

By Senator Sebesta

16-1751-03

See HB 457

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A bill to be entitled
An act relating to the indigent care and trauma center discretionary sales surtax; amending s. 212.055, F.S.; reviving, reenacting, and amending the indigent care and trauma center discretionary sales surtax; deleting a future expiration provision; providing an effective date.

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

Section 1. Notwithstanding the provisions of section 11 of chapter 2000-312, Laws of Florida, subsection (4) of section 212.055, Florida Statutes, shall not stand repealed on October 1, 2005, as scheduled by such law, but that subsection, as amended by section 13 of chapter 2000-312, Laws of Florida, is revived and reenacted, and paragraph (g) of said subsection is amended, 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 procedures shall be as provided in s. 212.054.

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

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

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

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19 FOR THE. . . .CENTS TAX
20 AGAINST THE. . . .CENTS TAX
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22 (c) The ordinance adopted by the governing body
23 providing for the imposition of the surtax shall set forth a
24 plan for providing health care services to qualified
25 residents, as defined in paragraph (d). Such plan and
26 subsequent amendments to it shall fund a broad range of health
27 care services for both indigent persons and the medically
28 poor, including, but not limited to, primary care and
29 preventive care as well as hospital care. The plan must also
30 address the services to be provided by the Level I trauma
31 center. It shall emphasize a continuity of care in the most

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

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

1 court shall issue a check in the amount of \$6.5 million to a
2 hospital in its jurisdiction that has a Level I trauma center
3 or shall issue a check in the amount of \$3.5 million to a
4 hospital in its jurisdiction that has a Level I trauma center
5 if that county enacts and implements a hospital lien law in
6 accordance with chapter 98-499, Laws of Florida. The issuance
7 of the checks on October 1 of each year is provided in
8 recognition of the Level I trauma center status and shall be
9 in addition to the base contract amount received during fiscal
10 year 1999-2000 and any additional amount negotiated to the
11 base contract. If the hospital receiving funds for its Level I
12 trauma center status requests such funds to be used to
13 generate federal matching funds under Medicaid, the clerk of
14 the court shall instead issue a check to the Agency for Health
15 Care Administration to accomplish that purpose to the extent
16 that it is allowed through the General Appropriations Act.

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

21 ~~(g) This subsection expires October 1, 2005.~~

22 Section 2. This act shall take effect upon becoming a
23 law.

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