

By the Committee on Health, Aging, and Long-Term Care; and  
Senator Sebesta

317-2135-03

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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; requiring the clerk  
of the circuit court to conduct a biennial  
audit; providing for delivery of the audit to  
specified governmental entities; 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section 212.055, Florida Statutes, shall not stand repealed on  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, reenacted, and 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

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), may levy, pursuant to an ordinance either  
9 approved by an extraordinary vote of the governing body or  
10 conditioned to take effect only upon approval by a majority  
11 vote of the electors of the county voting in a referendum, a  
12 discretionary sales surtax at a rate that may not exceed 0.5  
13 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  
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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

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.  
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1 (d) For the purpose of this subsection, the term  
2 "qualified resident" means residents of the authorizing county  
3 who are:

4 1. Qualified as indigent persons as certified by the  
5 authorizing county;

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

16 3. Participating in innovative, cost-effective  
17 programs approved by the authorizing county.

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

24 1. Maintain the moneys in an indigent health care  
25 trust fund;

26 2. Invest any funds held on deposit in the trust fund  
27 pursuant to general law; ~~and~~

28 3. Disburse the funds, including any interest earned,  
29 to any provider of health care services, as provided in  
30 paragraphs (c) and (d), upon directive from the authorizing  
31 county. However, if a county has a population of at least

1 800,000 residents and has levied the surtax authorized in this  
2 subsection, notwithstanding any directive from the authorizing  
3 county, on October 1 of each calendar year, the clerk of the  
4 court shall issue a check in the amount of \$6.5 million to a  
5 hospital in its jurisdiction that has a Level I trauma center  
6 or shall issue a check in the amount of \$3.5 million to a  
7 hospital in its jurisdiction that has a Level I trauma center  
8 if that county enacts and implements a hospital lien law in  
9 accordance with chapter 98-499, Laws of Florida. The issuance  
10 of the checks on October 1 of each year is provided in  
11 recognition of the Level I trauma center status and shall be  
12 in addition to the base contract amount received during fiscal  
13 year 1999-2000 and any additional amount negotiated to the  
14 base contract. If the hospital receiving funds for its Level I  
15 trauma center status requests such funds to be used to  
16 generate federal matching funds under Medicaid, the clerk of  
17 the court shall instead issue a check to the Agency for Health  
18 Care Administration to accomplish that purpose to the extent  
19 that it is allowed through the General Appropriations Act;  
20 and-

21 4. Prepare on a biennial basis an audit of the  
22 indigent care trust fund. Commencing February 1, 2004, such  
23 audit shall be delivered to the governing body and to the  
24 chair of the legislative delegation of each authorizing  
25 county.

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

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

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

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   Senate Bill 2148

7 The committee substitute requires the clerk of the circuit  
8 court, as an ex officio custodian of the funds of the  
9 authorizing county, to prepare an audit of the indigent care  
10 trust fund on a biennial basis. Commencing February 1, 2004,  
11 the audit must be delivered to the governing body and to the  
12 chair of the legislative delegation of each authorizing  
13 county.  
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