

hbd-05

Bill No. HB 959, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

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11 Representative(s) Lawson offered the following:

12

13 **Amendment (with title amendment)**

14 On page 2, line 3,  
15 remove from the bill: all of said line

16

17 and insert in lieu thereof:

18 Section 2. Effective upon this act becoming a law,  
19 subsection (4) of section 212.055, Florida Statutes, is  
20 amended and subsection (7) is added to that section 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 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

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

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

20  
21 FOR THE. . . .CENTS TAX  
22 AGAINST THE. . . .CENTS TAX  
23

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

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

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

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1 who are:

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

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

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

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

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

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

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

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

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

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

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

15 (a) The governing body in each county that has a  
16 population of less than 800,000 residents may levy an indigent  
17 care surtax pursuant to an ordinance conditioned to take  
18 effect only upon approval by a majority vote of the electors  
19 of the county voting in a referendum. The surtax may be levied  
20 at a rate not to exceed 0.5 percent, except that if a publicly  
21 supported medical school is located in the county, the rate  
22 shall not exceed 1 percent.

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

28  
29 FOR THE. . .CENTS TAX  
30 AGAINST THE. . .CENTS TAX

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

26           (d) For the purpose of this subsection, "qualified  
27 residents" means residents of the authorizing county who are:

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

30           2. Certified by the authorizing county as meeting the  
31 definition of the medically poor, defined as persons having

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

9 3. Participating in innovative, cost-effective  
10 programs approved by the authorizing county.

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

17 1. Maintain the moneys in an indigent health care  
18 trust fund.

19 2. Invest any funds held on deposit in the trust fund  
20 pursuant to general law.

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

25 (f) Notwithstanding any other provision of this  
26 section, a county may not levy local option sales surtaxes  
27 authorized in this subsection and subsections (2) and (3) in  
28 excess of a combined rate of 1 percent or, if a publicly  
29 supported medical school is located in the county, in excess  
30 of a combined rate of 1.5 percent.

31 Section 3. Except as otherwise provided herein, this

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1 act shall take effect July 1, 2000.

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

5 And the title is amended as follows:

6 remove from the title of the bill: the entire title

7

8 and insert in lieu thereof:

9 An act relating to indigent health care;  
10 amending s. 154.306, F.S.; providing for  
11 excluding active-duty military personnel and  
12 certain institutionalized county residents from  
13 state population estimates when calculating a  
14 county's financial responsibility for  
15 hospitals' treatment of specific counties'  
16 indigent residents; amending s. 212.055, F.S.;  
17 expanding the authorized use of the indigent  
18 care discretionary sales surtax to include  
19 trauma centers; renaming the surtax; requiring  
20 the plan set out in the ordinance to include  
21 additional provisions concerning Level I trauma  
22 centers; providing requirements for annual  
23 disbursements to hospitals on October 1 to be  
24 in recognition of the Level I trauma status and  
25 to be in addition to a base contract amount  
26 plus any negotiated additions to indigent care  
27 funding; authorizing certain counties to levy a  
28 voter-approved indigent care discretionary  
29 sales surtax; providing for the surtax to be  
30 conditioned upon approval by a majority vote of  
31 the electors; limiting the rate of the surtax;



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1 providing requirements for the ordinance  
 2 adopted by the governing body of the county  
 3 which imposes the surtax; providing for  
 4 proceeds of the surtax to be used to provide  
 5 health care services to qualified residents;  
 6 defining "qualified residents"; providing for  
 7 the administration of proceeds collected  
 8 pursuant to the surtax; limiting the total  
 9 amount of certain local option sales surtaxes  
 10 that may be imposed by a county; providing  
 11 effective dates.

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