



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; requiring a  
6 biennial audit of a certain trust fund; requiring delivery  
7 of the audit report to certain entities; deleting a future  
8 expiration provision; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

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14 212.055, Florida Statutes, shall not stand repealed on October  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

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



29 | and such other requirements as the Legislature may provide.  
 30 | Taxable transactions and administrative procedures shall be as  
 31 | provided in s. 212.054.

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

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

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

- 49 |  
 50 | FOR THE. . . .CENTS TAX  
 51 | AGAINST THE. . . .CENTS TAX  
 52 |

53 | (c) The ordinance adopted by the governing body providing  
 54 | for the imposition of the surtax shall set forth a plan for  
 55 | providing health care services to qualified residents, as  
 56 | defined in paragraph (d). Such plan and subsequent amendments to



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



85 (FHURS) manual referenced in s. 408.07. The plan shall also  
86 include innovative health care programs that provide cost-  
87 effective alternatives to traditional methods of service  
88 delivery and funding.

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

92 1. Qualified as indigent persons as certified by the  
93 authorizing county;

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

104 3. Participating in innovative, cost-effective programs  
105 approved by the authorizing county.

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

111 1. Maintain the moneys in an indigent health care trust  
112 fund;



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

115           3. Disburse the funds, including any interest earned, to  
116 any provider of health care services, as provided in paragraphs  
117 (c) and (d), upon directive from the authorizing county.  
118 However, if a county has a population of at least 800,000  
119 residents and has levied the surtax authorized in this  
120 subsection, notwithstanding any directive from the authorizing  
121 county, on October 1 of each calendar year, the clerk of the  
122 court shall issue a check in the amount of \$6.5 million to a  
123 hospital in its jurisdiction that has a Level I trauma center or  
124 shall issue a check in the amount of \$3.5 million to a hospital  
125 in its jurisdiction that has a Level I trauma center if that  
126 county enacts and implements a hospital lien law in accordance  
127 with chapter 98-499, Laws of Florida. The issuance of the checks  
128 on October 1 of each year is provided in recognition of the  
129 Level I trauma center status and shall be in addition to the  
130 base contract amount received during fiscal year 1999-2000 and  
131 any additional amount negotiated to the base contract. If the  
132 hospital receiving funds for its Level I trauma center status  
133 requests such funds to be used to generate federal matching  
134 funds under Medicaid, the clerk of the court shall instead issue  
135 a check to the Agency for Health Care Administration to  
136 accomplish that purpose to the extent that it is allowed through  
137 the General Appropriations Act; and

138           4. Prepare on a biennial basis an audit of the trust fund  
139 specified in subparagraph 1. Commencing February 1, 2004, such



140 audit shall be delivered to the governing body and to the chair  
141 of the legislative delegation of each authorizing county.

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

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

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