

CHAMBER ACTION

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

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the indigent care surtax; amending s.
8 212.055, F.S.; allowing small counties having a specified
9 population to levy an indigent care surtax; providing
10 procedures; providing uses of the surtax; providing a
11 maximum tax rate; providing an effective date.

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

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15 Section 1. Subsection (7) of section 212.055, Florida
16 Statutes, is 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 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

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

39 2. Notwithstanding subparagraph 1., the governing body of
 40 any county that has a population of fewer than 50,000 residents
 41 may levy an indigent care surtax pursuant to an ordinance
 42 conditioned to take effect only upon approval by a majority vote
 43 of the electors of the county voting in a referendum. The surtax
 44 may be levied at a rate not to exceed 1 percent.

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

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 51 FOR THE. . . .CENTS TAX

AGAINST THE . . . CENTS TAX

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

2. In addition to the uses specified or services required to be provided under this subsection, the ordinance adopted by a county that has a population of fewer than 50,000 residents may

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80 pledge surtax proceeds to service new or existing bond
81 indebtedness incurred to finance, plan, construct, or
82 reconstruct a public or not-for-profit hospital in such county
83 and any land acquisition, land improvement, design, or
84 engineering costs related to such hospital, if the governing
85 body of the county determines that a public or not-for-profit
86 hospital existing at the time of issuance of the bonds
87 authorized under this subparagraph would, more likely than not,
88 otherwise cease to operate. The plan required under this
89 paragraph may, by an extraordinary vote of the governing body of
90 such county, provide that some or all of the surtax revenues and
91 any interest earned must be expended for the purpose of
92 servicing such bond indebtedness. Such county may also use the
93 services of the Division of Bond Finance of the State Board of
94 Administration pursuant to the State Bond Act to issue bonds
95 under this subparagraph. A jurisdiction may not issue bonds
96 under this subparagraph more frequently than once per year. Any
97 county that has a population of fewer than 50,000 residents at
98 the time any bonds authorized in this subparagraph are issued
99 retains the authority granted under this subparagraph throughout
100 the terms of such bonds, including the term of any refinancing
101 bonds, regardless of any subsequent increase in population which
102 would result in such county having 50,000 or more residents.

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

105 1. Qualified as indigent persons as certified by the
106 authorizing county;

107 2. Certified by the authorizing county as meeting the
 108 definition of the medically poor, defined as persons having
 109 insufficient income, resources, and assets to provide the needed
 110 medical care without using resources required to meet basic
 111 needs for shelter, food, clothing, and personal expenses; not
 112 being eligible for any other state or federal program or having
 113 medical needs that are not covered by any such program; or
 114 having insufficient third-party insurance coverage. In all
 115 cases, the authorizing county shall serve as the payor of last
 116 resort; or

117 3. Participating in innovative, cost-effective programs
 118 approved by the authorizing county.

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

124 1. Maintain the moneys in an indigent health care trust
 125 fund.

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

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

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

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135 (f) Notwithstanding any other provision of this section, a
136 county may not levy local option sales surtaxes authorized in
137 this subsection and subsections (2) and (3) in excess of a
138 combined rate of 1 percent or, if a publicly supported medical
139 school is located in the county or the county has a population
140 of fewer than 50,000 residents, in excess of a combined rate of
141 1.5 percent.

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