



HB 0457

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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

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 a biennial audit of a certain trust fund; requiring delivery of the audit report to certain 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section 11 of chapter 2000-312, Laws of Florida, subsection (4) of section 212.055, Florida Statutes, shall not stand repealed on October 1, 2005, as scheduled by such law, but that subsection, as amended by section 13 of chapter 2000-312, Laws of Florida, is revived and reenacted, and paragraph(g) of said subsection is amended, to read:



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29 | 212.055 Discretionary sales surtaxes; legislative intent;  
30 | authorization and use of proceeds.--It is the legislative intent  
31 | that any authorization for imposition of a discretionary sales  
32 | surtax shall be published in the Florida Statutes as a  
33 | subsection of this section, irrespective of the duration of the  
34 | levy. Each enactment shall specify the types of counties  
35 | authorized to levy; the rate or rates which may be imposed; the  
36 | maximum length of time the surtax may be imposed, if any; the  
37 | procedure which must be followed to secure voter approval, if  
38 | required; the purpose for which the proceeds may be expended;  
39 | and such other requirements as the Legislature may provide.  
40 | Taxable transactions and administrative procedures shall be as  
41 | provided in s. 212.054.

42 | (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

43 | (a) The governing body in each county the government of  
44 | which is not consolidated with that of one or more  
45 | municipalities, which has a population of at least 800,000  
46 | residents and is not authorized to levy a surtax under  
47 | subsection (5), may levy, pursuant to an ordinance either  
48 | approved by an extraordinary vote of the governing body or  
49 | conditioned to take effect only upon approval by a majority vote  
50 | of the electors of the county voting in a referendum, a  
51 | discretionary sales surtax at a rate that may not exceed 0.5  
52 | percent.

53 | (b) If the ordinance is conditioned on a referendum, a  
54 | statement that includes a brief and general description of the  
55 | purposes to be funded by the surtax and that conforms to the  
56 | requirements of s. 101.161 shall be placed on the ballot by the



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57 governing body of the county. The following questions shall be  
58 placed on the ballot:

59  
60 FOR THE. . . .CENTS TAX  
61 AGAINST THE. . . .CENTS TAX

62  
63 (c) The ordinance adopted by the governing body providing  
64 for the imposition of the surtax shall set forth a plan for  
65 providing health care services to qualified residents, as  
66 defined in paragraph (d). Such plan and subsequent amendments to  
67 it shall fund a broad range of health care services for both  
68 indigent persons and the medically poor, including, but not  
69 limited to, primary care and preventive care as well as hospital  
70 care. The plan must also address the services to be provided by  
71 the Level I trauma center. It shall emphasize a continuity of  
72 care in the most cost-effective setting, taking into  
73 consideration both a high quality of care and geographic access.  
74 Where consistent with these objectives, it shall include,  
75 without limitation, services rendered by physicians, clinics,  
76 community hospitals, mental health centers, and alternative  
77 delivery sites, as well as at least one regional referral  
78 hospital where appropriate. It shall provide that agreements  
79 negotiated between the county and providers, including hospitals  
80 with a Level I trauma center, will include reimbursement  
81 methodologies that take into account the cost of services  
82 rendered to eligible patients, recognize hospitals that render a  
83 disproportionate share of indigent care, provide other  
84 incentives to promote the delivery of charity care, promote the



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85 advancement of technology in medical services, recognize the  
86 level of responsiveness to medical needs in trauma cases, and  
87 require cost containment including, but not limited to, case  
88 management. It must also provide that any hospitals that are  
89 owned and operated by government entities on May 21, 1991, must,  
90 as a condition of receiving funds under this subsection, afford  
91 public access equal to that provided under s. 286.011 as to  
92 meetings of the governing board, the subject of which is  
93 budgeting resources for the rendition of charity care as that  
94 term is defined in the Florida Hospital Uniform Reporting System  
95 (FHURS) manual referenced in s. 408.07. The plan shall also  
96 include innovative health care programs that provide cost-  
97 effective alternatives to traditional methods of service  
98 delivery and funding.

99 (d) For the purpose of this subsection, the term  
100 "qualified resident" means residents of the authorizing county  
101 who are:

- 102 1. Qualified as indigent persons as certified by the  
103 authorizing county;
- 104 2. Certified by the authorizing county as meeting the  
105 definition of the medically poor, defined as persons having  
106 insufficient income, resources, and assets to provide the needed  
107 medical care without using resources required to meet basic  
108 needs for shelter, food, clothing, and personal expenses; or not  
109 being eligible for any other state or federal program, or having  
110 medical needs that are not covered by any such program; or  
111 having insufficient third-party insurance coverage. In all



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112 cases, the authorizing county is intended to serve as the payor  
113 of last resort; or

114 3. Participating in innovative, cost-effective programs  
115 approved by the authorizing county.

116 (e) Moneys collected pursuant to this subsection remain  
117 the property of the state and shall be distributed by the  
118 Department of Revenue on a regular and periodic basis to the  
119 clerk of the circuit court as ex officio custodian of the funds  
120 of the authorizing county. The clerk of the circuit court shall:

121 1. Maintain the moneys in an indigent health care trust  
122 fund;

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

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

128 However, if a county has a population of at least 800,000  
129 residents and has levied the surtax authorized in this  
130 subsection, notwithstanding any directive from the authorizing  
131 county, on October 1 of each calendar year, the clerk of the  
132 court shall issue a check in the amount of \$6.5 million to a  
133 hospital in its jurisdiction that has a Level I trauma center or  
134 shall issue a check in the amount of \$3.5 million to a hospital  
135 in its jurisdiction that has a Level I trauma center if that  
136 county enacts and implements a hospital lien law in accordance  
137 with chapter 98-499, Laws of Florida. The issuance of the checks  
138 on October 1 of each year is provided in recognition of the  
139 Level I trauma center status and shall be in addition to the



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140 base contract amount received during fiscal year 1999-2000 and  
141 any additional amount negotiated to the base contract. If the  
142 hospital receiving funds for its Level I trauma center status  
143 requests such funds to be used to generate federal matching  
144 funds under Medicaid, the clerk of the court shall instead issue  
145 a check to the Agency for Health Care Administration to  
146 accomplish that purpose to the extent that it is allowed through  
147 the General Appropriations Act; and

148 4. Prepare on a biennial basis an audit of the trust fund  
149 specified in subparagraph 1. Commencing February 1, 2004, such  
150 audit shall be delivered to the governing body and to the chair  
151 of the legislative delegation of each authorizing county.

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

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

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