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

7
 8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Notwithstanding the provisions of section 11 of
 11 chapter 2000-312, Laws of Florida, subsection (4) of section
 12 212.055, Florida Statutes, shall not stand repealed on October
 13 1, 2005, as scheduled by such law, but that subsection, as
 14 amended by section 13 of chapter 2000-312, Laws of Florida, is
 15 revived and reenacted, and paragraph (g) of said subsection is
 16 amended, to read:

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

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



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31 (a) The governing body in each county the government of
 32 which is not consolidated with that of one or more
 33 municipalities, which has a population of at least 800,000
 34 residents and is not authorized to levy a surtax under
 35 subsection (5), may levy, pursuant to an ordinance either
 36 approved by an extraordinary vote of the governing body or
 37 conditioned to take effect only upon approval by a majority vote
 38 of the electors of the county voting in a referendum, a
 39 discretionary sales surtax at a rate that may not exceed 0.5
 40 percent.

41 (b) If the ordinance is conditioned on a referendum, a
 42 statement that includes a brief and general description of the
 43 purposes to be funded by the surtax and that conforms to the
 44 requirements of s. 101.161 shall be placed on the ballot by the
 45 governing body of the county. The following questions shall be
 46 placed on the ballot:

47
 48 FOR THE. . . .CENTS TAX
 49 AGAINST THE. . . .CENTS TAX
 50

51 (c) The ordinance adopted by the governing body providing
 52 for the imposition of the surtax shall set forth a plan for
 53 providing health care services to qualified residents, as
 54 defined in paragraph (d). Such plan and subsequent amendments to
 55 it shall fund a broad range of health care services for both
 56 indigent persons and the medically poor, including, but not
 57 limited to, primary care and preventive care as well as hospital
 58 care. The plan must also address the services to be provided by
 59 the Level I trauma center. It shall emphasize a continuity of
 60 care in the most cost-effective setting, taking into



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61 consideration both a high quality of care and geographic access.
62 Where consistent with these objectives, it shall include,
63 without limitation, services rendered by physicians, clinics,
64 community hospitals, mental health centers, and alternative
65 delivery sites, as well as at least one regional referral
66 hospital where appropriate. It shall provide that agreements
67 negotiated between the county and providers, including hospitals
68 with a Level I trauma center, will include reimbursement
69 methodologies that take into account the cost of services
70 rendered to eligible patients, recognize hospitals that render a
71 disproportionate share of indigent care, provide other
72 incentives to promote the delivery of charity care, promote the
73 advancement of technology in medical services, recognize the
74 level of responsiveness to medical needs in trauma cases, and
75 require cost containment including, but not limited to, case
76 management. It must also provide that any hospitals that are
77 owned and operated by government entities on May 21, 1991, must,
78 as a condition of receiving funds under this subsection, afford
79 public access equal to that provided under s. 286.011 as to
80 meetings of the governing board, the subject of which is
81 budgeting resources for the rendition of charity care as that
82 term is defined in the Florida Hospital Uniform Reporting System
83 (FHURS) manual referenced in s. 408.07. The plan shall also
84 include innovative health care programs that provide cost-
85 effective alternatives to traditional methods of service
86 delivery and funding.

87 (d) For the purpose of this subsection, the term
88 "qualified resident" means residents of the authorizing county
89 who are:



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90 1. Qualified as indigent persons as certified by the
 91 authorizing county;

92 2. Certified by the authorizing county as meeting the
 93 definition of the medically poor, defined as persons having
 94 insufficient income, resources, and assets to provide the needed
 95 medical care without using resources required to meet basic
 96 needs for shelter, food, clothing, and personal expenses; or not
 97 being eligible for any other state or federal program, or having
 98 medical needs that are not covered by any such program; or
 99 having insufficient third-party insurance coverage. In all
 100 cases, the authorizing county is intended to serve as the payor
 101 of last resort; or

102 3. Participating in innovative, cost-effective programs
 103 approved by the authorizing county.

104 (e) Moneys collected pursuant to this subsection remain
 105 the property of the state and shall be distributed by the
 106 Department of Revenue on a regular and periodic basis to the
 107 clerk of the circuit court as ex officio custodian of the funds
 108 of the authorizing county. The clerk of the circuit court shall:

109 1. Maintain the moneys in an indigent health care trust
 110 fund;

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

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

116 However, if a county has a population of at least 800,000
 117 residents and has levied the surtax authorized in this
 118 subsection, notwithstanding any directive from the authorizing
 119 county, on October 1 of each calendar year, the clerk of the



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120 court shall issue a check in the amount of \$6.5 million to a
121 hospital in its jurisdiction that has a Level I trauma center or
122 shall issue a check in the amount of \$3.5 million to a hospital
123 in its jurisdiction that has a Level I trauma center if that
124 county enacts and implements a hospital lien law in accordance
125 with chapter 98-499, Laws of Florida. The issuance of the checks
126 on October 1 of each year is provided in recognition of the
127 Level I trauma center status and shall be in addition to the
128 base contract amount received during fiscal year 1999-2000 and
129 any additional amount negotiated to the base contract. If the
130 hospital receiving funds for its Level I trauma center status
131 requests such funds to be used to generate federal matching
132 funds under Medicaid, the clerk of the court shall instead issue
133 a check to the Agency for Health Care Administration to
134 accomplish that purpose to the extent that it is allowed through
135 the General Appropriations Act.

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

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

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