

Bill No. CS for CS for SB 546, 1st Eng.

Amendment No. ____ Barcode 680316

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 7, between lines 4 and 5,

insert:

Section 3. Section 212.055, Florida Statutes, as amended by section 91 of chapter 2003-402, Laws of Florida, 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 procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative

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1 procedures shall be as provided in s. 212.054.

2 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

3 (a) Each charter county which adopted a charter prior
4 to January 1, 1984, and each county the government of which is
5 consolidated with that of one or more municipalities, may levy
6 a discretionary sales surtax, subject to approval by a
7 majority vote of the electorate of the county or by a charter
8 amendment approved by a majority vote of the electorate of the
9 county.

10 (b) The rate shall be up to 1 percent.

11 (c) The proposal to adopt a discretionary sales surtax
12 as provided in this subsection and to create a trust fund
13 within the county accounts shall be placed on the ballot in
14 accordance with law at a time to be set at the discretion of
15 the governing body.

16 (d) Proceeds from the surtax shall be applied to as
17 many or as few of the uses enumerated below in whatever
18 combination the county commission deems appropriate:

19 1. Deposited by the county in the trust fund and shall
20 be used for the purposes of development, construction,
21 equipment, maintenance, operation, supportive services,
22 including a countywide bus system, and related costs of a
23 fixed guideway rapid transit system;

24 2. Remitted by the governing body of the county to an
25 expressway or transportation authority created by law to be
26 used, at the discretion of such authority, for the
27 development, construction, operation, or maintenance of roads
28 or bridges in the county, for the operation and maintenance of
29 a bus system, for the payment of principal and interest on
30 existing bonds issued for the construction of such roads or
31 bridges, and, upon approval by the county commission, such

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1 proceeds may be pledged for bonds issued to refinance existing
2 bonds or new bonds issued for the construction of such roads
3 or bridges;

4 3. For each county, as defined in s. 125.011(1), used
5 for the development, construction, operation, and maintenance
6 of roads and bridges in the county; for the expansion,
7 operation, and maintenance of bus and fixed guideway systems;
8 and for the payment of principal and interest on bonds issued
9 for the construction of fixed guideway rapid transit systems,
10 bus systems, roads, or bridges; and such proceeds may be
11 pledged by the governing body of the county for bonds issued
12 to refinance existing bonds or new bonds issued for the
13 construction of such fixed guideway rapid transit systems, bus
14 systems, roads, or bridges and no more than 25 percent used
15 for nontransit uses; and

16 4. Used by the charter county for the planning,
17 development, construction, operation, and maintenance of roads
18 and bridges in the county; for the planning, development,
19 expansion, operation, and maintenance of bus and fixed
20 guideway systems; and for the payment of principal and
21 interest on bonds issued for the construction of fixed
22 guideway rapid transit systems, bus systems, roads, or
23 bridges; and such proceeds may be pledged by the governing
24 body of the county for bonds issued to refinance existing
25 bonds or new bonds issued for the construction of such fixed
26 guideway rapid transit systems, bus systems, roads, or
27 bridges. Pursuant to an interlocal agreement entered into
28 pursuant to chapter 163, the governing body of the charter
29 county may distribute proceeds from the tax to a municipality,
30 or an expressway or transportation authority created by law to
31 be expended for the purpose authorized by this paragraph.

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1 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--
2 (a)1. The governing authority in each county may levy
3 a discretionary sales surtax of 0.5 percent or 1 percent. The
4 levy of the surtax shall be pursuant to ordinance enacted by a
5 majority of the members of the county governing authority and
6 approved by a majority of the electors of the county voting in
7 a referendum on the surtax. If the governing bodies of the
8 municipalities representing a majority of the county's
9 population adopt uniform resolutions establishing the rate of
10 the surtax and calling for a referendum on the surtax, the
11 levy of the surtax shall be placed on the ballot and shall
12 take effect if approved by a majority of the electors of the
13 county voting in the referendum on the surtax.

14 2. If the surtax was levied pursuant to a referendum
15 held before July 1, 1993, the surtax may not be levied beyond
16 the time established in the ordinance, or, if the ordinance
17 did not limit the period of the levy, the surtax may not be
18 levied for more than 15 years. The levy of such surtax may be
19 extended only by approval of a majority of the electors of the
20 county voting in a referendum on the surtax.

21 (b) A statement which includes a brief general
22 description of the projects to be funded by the surtax and
23 which conforms to the requirements of s. 101.161 shall be
24 placed on the ballot by the governing authority of any county
25 which enacts an ordinance calling for a referendum on the levy
26 of the surtax or in which the governing bodies of the
27 municipalities representing a majority of the county's
28 population adopt uniform resolutions calling for a referendum
29 on the surtax. The following question shall be placed on the
30 ballot:
31

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1 FOR the -cent sales tax
2 AGAINST the -cent sales tax

3
4 (c) Pursuant to s. 212.054(4), the proceeds of the
5 surtax levied under this subsection shall be distributed to
6 the county and the municipalities within such county in which
7 the surtax was collected, according to:

8 1. An interlocal agreement between the county
9 governing authority and the governing bodies of the
10 municipalities representing a majority of the county's
11 municipal population, which agreement may include a school
12 district with the consent of the county governing authority
13 and the governing bodies of the municipalities representing a
14 majority of the county's municipal population; or

15 2. If there is no interlocal agreement, according to
16 the formula provided in s. 218.62.

17
18 Any change in the distribution formula must take effect on the
19 first day of any month that begins at least 60 days after
20 written notification of that change has been made to the
21 department.

22 (d)1. The proceeds of the surtax authorized by this
23 subsection and any interest accrued thereto shall be expended
24 by the school district or within the county and municipalities
25 within the county, or, in the case of a negotiated joint
26 county agreement, within another county, to finance, plan, and
27 construct infrastructure and to acquire land for public
28 recreation or conservation or protection of natural resources
29 and to finance the closure of county-owned or municipally
30 owned solid waste landfills that are already closed or are
31 required to close by order of the Department of Environmental

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1 Protection. Any use of such proceeds or interest for purposes
2 of landfill closure prior to July 1, 1993, is ratified.
3 Neither the proceeds nor any interest accrued thereto shall be
4 used for operational expenses of any infrastructure, except
5 that any county with a population of less than 75,000 that is
6 required to close a landfill by order of the Department of
7 Environmental Protection may use the proceeds or any interest
8 accrued thereto for long-term maintenance costs associated
9 with landfill closure. Counties, as defined in s. 125.011(1),
10 and charter counties may, in addition, use the proceeds and
11 any interest accrued thereto to retire or service indebtedness
12 incurred for bonds issued prior to July 1, 1987, for
13 infrastructure purposes, and for bonds subsequently issued to
14 refund such bonds. Any use of such proceeds or interest for
15 purposes of retiring or servicing indebtedness incurred for
16 such refunding bonds prior to July 1, 1999, is ratified.

17 2. For the purposes of this paragraph,

18 "infrastructure" means:

19 a. Any fixed capital expenditure or fixed capital
20 outlay associated with the construction, reconstruction, or
21 improvement of public facilities which have a life expectancy
22 of 5 or more years and any land acquisition, land improvement,
23 design, and engineering costs related thereto.

24 b. A fire department vehicle, an emergency medical
25 service vehicle, a sheriff's office vehicle, a police
26 department vehicle, or any other vehicle, and such equipment
27 necessary to outfit the vehicle for its official use or
28 equipment that has a life expectancy of at least 5 years.

29 c. Any expenditure for the construction, lease, or
30 maintenance of, or provision of utilities or security for,
31 facilities as defined in s. 29.008.

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1 3. Notwithstanding any other provision of this
2 subsection, a discretionary sales surtax imposed or extended
3 after the effective date of this act may provide for an amount
4 not to exceed 15 percent of the local option sales surtax
5 proceeds to be allocated for deposit to a trust fund within
6 the county's accounts created for the purpose of funding
7 economic development projects of a general public purpose
8 targeted to improve local economies, including the funding of
9 operational costs and incentives related to such economic
10 development. The ballot statement must indicate the intention
11 to make an allocation under the authority of this
12 subparagraph.

13 (e) School districts, counties, and municipalities
14 receiving proceeds under the provisions of this subsection may
15 pledge such proceeds for the purpose of servicing new bond
16 indebtedness incurred pursuant to law. Local governments may
17 use the services of the Division of Bond Finance of the State
18 Board of Administration pursuant to the State Bond Act to
19 issue any bonds through the provisions of this subsection. In
20 no case may a jurisdiction issue bonds pursuant to this
21 subsection more frequently than once per year. Counties and
22 municipalities may join together for the issuance of bonds
23 authorized by this subsection.

24 (f)1. Notwithstanding paragraph (d), a county that has
25 a population of 50,000 or less on April 1, 1992, or any county
26 designated as an area of critical state concern on the
27 effective date of this act, and that imposed the surtax before
28 July 1, 1992, may use the proceeds and interest of the surtax
29 for any public purpose if:

- 30 a. The debt service obligations for any year are met;
31 b. The county's comprehensive plan has been determined

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1 to be in compliance with part II of chapter 163; and

2 c. The county has adopted an amendment to the surtax
3 ordinance pursuant to the procedure provided in s. 125.66
4 authorizing additional uses of the surtax proceeds and
5 interest.

6 2. A municipality located within a county that has a
7 population of 50,000 or less on April 1, 1992, or within a
8 county designated as an area of critical state concern on the
9 effective date of this act, and that imposed the surtax before
10 July 1, 1992, may not use the proceeds and interest of the
11 surtax for any purpose other than an infrastructure purpose
12 authorized in paragraph (d) unless the municipality's
13 comprehensive plan has been determined to be in compliance
14 with part II of chapter 163 and the municipality has adopted
15 an amendment to its surtax ordinance or resolution pursuant to
16 the procedure provided in s. 166.041 authorizing additional
17 uses of the surtax proceeds and interest. Such municipality
18 may expend the surtax proceeds and interest for any public
19 purpose authorized in the amendment.

20 3. Those counties designated as an area of critical
21 state concern which qualify to use the surtax for any public
22 purpose may use only up to 10 percent of the surtax proceeds
23 for any public purpose other than for infrastructure purposes
24 authorized by this section.

25 (g) Notwithstanding paragraph (d), a county in which
26 40 percent or more of the just value of real property is
27 exempt or immune from ad valorem taxation, and the
28 municipalities within such a county, may use the proceeds and
29 interest of the surtax for operation and maintenance of parks
30 and recreation programs and facilities established with the
31 proceeds of the surtax.

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1 (h) Notwithstanding any other provision of this
2 section, a county shall not levy local option sales surtaxes
3 authorized in this subsection and subsections (3), (4), and
4 (5) in excess of a combined rate of 1 percent.

5 (3) SMALL COUNTY SURTAX.--

6 (a) The governing authority in each county that has a
7 population of 50,000 or less on April 1, 1992, may levy a
8 discretionary sales surtax of 0.5 percent or 1 percent. The
9 levy of the surtax shall be pursuant to ordinance enacted by
10 an extraordinary vote of the members of the county governing
11 authority if the surtax revenues are expended for operating
12 purposes. If the surtax revenues are expended for the purpose
13 of servicing bond indebtedness, the surtax shall be approved
14 by a majority of the electors of the county voting in a
15 referendum on the surtax.

16 (b) A statement that includes a brief general
17 description of the projects to be funded by the surtax and
18 conforms to the requirements of s. 101.161 shall be placed on
19 the ballot by the governing authority of any county that
20 enacts an ordinance calling for a referendum on the levy of
21 the surtax for the purpose of servicing bond indebtedness.
22 The following question shall be placed on the ballot:

23
24FOR the-cent sales tax
25AGAINST the-cent sales tax
26

27 (c) Pursuant to s. 212.054(4), the proceeds of the
28 surtax levied under this subsection shall be distributed to
29 the county and the municipalities within the county in which
30 the surtax was collected, according to:

31 1. An interlocal agreement between the county

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1 governing authority and the governing bodies of the
2 municipalities representing a majority of the county's
3 municipal population, which agreement may include a school
4 district with the consent of the county governing authority
5 and the governing bodies of the municipalities representing a
6 majority of the county's municipal population; or

7 2. If there is no interlocal agreement, according to
8 the formula provided in s. 218.62.

9
10 Any change in the distribution formula shall take effect on
11 the first day of any month that begins at least 60 days after
12 written notification of that change has been made to the
13 department.

14 (d)1. If the surtax is levied pursuant to a
15 referendum, the proceeds of the surtax and any interest
16 accrued thereto may be expended by the school district or
17 within the county and municipalities within the county, or, in
18 the case of a negotiated joint county agreement, within
19 another county, for the purpose of servicing bond indebtedness
20 to finance, plan, and construct infrastructure and to acquire
21 land for public recreation or conservation or protection of
22 natural resources. However, if the surtax is levied pursuant
23 to an ordinance approved by an extraordinary vote of the
24 members of the county governing authority, the proceeds and
25 any interest accrued thereto may be used for operational
26 expenses of any infrastructure or for any public purpose
27 authorized in the ordinance under which the surtax is levied.

28 2. For the purposes of this paragraph,
29 "infrastructure" means any fixed capital expenditure or fixed
30 capital costs associated with the construction,
31 reconstruction, or improvement of public facilities that have

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1 a life expectancy of 5 or more years and any land acquisition,
2 land improvement, design, and engineering costs related
3 thereto.

4 (e) A school district, county, or municipality that
5 receives proceeds under this subsection following a referendum
6 may pledge the proceeds for the purpose of servicing new bond
7 indebtedness incurred pursuant to law. Local governments may
8 use the services of the Division of Bond Finance pursuant to
9 the State Bond Act to issue any bonds through the provisions
10 of this subsection. A jurisdiction may not issue bonds
11 pursuant to this subsection more frequently than once per
12 year. A county and municipality may join together to issue
13 bonds authorized by this subsection.

14 (f) Notwithstanding any other provision of this
15 section, a county shall not levy local option sales surtaxes
16 authorized in this subsection and subsections (2), (4), and
17 (5) in excess of a combined rate of 1 percent.

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

19 (a) The governing body in each county the government
20 of which is not consolidated with that of one or more
21 municipalities, which has a population of at least 800,000
22 residents and is not authorized to levy a surtax under
23 subsection (5), may levy, pursuant to an ordinance either
24 approved by an extraordinary vote of the governing body or
25 conditioned to take effect only upon approval by a majority
26 vote of the electors of the county voting in a referendum, a
27 discretionary sales surtax at a rate that may not exceed 0.5
28 percent.

29 (b) If the ordinance is conditioned on a referendum, a
30 statement that includes a brief and general description of the
31 purposes to be funded by the surtax and that conforms to the

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1 requirements of s. 101.161 shall be placed on the ballot by
2 the governing body of the county. The following questions
3 shall be placed on the ballot:

4
5 FOR THE. . . .CENTS TAX
6 AGAINST THE. . . .CENTS TAX
7

8 (c) The ordinance adopted by the governing body
9 providing for the imposition of the surtax shall set forth a
10 plan for providing health care services to qualified
11 residents, as defined in paragraph (d). Such plan and
12 subsequent amendments to it shall fund a broad range of health
13 care services for both indigent persons and the medically
14 poor, including, but not limited to, primary care and
15 preventive care as well as hospital care. The plan must also
16 address the services to be provided by the Level I trauma
17 center. It shall emphasize a continuity of care in the most
18 cost-effective setting, taking into consideration both a high
19 quality of care and geographic access. Where consistent with
20 these objectives, it shall include, without limitation,
21 services rendered by physicians, clinics, community hospitals,
22 mental health centers, and alternative delivery sites, as well
23 as at least one regional referral hospital where appropriate.
24 It shall provide that agreements negotiated between the county
25 and providers, including hospitals with a Level I trauma
26 center, will include reimbursement methodologies that take
27 into account the cost of services rendered to eligible
28 patients, recognize hospitals that render a disproportionate
29 share of indigent care, provide other incentives to promote
30 the delivery of charity care, promote the advancement of
31 technology in medical services, recognize the level of

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1 responsiveness to medical needs in trauma cases, and require
2 cost containment including, but not limited to, case
3 management. It must also provide that any hospitals that are
4 owned and operated by government entities on May 21, 1991,
5 must, as a condition of receiving funds under this subsection,
6 afford public access equal to that provided under s. 286.011
7 as to meetings of the governing board, the subject of which is
8 budgeting resources for the rendition of charity care as that
9 term is defined in the Florida Hospital Uniform Reporting
10 System (FHURS) manual referenced in s. 408.07. The plan shall
11 also include innovative health care programs that provide
12 cost-effective alternatives to traditional methods of service
13 delivery and funding.

14 (d) For the purpose of this subsection, the term
15 "qualified resident" means residents of the authorizing county
16 who are:

17 1. Qualified as indigent persons as certified by the
18 authorizing county;

19 2. Certified by the authorizing county as meeting the
20 definition of the medically poor, defined as persons having
21 insufficient income, resources, and assets to provide the
22 needed medical care without using resources required to meet
23 basic needs for shelter, food, clothing, and personal
24 expenses; or not being eligible for any other state or federal
25 program, or having medical needs that are not covered by any
26 such program; or having insufficient third-party insurance
27 coverage. In all cases, the authorizing county is intended to
28 serve as the payor of last resort; or

29 3. Participating in innovative, cost-effective
30 programs approved by the authorizing county.

31 (e) Moneys collected pursuant to this subsection

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1 remain the property of the state and shall be distributed by
2 the Department of Revenue on a regular and periodic basis to
3 the clerk of the circuit court as ex officio custodian of the
4 funds of the authorizing county. The clerk of the circuit
5 court shall:

- 6 1. Maintain the moneys in an indigent health care
7 trust fund;
- 8 2. Invest any funds held on deposit in the trust fund
9 pursuant to general law;
- 10 3. Disburse the funds, including any interest earned,
11 to any provider of health care services, as provided in
12 paragraphs (c) and (d), upon directive from the authorizing
13 county. However, if a county has a population of at least
14 800,000 residents and has levied the surtax authorized in this
15 subsection, notwithstanding any directive from the authorizing
16 county, on October 1 of each calendar year, the clerk of the
17 court shall issue a check in the amount of \$6.5 million to a
18 hospital in its jurisdiction that has a Level I trauma center
19 or shall issue a check in the amount of \$3.5 million to a
20 hospital in its jurisdiction that has a Level I trauma center
21 if that county enacts and implements a hospital lien law in
22 accordance with chapter 98-499, Laws of Florida. The issuance
23 of the checks on October 1 of each year is provided in
24 recognition of the Level I trauma center status and shall be
25 in addition to the base contract amount received during fiscal
26 year 1999-2000 and any additional amount negotiated to the
27 base contract. If the hospital receiving funds for its Level I
28 trauma center status requests such funds to be used to
29 generate federal matching funds under Medicaid, the clerk of
30 the court shall instead issue a check to the Agency for Health
31 Care Administration to accomplish that purpose to the extent

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1 that it is allowed through the General Appropriations Act; and

2 4. Prepare on a biennial basis an audit of the trust
 3 fund specified in subparagraph 1. Commencing February 1, 2004,
 4 such audit shall be delivered to the governing body and to the
 5 chair of the legislative delegation of each authorizing
 6 county.

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

11 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as
 12 defined in s. 125.011(1) may levy the surtax authorized in
 13 this subsection pursuant to an ordinance either approved by
 14 extraordinary vote of the county commission or conditioned to
 15 take effect only upon approval by a majority vote of the
 16 electors of the county voting in a referendum. In a county as
 17 defined in s. 125.011(1), for the purposes of this subsection,
 18 "county public general hospital" means a general hospital as
 19 defined in s. 395.002 which is owned, operated, maintained, or
 20 governed by the county or its agency, authority, or public
 21 health trust.

22 (a) The rate shall be 0.5 percent.

23 (b) If the ordinance is conditioned on a referendum,
 24 the proposal to adopt the county public hospital surtax shall
 25 be placed on the ballot in accordance with law at a time to be
 26 set at the discretion of the governing body. The referendum
 27 question on the ballot shall include a brief general
 28 description of the health care services to be funded by the
 29 surtax.

30 (c) Proceeds from the surtax shall be:

31 1. Deposited by the county in a special fund, set

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1 aside from other county funds, to be used only for the
2 operation, maintenance, and administration of the county
3 public general hospital; and

4 2. Remitted promptly by the county to the agency,
5 authority, or public health trust created by law which
6 administers or operates the county public general hospital.

7 (d) Except as provided in subparagraphs 1. and 2., the
8 county must continue to contribute each year an amount equal
9 to at least 80 percent of that percentage of the total county
10 budget appropriated for the operation, administration, and
11 maintenance of the county public general hospital from the
12 county's general revenues in the fiscal year of the county
13 ending September 30, 1991:

14 1. Twenty-five percent of such amount must be remitted
15 to a governing board, agency, or authority that is wholly
16 independent from the public health trust, agency, or authority
17 responsible for the county public general hospital, to be used
18 solely for the purpose of funding the plan for indigent health
19 care services provided for in paragraph (e);

20 2. However, in the first year of the plan, a total of
21 \$10 million shall be remitted to such governing board, agency,
22 or authority, to be used solely for the purpose of funding the
23 plan for indigent health care services provided for in
24 paragraph (e), and in the second year of the plan, a total of
25 \$15 million shall be so remitted and used.

26 (e) A governing board, agency, or authority shall be
27 chartered by the county commission upon this act becoming law.
28 The governing board, agency, or authority shall adopt and
29 implement a health care plan for indigent health care
30 services. The governing board, agency, or authority shall
31 consist of no more than seven and no fewer than five members

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1 appointed by the county commission. The members of the
2 governing board, agency, or authority shall be at least 18
3 years of age and residents of the county. No member may be
4 employed by or affiliated with a health care provider or the
5 public health trust, agency, or authority responsible for the
6 county public general hospital. The following community
7 organizations shall each appoint a representative to a
8 nominating committee: the South Florida Hospital and
9 Healthcare Association, the Miami-Dade County Public Health
10 Trust, the Dade County Medical Association, the Miami-Dade
11 County Homeless Trust, and the Mayor of Miami-Dade County.
12 This committee shall nominate between 10 and 14 county
13 citizens for the governing board, agency, or authority. The
14 slate shall be presented to the county commission and the
15 county commission shall confirm the top five to seven
16 nominees, depending on the size of the governing board. Until
17 such time as the governing board, agency, or authority is
18 created, the funds provided for in subparagraph (d)2. shall be
19 placed in a restricted account set aside from other county
20 funds and not disbursed by the county for any other purpose.

21 1. The plan shall divide the county into a minimum of
22 four and maximum of six service areas, with no more than one
23 participant hospital per service area. The county public
24 general hospital shall be designated as the provider for one
25 of the service areas. Services shall be provided through
26 participants' primary acute care facilities.

27 2. The plan and subsequent amendments to it shall fund
28 a defined range of health care services for both indigent
29 persons and the medically poor, including primary care,
30 preventive care, hospital emergency room care, and hospital
31 care necessary to stabilize the patient. For the purposes of

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1 this section, "stabilization" means stabilization as defined
2 in s. 397.311(29). Where consistent with these objectives, the
3 plan may include services rendered by physicians, clinics,
4 community hospitals, and alternative delivery sites, as well
5 as at least one regional referral hospital per service area.
6 The plan shall provide that agreements negotiated between the
7 governing board, agency, or authority and providers shall
8 recognize hospitals that render a disproportionate share of
9 indigent care, provide other incentives to promote the
10 delivery of charity care to draw down federal funds where
11 appropriate, and require cost containment, including, but not
12 limited to, case management. From the funds specified in
13 subparagraphs (d)1. and 2. for indigent health care services,
14 service providers shall receive reimbursement at a Medicaid
15 rate to be determined by the governing board, agency, or
16 authority created pursuant to this paragraph for the initial
17 emergency room visit, and a per-member per-month fee or
18 capitation for those members enrolled in their service area,
19 as compensation for the services rendered following the
20 initial emergency visit. Except for provisions of emergency
21 services, upon determination of eligibility, enrollment shall
22 be deemed to have occurred at the time services were rendered.
23 The provisions for specific reimbursement of emergency
24 services shall be repealed on July 1, 2001, unless otherwise
25 reenacted by the Legislature. The capitation amount or rate
26 shall be determined prior to program implementation by an
27 independent actuarial consultant. In no event shall such
28 reimbursement rates exceed the Medicaid rate. The plan must
29 also provide that any hospitals owned and operated by
30 government entities on or after the effective date of this act
31 must, as a condition of receiving funds under this subsection,

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1 afford public access equal to that provided under s. 286.011
2 as to any meeting of the governing board, agency, or authority
3 the subject of which is budgeting resources for the retention
4 of charity care, as that term is defined in the rules of the
5 Agency for Health Care Administration. The plan shall also
6 include innovative health care programs that provide
7 cost-effective alternatives to traditional methods of service
8 and delivery funding.

9 3. The plan's benefits shall be made available to all
10 county residents currently eligible to receive health care
11 services as indigents or medically poor as defined in
12 paragraph (4)(d).

13 4. Eligible residents who participate in the health
14 care plan shall receive coverage for a period of 12 months or
15 the period extending from the time of enrollment to the end of
16 the current fiscal year, per enrollment period, whichever is
17 less.

18 5. At the end of each fiscal year, the governing
19 board, agency, or authority shall prepare an audit that
20 reviews the budget of the plan, delivery of services, and
21 quality of services, and makes recommendations to increase the
22 plan's efficiency. The audit shall take into account
23 participant hospital satisfaction with the plan and assess the
24 amount of poststabilization patient transfers requested, and
25 accepted or denied, by the county public general hospital.

26 (f) Notwithstanding any other provision of this
27 section, a county may not levy local option sales surtaxes
28 authorized in this subsection and subsections (2) and (3) in
29 excess of a combined rate of 1 percent.

30 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

31 (a)1. The school board in each county may levy,

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1 pursuant to resolution conditioned to take effect only upon
2 approval by a majority vote of the electors of the county
3 voting in a referendum, a discretionary sales surtax at a rate
4 that may not exceed 0.5 percent.

5 ~~2.(b)~~ The resolution shall include a statement that
6 provides a brief and general description of the school capital
7 outlay projects to be funded by the surtax. If applicable, the
8 resolution must state that the district school board has been
9 recognized by the State Board of Education as having a Florida
10 Frugal Schools Program. The statement shall conform to the
11 requirements of s. 101.161 and shall be placed on the ballot
12 by the governing body of the county. The following question
13 shall be placed on the ballot:

14
15 FOR THE CENTS TAX
16 AGAINST THE CENTS TAX
17

18 ~~3.(c)~~ The resolution providing for the imposition of
19 the surtax shall set forth a plan for use of the surtax
20 proceeds for fixed capital expenditures or fixed capital costs
21 associated with the construction, reconstruction, or
22 improvement of school facilities and campuses which have a
23 useful life expectancy of 5 or more years, and any land
24 acquisition, land improvement, design, and engineering costs
25 related thereto. Additionally, the plan shall include the
26 costs of retrofitting and providing for technology
27 implementation, including hardware and software, for the
28 various sites within the school district. Surtax revenues may
29 be used for the purpose of servicing bond indebtedness to
30 finance projects authorized by this subsection, and any
31 interest accrued thereto may be held in trust to finance such

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1 projects. Neither the proceeds of the surtax nor any interest
2 accrued thereto shall be used for operational expenses. If the
3 district school board has been recognized by the State Board
4 of Education as having a Florida Frugal Schools Program, the
5 district's plan for use of the surtax proceeds must be
6 consistent with this subsection and with uses assured under
7 the Florida Frugal Schools Program.

8 4.(d) Any school board imposing the surtax shall
9 implement a freeze on noncapital local school property taxes,
10 at the millage rate imposed in the year prior to the
11 implementation of the surtax, for a period of at least 3 years
12 from the date of imposition of the surtax. This provision
13 shall not apply to existing debt service or required state
14 taxes.

15 5.(e) Surtax revenues collected by the Department of
16 Revenue pursuant to this subsection shall be distributed to
17 the school board imposing the surtax in accordance with law.

18 (b)1. Notwithstanding the provisions of paragraph (a),
19 the school board in any county may use up to 50 percent of the
20 revenues generated by the surtax for operational purposes
21 solely for salaries and benefits for teachers. However, in
22 addition to the requirements of paragraph (a), the resolution
23 providing for the imposition of the surtax shall specify the
24 percentage of surtax revenues to be used solely for salaries
25 and benefits for teachers as authorized by this paragraph. The
26 plan setting forth the use of surtax proceeds shall include
27 uses solely for salaries and benefits for teachers. The plan
28 shall provide criteria to account for use of proceeds solely
29 for salaries and benefits for teachers and shall provide for
30 an annual report by the school board documenting such use.

31 2. The school board of any county which has levied the

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1 surtax authorized in this subsection before July 1, 2004, and
2 wishes to use a percentage of surtax revenues solely for
3 salaries and benefits for teachers as provided in this
4 paragraph may do so only pursuant to a new resolution
5 conditioned to take effect only upon approval by a majority
6 vote of the electors of the county voting in a referendum as
7 provided in subparagraph (a)2. However, the amount of surtax
8 revenues authorized for use solely for salaries and benefits
9 for teachers under this subparagraph shall be available only
10 to the extent such revenues are not otherwise dedicated to
11 service bond indebtedness in such counties as provided in
12 paraqraph (a), if applicable.

13 3. This paragraph is repealed July 1, 2008.

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

15 (a) The governing body in each county that has a
16 population of less than 800,000 residents may levy an indigent
17 care surtax pursuant to an ordinance conditioned to take
18 effect only upon approval by a majority vote of the electors
19 of the county voting in a referendum. The surtax may be levied
20 at a rate not to exceed 0.5 percent, except that if a publicly
21 supported medical school is located in the county, the rate
22 shall not exceed 1 percent.

23 (b) A statement that includes a brief and general
24 description of the purposes to be funded by the surtax and
25 that conforms to the requirements of s. 101.161 shall be
26 placed on the ballot by the governing body of the county. The
27 following questions shall be placed on the ballot:

28
29 FOR THE. . . .CENTS TAX

30 AGAINST THE. . . .CENTS TAX

31

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

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

- 28 1. Qualified as indigent persons as certified by the
29 authorizing county;
- 30 2. Certified by the authorizing county as meeting the
31 definition of the medically poor, defined as persons having

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1 insufficient income, resources, and assets to provide the
2 needed medical care without using resources required to meet
3 basic needs for shelter, food, clothing, and personal
4 expenses; not being eligible for any other state or federal
5 program or having medical needs that are not covered by any
6 such program; or having insufficient third-party insurance
7 coverage. In all cases, the authorizing county shall serve as
8 the payor of last resort; or

9 3. Participating in innovative, cost-effective
10 programs approved by the authorizing county.

11 (e) Moneys collected pursuant to this subsection
12 remain the property of the state and shall be distributed by
13 the Department of Revenue on a regular and periodic basis to
14 the clerk of the circuit court as ex officio custodian of the
15 funds of the authorizing county. The clerk of the circuit
16 court shall:

17 1. Maintain the moneys in an indigent health care
18 trust fund.

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

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

25 (f) Notwithstanding any other provision of this
26 section, a county may not levy local option sales surtaxes
27 authorized in this subsection and subsections (2) and (3) in
28 excess of a combined rate of 1 percent or, if a publicly
29 supported medical school is located in the county, in excess
30 of a combined rate of 1.5 percent.

31

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1 (Redesignate subsequent sections.)

2

3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 8, after the semicolon,

7

8 insert:

9 amending s. 212.055, F.S.; authorizing counties

10 to use a portion of surtax revenues for certain

11 operational purposes under certain

12 circumstances; providing requirements and

13 limitations; providing for future repeal;

14

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