys in an indigent health care
10 trust fund;

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

13 3. Disburse the funds, including any interest earned,
14 to any provider of health care services, as provided in
15 paragraphs (c) and (d), upon directive from the authorizing
16 county. However, if a county has a population of at least
17 800,000 residents and has levied the surtax authorized in this
18 subsection, notwithstanding any directive from the authorizing
19 county, on October 1 of each calendar year, the clerk of the
20 court shall issue a check in the amount of \$6.5 million to a
21 hospital in its jurisdiction that has a Level I trauma center
22 or shall issue a check in the amount of \$3.5 million to a
23 hospital in its jurisdiction that has a Level I trauma center
24 if that county enacts and implements a hospital lien law in
25 accordance with chapter 98-499, Laws of Florida. The issuance
26 of the checks on October 1 of each year is provided in
27 recognition of the Level I trauma center status and shall be
28 in addition to the base contract amount received during fiscal
29 year 1999-2000 and any additional amount negotiated to the
30 base contract. If the hospital receiving funds for its Level I
31 trauma center status requests such funds to be used to

1 generate federal matching funds under Medicaid, the clerk of
2 the court shall instead issue a check to the Agency for Health
3 Care Administration to accomplish that purpose to the extent
4 that it is allowed through the General Appropriations Act.

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

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

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

21 (d) As provided in subparagraphs 1. and 2.,the county
22 must ~~shall~~ continue to contribute each year an amount equal to
23 at least 80 percent of that percentage of the total county
24 budget appropriated for the operation, administration, and
25 maintenance of the county public general hospital from the
26 county's general revenues in the fiscal year of the county
27 ending September 30, 1991, as follows:

28 1. Sixty-five percent of such amount must be promptly
29 and irrevocably remitted to the public health trust, agency,
30 or authority responsible for the county public general
31

1 hospital, to be used solely for the purpose of operating and
2 maintaining such hospital.

3 2. Thirty-five percent of such amount must be promptly
4 and irrevocably remitted to a governing board, agency, or
5 authority that is wholly independent from the public health
6 trust, agency, or authority responsible for the county public
7 general hospital, to be used solely for the purpose of funding
8 the plan for indigent health care services provided for in
9 paragraph (e).

10
11 The county shall not direct the public health trust, agency,
12 or authority responsible for the county public general
13 hospital to assume or revise the budget of the county public
14 general hospital to include financial responsibilities for any
15 health or nonhealth programs unrelated to the operation,
16 maintenance, or administration of the county public general
17 hospital or in any other manner divert funds of the county
18 public general hospital from the operation, administration, or
19 maintenance of the county public general hospital as of July
20 1, 2000.

21 (e) A governing board, agency, or authority shall be
22 chartered by the county commission upon this act becoming law.
23 The governing board, agency, or authority shall adopt and
24 implement a health care plan for indigent health care
25 services. The governing board, agency, or authority shall
26 consist of no more than seven and no fewer than five members
27 appointed by the county commission. The members of the
28 governing board, agency, or authority must be at least 18
29 years of age and residents of the county. No member may be
30 employed by or affiliated with a health care provider or the
31 public health trust, agency, or authority responsible for the

1 county public general hospital. Until the governing board,
2 agency, or authority is created, the funds provided for in
3 subparagraph (d)2. shall be placed in a restricted account set
4 aside from other county funds and not disbursed by the county
5 for any other purpose.

6 1. The plan shall divide the county into a minimum of
7 four and maximum of six service areas, with no more than one
8 participant hospital per service area. The county public
9 general hospital shall be designated as the provider for one
10 of the service areas. The plan shall also provide for a
11 children's pediatric hospital to provide services on a
12 county-wide basis. Services shall be provided through
13 participants' primary acute care facility.

14 2.a. The plan and subsequent amendments to it shall
15 fund a broad range of health care services for both indigent
16 persons and the medically poor, including, but not limited to,
17 primary care, preventive care, hospital emergency room care,
18 and hospital care necessary to stabilize the patient. As used
19 in this subparagraph, the term "stabilize" means to accomplish
20 stabilization as defined in s. 397.311. Where consistent with
21 these objectives, the plan shall include, without limitation,
22 services rendered by physicians, clinics, community hospitals,
23 mental health centers, and alternative delivery sites, as well
24 as at least one regional referral hospital per service area.
25 The plan shall provide that agreements negotiated between the
26 governing board, agency, or authority and the providers will
27 recognize hospitals that render a disproportionate share of
28 indigent care, provide other incentives to promote the
29 delivery of charity care to draw down federal funds where
30 appropriate, and require cost containment, including, but not
31 limited to, case management. Service providers will receive a

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

20 b. From the funds specified in sub-subparagraph a.,
21 service providers will receive reimbursement, on a
22 fee-for-service basis at a rate, not to exceed the rate for
23 Medicaid, to be determined by the governing board, agency, or
24 authority created under this paragraph, for the initial
25 emergency room visit and a per member per month fee or
26 capitation for those members enrolled in their service area as
27 compensation for the services rendered following the initial
28 emergency visit. Except for provisions of emergency services,
29 upon determination of eligibility, enrollment shall be deemed
30 to have occurred at the time services were rendered. This
31 sub-subparagraph expires July 1, 2001.

1 3. Post-stabilization services shall be provided to
2 all plan members by the county public general hospital. If the
3 post-stabilization services cannot be provided by the county
4 public general hospital and such services are provided instead
5 by the participant hospital, the public health trust, agency,
6 or authority responsible for the county public general
7 hospital shall compensate the participant hospital for such
8 post-stabilization services at a rate not to exceed the
9 federal Medicaid rate.

10 4. The plan's benefits shall be made available to all
11 county residents currently eligible to receive health care
12 services as indigents or medically poor as defined in
13 paragraph (4)(d).

14 5. Eligible residents who participate in the health
15 care plan shall receive coverage for a period of 12 months or
16 the period extending from the time of enrollment to the end of
17 the current fiscal year, per enrollment period, whichever is
18 less.

19 Section 2. This act shall take effect July 1, 2000.
20
21
22
23
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/CS/SB 802

- 1) Increases the amount of money the clerk of the court must issue a county that has levied the indigent health and trauma center surtax to a help fund its Level I trauma center from \$6.0 million to \$6.5 million and the alternative amount from \$3.0 million to \$3.5 million.
- 2) Provides that if the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the AHCA to accomplish that purpose.
- 3) Requires service providers to receive reimbursement, on a fee-for-service basis at a rate, not to exceed the rate for Medicaid, for the initial emergency room visit and a per member per month fee for those members enrolled in their service area as compensation for services rendered following the initial emergency visit.