

Bill No. SB 634, 1st Eng.

Amendment No. ____ Barcode 123694

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 1, lines 11 through 25, delete those lines

and insert:

Section 1. Subsections (4) and (7) of section 212.055, Florida Statutes, are 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 procedures shall be as provided in s. 212.054.

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1 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--
2 (a)1. The governing body in each county the government
3 of which is not consolidated with that of one or more
4 municipalities, which has a population of at least 800,000
5 residents and is not authorized to levy a surtax under
6 subsection (5), may levy, pursuant to an ordinance either
7 approved by an extraordinary vote of the governing body or
8 conditioned to take effect only upon approval by a majority
9 vote of the electors of the county voting in a referendum, a
10 discretionary sales surtax at a rate that may not exceed 0.5
11 percent.

12 ~~2.(b)~~ If the ordinance is conditioned on a referendum,
13 a statement that includes a brief and general description of
14 the purposes to be funded by the surtax and that conforms to
15 the requirements of s. 101.161 shall be placed on the ballot
16 by the governing body of the county. The following questions
17 shall be placed on the ballot:

18
19 FOR THE. . . .CENTS TAX
20 AGAINST THE. . . .CENTS TAX
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22 ~~3.(c)~~ The ordinance adopted by the governing body
23 providing for the imposition of the surtax shall set forth a
24 plan for providing health care services to qualified
25 residents, as defined in subparagraph 4 ~~paragraph (d)~~. Such
26 plan and subsequent amendments to it shall fund a broad range
27 of health care services for both indigent persons and the
28 medically poor, including, but not limited to, primary care
29 and preventive care as well as hospital care. The plan must
30 also address the services to be provided by the Level I trauma
31 center. It shall emphasize a continuity of care in the most

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1 cost-effective setting, taking into consideration both a high
2 quality of care and geographic access. Where consistent with
3 these objectives, it shall include, without limitation,
4 services rendered by physicians, clinics, community hospitals,
5 mental health centers, and alternative delivery sites, as well
6 as at least one regional referral hospital where appropriate.
7 It shall provide that agreements negotiated between the county
8 and providers, including hospitals with a Level I trauma
9 center, will include reimbursement methodologies that take
10 into account the cost of services rendered to eligible
11 patients, recognize hospitals that render a disproportionate
12 share of indigent care, provide other incentives to promote
13 the delivery of charity care, promote the advancement of
14 technology in medical services, recognize the level of
15 responsiveness to medical needs in trauma cases, and require
16 cost containment including, but not limited to, case
17 management. It must also provide that any hospitals that are
18 owned and operated by government entities on May 21, 1991,
19 must, as a condition of receiving funds under this subsection,
20 afford public access equal to that provided under s. 286.011
21 as to meetings of the governing board, the subject of which is
22 budgeting resources for the rendition of charity care as that
23 term is defined in the Florida Hospital Uniform Reporting
24 System (FHURS) manual referenced in s. 408.07. The plan shall
25 also include innovative health care programs that provide
26 cost-effective alternatives to traditional methods of service
27 delivery and funding.

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

31 ~~a.1.~~ Qualified as indigent persons as certified by the

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1 authorizing county;

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

12 ~~c.3.~~ Participating in innovative, cost-effective
13 programs approved by the authorizing county.

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

20 ~~a.1.~~ Maintain the moneys in an indigent health care
21 trust fund;

22 ~~b.2.~~ Invest any funds held on deposit in the trust
23 fund pursuant to general law;

24 ~~c.3.~~ Disburse the funds, including any interest
25 earned, to any provider of health care services, as provided
26 in subparagraphs 3. and 4. paragraphs (c) and (d), upon
27 directive from the authorizing county. However, if a county
28 has a population of at least 800,000 residents and has levied
29 the surtax authorized in this paragraph subsection,
30 notwithstanding any directive from the authorizing county, on
31 October 1 of each calendar year, the clerk of the court shall

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1 issue a check in the amount of \$6.5 million to a hospital in
2 its jurisdiction that has a Level I trauma center or shall
3 issue a check in the amount of \$3.5 million to a hospital in
4 its jurisdiction that has a Level I trauma center if that
5 county enacts and implements a hospital lien law in accordance
6 with chapter 98-499, Laws of Florida. The issuance of the
7 checks on October 1 of each year is provided in recognition of
8 the Level I trauma center status and shall be in addition to
9 the base contract amount received during fiscal year 1999-2000
10 and any additional amount negotiated to the base contract. If
11 the hospital receiving funds for its Level I trauma center
12 status requests such funds to be used to generate federal
13 matching funds under Medicaid, the clerk of the court shall
14 instead issue a check to the Agency for Health Care
15 Administration to accomplish that purpose to the extent that
16 it is allowed through the General Appropriations Act; and

17 ~~d.4.~~ Prepare on a biennial basis an audit of the trust
18 fund specified in sub-subparagraph a. subparagraph 1.
19 Commencing February 1, 2004, such audit shall be delivered to
20 the governing body and to the chair of the legislative
21 delegation of each authorizing county.

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

26 (b) Notwithstanding any other provision of this
27 section, the governing body in each county the government of
28 which is not consolidated with that of one or more
29 municipalities and which has a population of less than 800,000
30 residents, may levy, by ordinance subject to approval by a
31 majority of the electors of the county voting in a referendum,

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1 a discretionary sales surtax at a rate that may not exceed
2 0.25 percent for the sole purpose of funding trauma services
3 provided by a trauma center licensed under chapter 395.

4 1. A statement that includes a brief and general
5 description of the purposes to be funded by the surtax and
6 that conforms to the requirements of s. 101.161 shall be
7 placed on the ballot by the governing body of the county. The
8 following questions shall be placed on the ballot:

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10 FOR THE. . . .CENTS TAX

11 AGAINST THE. . . .CENTS TAX

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13 2. The ordinance adopted by the governing body of the
14 county providing for the imposition of the surtax shall set
15 forth a plan for providing trauma services to trauma victims
16 presenting in the trauma service area in which such county is
17 located.

18 3. Moneys collected under this paragraph remain the
19 property of the state and shall be distributed by the
20 Department of Revenue on a regular and periodic basis to the
21 clerk of the circuit court as ex officio custodian of the
22 funds of the authorizing county. The clerk of the circuit
23 court shall:

24 a. Maintain the moneys in a trauma services trust
25 fund.

26 b. Invest any funds held on deposit in the trust fund
27 under general law.

28 c. Disburse the funds, including any interest earned
29 on such funds, to the trauma center in its trauma service area
30 as provided in the plan set forth pursuant to subparagraph 2.
31 upon directive from the authorizing county. If the trauma

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1 center receiving funds requests that such funds be used to
2 generate federal matching funds under Medicaid, the custodian
3 of the funds shall instead issue a check to the Agency for
4 Health Care Administration to accomplish that purpose to the
5 extent that the agency is authorized in the General
6 Appropriations Act.

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

10 4. A discretionary sales surtax imposed under this
11 paragraph shall expire 4 years after the effective date of the
12 surtax unless reenacted by ordinance subject to approval by a
13 majority of the electors of the county voting in a subsequent
14 referendum.

15 5. Notwithstanding any other provision of this
16 section, a county may not levy local option sales surtaxes
17 authorized in this paragraph and subsections (2) and (3) in
18 excess of a combined rate of 1 percent.

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

22 And the title is amended as follows:

23 On page 1, line 3, after the semicolon,

24

25 insert:

26 authorizing certain counties to levy by
27 ordinance, subject to referendum approval, a
28 surtax to fund trauma services provided by
29 certain licensed trauma centers; requiring the
30 ordinance to provide a plan for providing
31 trauma services; providing for collection and

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1 distribution of surtax proceeds; providing
2 duties of the clerk of the circuit court, the
3 clerk of the municipality, or the treasurer of
4 the special district in maintaining a trust
5 fund and investing and disbursing funds;
6 requiring a biennial audit of the trust fund;
7 providing for expiration and reenactment of the
8 surtax; limiting the rate of the surtax;

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