

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Kendrick offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 212.055 Discretionary sales surtaxes; legislative intent;
8 authorization and use of proceeds.--It is the legislative intent
9 that any authorization for imposition of a discretionary sales
10 surtax shall be published in the Florida Statutes as a
11 subsection of this section, irrespective of the duration of the
12 levy. Each enactment shall specify the types of counties
13 authorized to levy; the rate or rates which may be imposed; the
14 maximum length of time the surtax may be imposed, if any; the
15 procedure which must be followed to secure voter approval, if
16 required; the purpose for which the proceeds may be expended;

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17 and such other requirements as the Legislature may provide.
18 Taxable transactions and administrative procedures shall be as
19 provided in s. 212.054.

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

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

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

35 (b) A statement that includes a brief and general
36 description of the purposes to be funded by the surtax and that
37 conforms to the requirements of s. 101.161 shall be placed on
38 the ballot by the governing body of the county. The following
39 questions shall be placed on the ballot:

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FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

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

67 2. In addition to the uses specified or services required
68 to be provided under this subsection, the ordinance adopted by a
69 county that has a population of fewer than 50,000 residents may
70 pledge surtax proceeds to service new or existing bond
71 indebtedness incurred to finance, plan, construct, or

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

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

- 95 1. Qualified as indigent persons as certified by the
96 authorizing county;
- 97 2. Certified by the authorizing county as meeting the
98 definition of the medically poor, defined as persons having
99 insufficient income, resources, and assets to provide the needed

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100 medical care without using resources required to meet basic
101 needs for shelter, food, clothing, and personal expenses; not
102 being eligible for any other state or federal program or having
103 medical needs that are not covered by any such program; or
104 having insufficient third-party insurance coverage. In all
105 cases, the authorizing county shall serve as the payor of last
106 resort; or

107 3. Participating in innovative, cost-effective programs
108 approved by the authorizing county.

109 (e) Moneys collected pursuant to this subsection remain
110 the property of the state and shall be distributed by the
111 Department of Revenue on a regular and periodic basis to the
112 clerk of the circuit court as ex officio custodian of the funds
113 of the authorizing county. The clerk of the circuit court shall:

114 1. Maintain the moneys in an indigent health care trust
115 fund.

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

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

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

125 (f) Notwithstanding any other provision of this section, a
126 county may not levy local option sales surtaxes authorized in
127 this subsection and subsections (2) and (3) in excess of a

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128 combined rate of 1 percent or, if a publicly supported medical
129 school is located in the county or the county has a population
130 of fewer than 50,000 residents, in excess of a combined rate of
131 1.5 percent.

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

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

136 Remove the entire title and insert:

137 A bill to be entitled

138 An act relating to the indigent care surtax; amending s.
139 212.055, F.S.; allowing small counties having a specified
140 population to levy an indigent care surtax; providing
141 procedures; providing uses of the surtax; providing a
142 maximum tax rate; providing an effective date.