



HB 0583

2003
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CHAMBER ACTION

The Committee on Finance & Tax recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the indigent care surtax; amending s. 212.055, F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

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

Section 1. Subsection (7) of section 212.055, Florida Statutes, 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



29 procedure which must be followed to secure voter approval, if
 30 required; the purpose for which the proceeds may be expended;
 31 and such other requirements as the Legislature may provide.
 32 Taxable transactions and administrative procedures shall be as
 33 provided in s. 212.054.

34 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

35 (a)1. The governing body in each county that has a
 36 population of less than 800,000 residents may levy an indigent
 37 care surtax pursuant to an ordinance conditioned to take effect
 38 only upon approval by a majority vote of the electors of the
 39 county voting in a referendum. The surtax may be levied at a
 40 rate not to exceed 0.5 percent, except that if a publicly
 41 supported medical school is located in the county, the rate
 42 shall not exceed 1 percent.

43 2. Notwithstanding subparagraph 1., the governing body of
 44 any county that has a population of fewer than 30,000 residents
 45 may levy an indigent care surtax pursuant to an ordinance
 46 conditioned to take effect only upon approval by a majority vote
 47 of the electors of the county voting in a referendum. The surtax
 48 may be levied at a rate not to exceed 1 percent.

49 (b) A statement that includes a brief and general
 50 description of the purposes to be funded by the surtax and that
 51 conforms to the requirements of s. 101.161 shall be placed on
 52 the ballot by the governing body of the county. The following
 53 questions shall be placed on the ballot:

- 54
- 55 FOR THE. . . .CENTS TAX
- 56 AGAINST THE. . . .CENTS TAX



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58 (c)1. The ordinance adopted by the governing body
59 providing for the imposition of the surtax must set forth a plan
60 for providing health care services to qualified residents, as
61 defined in paragraph (d). The plan and subsequent amendments to
62 it shall fund a broad range of health care services for indigent
63 persons and the medically poor, including, but not limited to,
64 primary care and preventive care, as well as hospital care. It
65 shall emphasize a continuity of care in the most cost-effective
66 setting, taking into consideration a high quality of care and
67 geographic access. Where consistent with these objectives, it
68 shall include, without limitation, services rendered by
69 physicians, clinics, community hospitals, mental health centers,
70 and alternative delivery sites, as well as at least one regional
71 referral hospital where appropriate. It shall provide that
72 agreements negotiated between the county and providers shall
73 include reimbursement methodologies that take into account the
74 cost of services rendered to eligible patients, recognize
75 hospitals that render a disproportionate share of indigent care,
76 provide other incentives to promote the delivery of charity
77 care, and require cost containment, including, but not limited
78 to, case management. The plan must also include innovative
79 health care programs that provide cost-effective alternatives to
80 traditional methods of service delivery and funding.

81 2. In addition to the uses specified or services required
82 to be provided under this subsection, the ordinance adopted by a
83 county that has a population of fewer than 30,000 residents may
84 pledge surtax proceeds to service new or existing bond



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85 indebtedness incurred to finance, plan, construct, or
86 reconstruct a public or not-for-profit hospital in such county
87 and any land acquisition, land improvement, design, or
88 engineering costs related to such hospital, if the governing
89 body of the county determines that a public or not-for-profit
90 hospital existing at the time of issuance of the bonds
91 authorized under this subparagraph would, more likely than not,
92 otherwise cease to operate. The plan required under this
93 paragraph may, by an extraordinary vote of the governing body of
94 such county, provide that some or all of the surtax revenues and
95 any interest earned must be expended for the purpose of
96 servicing such bond indebtedness. Such county may also use the
97 services of the Division of Bond Finance of the State Board of
98 Administration pursuant to the State Bond Act to issue bonds
99 under this subparagraph. A jurisdiction may not issue bonds
100 under this subparagraph more frequently than once per year. Any
101 county that has a population of fewer than 30,000 residents at
102 the time any bonds authorized in this subparagraph are issued
103 retains the authority granted under this subparagraph throughout
104 the terms of such bonds, including the term of any refinancing
105 bonds, regardless of any subsequent increase in population which
106 would result in such county having 30,000 or more residents.

107 (d) For the purpose of this subsection, "qualified
108 residents" means residents of the authorizing county who are:

- 109 1. Qualified as indigent persons as certified by the
110 authorizing county;
- 111 2. Certified by the authorizing county as meeting the
112 definition of the medically poor, defined as persons having



113 insufficient income, resources, and assets to provide the needed
 114 medical care without using resources required to meet basic
 115 needs for shelter, food, clothing, and personal expenses; not
 116 being eligible for any other state or federal program or having
 117 medical needs that are not covered by any such program; or
 118 having insufficient third-party insurance coverage. In all
 119 cases, the authorizing county shall serve as the payor of last
 120 resort; or

121 3. Participating in innovative, cost-effective programs
 122 approved by the authorizing county.

123 (e) Moneys collected pursuant to this subsection remain
 124 the property of the state and shall be distributed by the
 125 Department of Revenue on a regular and periodic basis to the
 126 clerk of the circuit court as ex officio custodian of the funds
 127 of the authorizing county. The clerk of the circuit court shall:

128 1. Maintain the moneys in an indigent health care trust
 129 fund.

130 2. Invest any funds held on deposit in the trust fund
 131 pursuant to general law.

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

135 4. Disburse the funds, including any interest earned, to
 136 service any bond indebtedness authorized in this subsection upon
 137 directive from the authorizing county, which directive may be
 138 irrevocably given at the time the bond indebtedness is incurred.

139 (f) Notwithstanding any other provision of this section, a
 140 county may not levy local option sales surtaxes authorized in



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141 | this subsection and subsections (2) and(3) in excess of a
142 | combined rate of 1 percent or, if a publicly supported medical
143 | school is located in the county or the county has a population
144 | of fewer than 30,000 residents, in excess of a combined rate of
145 | 1.5 percent.

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