

CHAMBER ACTION

1 The Committee on Finance & Tax 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 the indigent care surtax; amending s.
7 212.055, F.S.; allowing small counties having a specified
8 population to levy an indigent care surtax; providing
9 procedures; providing uses of the surtax; providing a
10 maximum tax rate; providing an effective date.

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

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14 Section 1. Subsection (7) of section 212.055, Florida
15 Statutes, is amended to read:

16 212.055 Discretionary sales surtaxes; legislative intent;
17 authorization and use of proceeds.--It is the legislative intent
18 that any authorization for imposition of a discretionary sales
19 surtax shall be published in the Florida Statutes as a
20 subsection of this section, irrespective of the duration of the
21 levy. Each enactment shall specify the types of counties
22 authorized to levy; the rate or rates which may be imposed; the
23 maximum length of time the surtax may be imposed, if any; the

24 | procedure which must be followed to secure voter approval, if
 25 | required; the purpose for which the proceeds may be expended;
 26 | and such other requirements as the Legislature may provide.
 27 | Taxable transactions and administrative procedures shall be as
 28 | provided in s. 212.054.

29 | (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

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

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

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

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

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

76 2. In addition to the uses specified or services required
77 to be provided under this subsection, the ordinance adopted by a
78 county that has a population of fewer than 50,000 residents may
79 pledge surtax proceeds to service new or existing bond

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

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

- 104 1. Qualified as indigent persons as certified by the
 105 authorizing county;
- 106 2. Certified by the authorizing county as meeting the
 107 definition of the medically poor, defined as persons having

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

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

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

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

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

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

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

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

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136 | this subsection and subsections (2) and (3) in excess of a
137 | combined rate of 1 percent or, if a publicly supported medical
138 | school is located in the county or the county has a population
139 | of fewer than 50,000 residents, in excess of a combined rate of
140 | 1.5 percent.

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