

Bill No. CS for CS for SB 370

Amendment No. Barcode 160636

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

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11 Senator Lawson moved the following **amendment to amendment**
 12 (104940):

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

15 On page 97, between lines 23 and 24,
 16
 17 insert:

18 Section 80. Effective October 1, 2002, subsection (7)
 19 of section 212.055, Florida 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 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

3 (a) The governing body in each county that has a
4 population of less than 800,000 residents may levy an indigent
5 care surtax pursuant to an ordinance conditioned to take
6 effect only upon approval by a majority vote of the electors
7 of the county voting in a referendum. The surtax may be levied
8 at a rate not to exceed 0.5 percent, except that if a publicly
9 supported medical school is located in the county, the rate
10 shall not exceed 1 percent.

11 (b) A statement that includes a brief and general
12 description of the purposes to be funded by the surtax and
13 that conforms to the requirements of s. 101.161 shall be
14 placed on the ballot by the governing body of the county. The
15 following questions shall be placed on the ballot:

16
17 FOR THE. . . .CENTS TAX
18 AGAINST THE. . . .CENTS TAX
19

20 (c) Notwithstanding paragraph (a), the governing body
21 in each county that has a population of fewer than 30,000
22 residents may levy an indigent care surtax conditioned to take
23 effect only upon approval by a majority vote of the electors
24 of the county voting in a referendum. In addition to the uses
25 otherwise set out in this subsection, a county that has a
26 population of fewer than 30,000 residents may pledge such
27 proceed for the purpose of servicing new or existing bond
28 indebtedness incurred to finance, plan, construct, or
29 reconstruct a public or not-for-profit hospital in such county
30 and any land acquisition, land improvement, design, or
31 engineering costs related thereto, when the county commission

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1 has determined that a currently existing public or
2 not-for-profit hospital would, more likely than not, otherwise
3 cease to operate. Such counties may also use the services of
4 the Division of Bond Finance of the State Board of
5 Administration pursuant to the State Bond Act to issue bonds
6 under this subsection. A jurisdiction may not issue bonds
7 under this subsection more frequently than once per year. Any
8 county that has a population of fewer than 30,000 residents at
9 the time the bonds authorized in this subsection are issued
10 retains the authority granted under this subsection throughout
11 the term of the bonds, including the term of any refinancing
12 bonds, regardless of any subsequent increase in population
13 which results in the county's having 30,000 or more residents
14 and regardless of amendments to or repeal of this subsection.
15 The rate of the surtax levied under this paragraph may not
16 exceed 1 percent.

17 (d)(c) The ordinance adopted by the governing body
18 providing for the imposition of the surtax must set forth a
19 plan for providing health care services to qualified
20 residents, as defined in paragraph(e)(d). The plan and
21 subsequent amendments to it shall fund a broad range of health
22 care services for indigent persons and the medically poor,
23 including, but not limited to, primary care and preventive
24 care, as well as hospital care. It shall emphasize a
25 continuity of care in the most cost-effective setting, taking
26 into consideration a high quality of care and geographic
27 access. Where consistent with these objectives, it shall
28 include, without limitation, services rendered by physicians,
29 clinics, community hospitals, mental health centers, and
30 alternative delivery sites, as well as at least one regional
31 referral hospital where appropriate. It shall provide that

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1 agreements negotiated between the county and providers shall
2 include reimbursement methodologies that take into account the
3 cost of services rendered to eligible patients, recognize
4 hospitals that render a disproportionate share of indigent
5 care, provide other incentives to promote the delivery of
6 charity care, and require cost containment, including, but not
7 limited to, case management. The plan must also include
8 innovative health care programs that provide cost-effective
9 alternatives to traditional methods of service delivery and
10 funding. In addition to the services otherwise authorized
11 under this subsection, in counties having a population of
12 fewer than 30,000 residents the plan for providing health care
13 services to qualified residents may, by an extraordinary vote
14 of the county commission, provide that some or all of the
15 surtax revenues and any interest accrued thereon must be
16 expended for the purpose of servicing bond indebtedness
17 incurred to finance, plan, construct, or reconstruct a public
18 or not-for-profit hospital in the county and for any land
19 acquisition, land improvement, design, or engineering costs
20 related thereto, if the county commission has determined that
21 a currently existing public or not-for-profit hospital would,
22 more likely than not, otherwise cease to operate.

23 (e)(d) As used in ~~For the purpose of~~ this subsection,
24 the term "qualified residents" means residents of the
25 authorizing county who are:

- 26 1. Qualified as indigent persons as certified by the
27 authorizing county;
- 28 2. Certified by the authorizing county as meeting the
29 definition of the medically poor, defined as persons having
30 insufficient income, resources, and assets to provide the
31 needed medical care without using resources required to meet

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1 basic needs for shelter, food, clothing, and personal
2 expenses; not being eligible for any other state or federal
3 program or having medical needs that are not covered by any
4 such program; or having insufficient third-party insurance
5 coverage. In all cases, the authorizing county shall serve as
6 the payor of last resort; or

7 3. Participating in innovative, cost-effective
8 programs approved by the authorizing county.

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

15 1. Maintain the moneys in an indigent health care
16 trust fund.

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

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

23 4. Disburse the funds, including any interest accrued
24 thereon, to service any bond indebtedness otherwise authorized
25 in this section, upon a directive from the authorizing county,
26 which directive may be irrevocably given at the time the bond
27 indebtedness is incurred.

28 (g)~~(f)~~ Notwithstanding any other provision of this
29 section, a county may not levy local option sales surtaxes
30 authorized in this subsection and subsections (2) and (3) in
31 excess of a combined rate of 1 percent or, if a publicly

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1 supported medical school is located in the county or the
2 county has a population of fewer than 30,000 residents, in
3 excess of a combined rate of 1.5 percent.

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5 (Redesignate subsequent sections.)

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

9 And the title is amended as follows:

10 On page 107, line 21, after the semicolon,

11
12 insert:

13 amending s. 212.055, F.S.; allowing small
14 counties having a specified population to levy
15 an indigent care surtax; providing procedures;
16 providing uses of the surtax; providing a
17 maximum tax rate;

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