

CHAMBER ACTION

1 The Committee on Health Care recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to discretionary sales surtaxes; amending
7 s. 212.055, F.S.; authorizing certain counties to levy by
8 ordinance, subject to referendum approval, a surtax to
9 fund trauma services provided by certain licensed trauma
10 centers; requiring the ordinance to provide a plan for
11 providing trauma services; providing for collection and
12 distribution of surtax proceeds; providing duties of the
13 clerk of the circuit court in maintaining a trust fund and
14 investing and disbursing funds; requiring a biennial audit
15 of the trust fund; providing for expiration and
16 reenactment of the surtax; limiting the rate of the
17 surtax; allowing small counties having a specified
18 population to levy an indigent care surtax; providing
19 procedures; providing uses of the surtax; providing a
20 maximum tax rate; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23

24 Section 1. Subsections (4) and (7) of section 212.055,
25 Florida Statutes, are amended to read:

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

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

40 (a)1. The governing body in each county the government of
41 which is not consolidated with that of one or more
42 municipalities, which has a population of at least 800,000
43 residents and is not authorized to levy a surtax under
44 subsection (5), may levy, pursuant to an ordinance either
45 approved by an extraordinary vote of the governing body or
46 conditioned to take effect only upon approval by a majority vote
47 of the electors of the county voting in a referendum, a
48 discretionary sales surtax at a rate that may not exceed 0.5
49 percent.

50 2.~~(b)~~ If the ordinance is conditioned on a referendum, a
51 statement that includes a brief and general description of the

HB 297 CS

2004
CS

52 | purposes to be funded by the surtax and that conforms to the
 53 | requirements of s. 101.161 shall be placed on the ballot by the
 54 | governing body of the county. The following questions shall be
 55 | placed on the ballot:

56 |
 57 | FOR THE....CENTS TAX
 58 | AGAINST THE....CENTS TAX
 59 |

60 | 3.(e) The ordinance adopted by the governing body
 61 | providing for the imposition of the surtax shall set forth a
 62 | plan for providing health care services to qualified residents,
 63 | as defined in subparagraph 4 ~~paragraph (d)~~. Such plan and
 64 | subsequent amendments to it shall fund a broad range of health
 65 | care services for both indigent persons and the medically poor,
 66 | including, but not limited to, primary care and preventive care
 67 | as well as hospital care. The plan must also address the
 68 | services to be provided by the Level I trauma center. It shall
 69 | emphasize a continuity of care in the most cost-effective
 70 | setting, taking into consideration both a high quality of care
 71 | and geographic access. Where consistent with these objectives,
 72 | it shall include, without limitation, services rendered by
 73 | physicians, clinics, community hospitals, mental health centers,
 74 | and alternative delivery sites, as well as at least one regional
 75 | referral hospital where appropriate. It shall provide that
 76 | agreements negotiated between the county and providers,
 77 | including hospitals with a Level I trauma center, will include
 78 | reimbursement methodologies that take into account the cost of
 79 | services rendered to eligible patients, recognize hospitals that

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

96 ~~4.(d)~~ For the purpose of this paragraph ~~subsection~~, the
 97 term "qualified resident" means residents of the authorizing
 98 county who are:

99 ~~a.1.~~ Qualified as indigent persons as certified by the
 100 authorizing county;

101 ~~b.2.~~ Certified by the authorizing county as meeting the
 102 definition of the medically poor, defined as persons having
 103 insufficient income, resources, and assets to provide the needed
 104 medical care without using resources required to meet basic
 105 needs for shelter, food, clothing, and personal expenses; or not
 106 being eligible for any other state or federal program, or having
 107 medical needs that are not covered by any such program; or

108 | having insufficient third-party insurance coverage. In all
 109 | cases, the authorizing county is intended to serve as the payor
 110 | of last resort; or

111 | ~~c.3.~~ Participating in innovative, cost-effective programs
 112 | approved by the authorizing county.

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

119 | ~~a.1.~~ Maintain the moneys in an indigent health care trust
 120 | fund;

121 | ~~b.2.~~ Invest any funds held on deposit in the trust fund
 122 | pursuant to general law;

123 | ~~c.3.~~ Disburse the funds, including any interest earned, to
 124 | any provider of health care services, as provided in
 125 | subparagraphs 3. and 4. ~~paragraphs (c) and (d)~~, upon directive
 126 | from the authorizing county. However, if a county has a
 127 | population of at least 800,000 residents and has levied the
 128 | surtax authorized in this paragraph ~~subsection~~, notwithstanding
 129 | any directive from the authorizing county, on October 1 of each
 130 | calendar year, the clerk of the court shall issue a check in the
 131 | amount of \$6.5 million to a hospital in its jurisdiction that
 132 | has a Level I trauma center or shall issue a check in the amount
 133 | of \$3.5 million to a hospital in its jurisdiction that has a
 134 | Level I trauma center if that county enacts and implements a
 135 | hospital lien law in accordance with chapter 98-499, Laws of

136 Florida. The issuance of the checks on October 1 of each year is
 137 provided in recognition of the Level I trauma center status and
 138 shall be in addition to the base contract amount received during
 139 fiscal year 1999-2000 and any additional amount negotiated to
 140 the base contract. If the hospital receiving funds for its Level
 141 I trauma center status requests such funds to be used to
 142 generate federal matching funds under Medicaid, the clerk of the
 143 court shall instead issue a check to the Agency for Health Care
 144 Administration to accomplish that purpose to the extent that it
 145 is allowed through the General Appropriations Act; and

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

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

155 (b) Notwithstanding any other provision of this section,
 156 the governing body in each county the government of which is not
 157 consolidated with that of one or more municipalities, which has
 158 a population of less than 800,000 residents, may levy, by
 159 ordinance subject to approval by a majority of the electors of
 160 the county voting in a referendum, a discretionary sales surtax
 161 at a rate that may not exceed 0.25 percent for the sole purpose
 162 of funding trauma services provided by a trauma center licensed
 163 pursuant to chapter 395.

164 1. A statement that includes a brief and general
 165 description of the purposes to be funded by the surtax and that
 166 conforms to the requirements of s. 101.161 shall be placed on
 167 the ballot by the governing body of the county. The following
 168 questions shall be placed on the ballot:

169
 170 FOR the -cents tax
 171 AGAINST the -cents tax

172
 173 2. The ordinance adopted by the governing body of the
 174 county providing for the imposition of the surtax shall set
 175 forth a plan for providing trauma services to trauma victims
 176 presenting in the trauma service area in which such county is
 177 located.

178 3. Moneys collected pursuant to this paragraph remain the
 179 property of the state and shall be distributed by the Department
 180 of Revenue on a regular and periodic basis to the clerk of the
 181 circuit court as ex officio custodian of the funds of the
 182 authorizing county. The clerk of the circuit court shall:

183 a. Maintain the moneys in a trauma services trust fund.

184 b. Invest any funds held on deposit in the trust fund
 185 pursuant to general law.

186 c. Disburse the funds, including any interest earned on
 187 such funds, to the trauma center in its trauma service area, as
 188 provided in the plan set forth pursuant to subparagraph 2., upon
 189 directive from the authorizing county. If the trauma center
 190 receiving funds requests such funds to be used to generate
 191 federal matching funds under Medicaid, the custodian of the

192 funds shall instead issue a check to the Agency for Health Care
 193 Administration to accomplish that purpose to the extent that the
 194 agency is allowed through the General Appropriations Act.

195 d. Prepare on a biennial basis an audit of the trauma
 196 services trust fund specified in sub-subparagraph a., to be
 197 delivered to the authorizing county.

198 4. A discretionary sales surtax imposed pursuant to this
 199 paragraph shall expire 4 years after the effective date of the
 200 surtax, unless reenacted by ordinance subject to approval by a
 201 majority of the electors of the county voting in a subsequent
 202 referendum.

203 5. Notwithstanding any other provision of this section, a
 204 county shall not levy local option sales surtaxes authorized in
 205 this paragraph and subsections (2) and (3) in excess of a
 206 combined rate of 1 percent.

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

208 (a)1. The governing body in each county that has a
 209 population of less than 800,000 residents may levy an indigent
 210 care surtax pursuant to an ordinance conditioned to take effect
 211 only upon approval by a majority vote of the electors of the
 212 county voting in a referendum. The surtax may be levied at a
 213 rate not to exceed 0.5 percent, except that if a publicly
 214 supported medical school is located in the county, the rate
 215 shall not exceed 1 percent.

216 2. Notwithstanding subparagraph 1., the governing body of
 217 any county that has a population of fewer than 50,000 residents
 218 may levy an indigent care surtax pursuant to an ordinance
 219 conditioned to take effect only upon approval by a majority vote

220 of the electors of the county voting in a referendum. The surtax
 221 may be levied at a rate not to exceed 1 percent.

222 (b) A statement that includes a brief and general
 223 description of the purposes to be funded by the surtax and that
 224 conforms to the requirements of s. 101.161 shall be placed on
 225 the ballot by the governing body of the county. The following
 226 questions shall be placed on the ballot:

227
 228 FOR THE. . . .CENTS TAX
 229 AGAINST THE. . . .CENTS TAX

230
 231 (c)1. The ordinance adopted by the governing body
 232 providing for the imposition of the surtax must set forth a plan
 233 for providing health care services to qualified residents, as
 234 defined in paragraph (d). The plan and subsequent amendments to
 235 it shall fund a broad range of health care services for indigent
 236 persons and the medically poor, including, but not limited to,
 237 primary care and preventive care, as well as hospital care. It
 238 shall emphasize a continuity of care in the most cost-effective
 239 setting, taking into consideration a high quality of care and
 240 geographic access. Where consistent with these objectives, it
 241 shall include, without limitation, services rendered by
 242 physicians, clinics, community hospitals, mental health centers,
 243 and alternative delivery sites, as well as at least one regional
 244 referral hospital where appropriate. It shall provide that
 245 agreements negotiated between the county and providers shall
 246 include reimbursement methodologies that take into account the
 247 cost of services rendered to eligible patients, recognize

248 hospitals that render a disproportionate share of indigent care,
 249 provide other incentives to promote the delivery of charity
 250 care, and require cost containment, including, but not limited
 251 to, case management. The plan must also include innovative
 252 health care programs that provide cost-effective alternatives to
 253 traditional methods of service delivery and funding.

254 2. In addition to the uses specified or services required
 255 to be provided under this subsection, the ordinance adopted by a
 256 county that has a population of fewer than 50,000 residents may
 257 pledge surtax proceeds to service new or existing bond
 258 indebtedness incurred to finance, plan, construct, or
 259 reconstruct a public or not-for-profit hospital in such county
 260 and any land acquisition, land improvement, design, or
 261 engineering costs related to such hospital, if the governing
 262 body of the county determines that a public or not-for-profit
 263 hospital existing at the time of issuance of the bonds
 264 authorized under this subparagraph would, more likely than not,
 265 otherwise cease to operate. The plan required under this
 266 paragraph may, by an extraordinary vote of the governing body of
 267 such county, provide that some or all of the surtax revenues and
 268 any interest earned must be expended for the purpose of
 269 servicing such bond indebtedness. Such county may also use the
 270 services of the Division of Bond Finance of the State Board of
 271 Administration pursuant to the State Bond Act to issue bonds
 272 under this subparagraph. A jurisdiction may not issue bonds
 273 under this subparagraph more frequently than once per year. Any
 274 county that has a population of fewer than 50,000 residents at
 275 the time any bonds authorized in this subparagraph are issued

276 retains the authority granted under this subparagraph throughout
 277 the terms of such bonds, including the term of any refinancing
 278 bonds, regardless of any subsequent increase in population which
 279 would result in such county having 50,000 or more residents.

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

- 282 1. Qualified as indigent persons as certified by the
 283 authorizing county;
- 284 2. Certified by the authorizing county as meeting the
 285 definition of the medically poor, defined as persons having
 286 insufficient income, resources, and assets to provide the needed
 287 medical care without using resources required to meet basic
 288 needs for shelter, food, clothing, and personal expenses; not
 289 being eligible for any other state or federal program or having
 290 medical needs that are not covered by any such program; or
 291 having insufficient third-party insurance coverage. In all
 292 cases, the authorizing county shall serve as the payor of last
 293 resort; or
- 294 3. Participating in innovative, cost-effective programs
 295 approved by the authorizing county.

296 (e) Moneys collected pursuant to this subsection remain
 297 the property of the state and shall be distributed by the
 298 Department of Revenue on a regular and periodic basis to the
 299 clerk of the circuit court as ex officio custodian of the funds
 300 of the authorizing county. The clerk of the circuit court shall:

- 301 1. Maintain the moneys in an indigent health care trust
 302 fund.

HB 297 CS

2004
CS

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

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

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

312 (f) Notwithstanding any other provision of this section, a
313 county may not levy local option sales surtaxes authorized in
314 this subsection and subsections (2) and (3) in excess of a
315 combined rate of 1 percent or, if a publicly supported medical
316 school is located in the county or the county has a population
317 of fewer than 50,000 residents, in excess of a combined rate of
318 1.5 percent.

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