

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

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

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

27           212.055 Discretionary sales surtaxes; legislative  
28 intent; authorization and use of proceeds.--It is the  
29 legislative intent that any authorization for imposition of a  
30 discretionary sales surtax shall be published in the Florida  
31 Statutes as a subsection of this section, irrespective of the

1 duration of the levy. Each enactment shall specify the types  
 2 of counties authorized to levy; the rate or rates which may be  
 3 imposed; the maximum length of time the surtax may be imposed,  
 4 if any; the procedure which must be followed to secure voter  
 5 approval, if required; the purpose for which the proceeds may  
 6 be expended; and such other requirements as the Legislature  
 7 may provide. Taxable transactions and administrative  
 8 procedures shall be as provided in s. 212.054.

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

10 (a)1. The governing body in each county the government  
 11 of which is not consolidated with that of one or more  
 12 municipalities, which has a population of at least 800,000  
 13 residents and is not authorized to levy a surtax under  
 14 subsection (5), may levy, pursuant to an ordinance either  
 15 approved by an extraordinary vote of the governing body or  
 16 conditioned to take effect only upon approval by a majority  
 17 vote of the electors of the county voting in a referendum, a  
 18 discretionary sales surtax at a rate that may not exceed 0.5  
 19 percent.

20 2.~~(b)~~ If the ordinance is conditioned on a referendum,  
 21 a statement that includes a brief and general description of  
 22 the purposes to be funded by the surtax and that conforms to  
 23 the requirements of s. 101.161 shall be placed on the ballot  
 24 by the governing body of the county. The following questions  
 25 shall be placed on the ballot:

26  
 27 FOR THE. . . .CENTS TAX  
 28 AGAINST THE. . . .CENTS TAX  
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30 3.~~(c)~~ The ordinance adopted by the governing body  
 31 providing for the imposition of the surtax shall set forth a

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

1 System (FHURS) manual referenced in s. 408.07. The plan shall  
2 also include innovative health care programs that provide  
3 cost-effective alternatives to traditional methods of service  
4 delivery and funding.

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

8 ~~a.1.~~ Qualified as indigent persons as certified by the  
9 authorizing county;

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

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

22 ~~5.(e)~~ Moneys collected pursuant to this paragraph  
23 ~~subsection~~ remain the property of the state and shall be  
24 distributed by the Department of Revenue on a regular and  
25 periodic basis to the clerk of the circuit court as ex officio  
26 custodian of the funds of the authorizing county. The clerk of  
27 the circuit court shall:

28 ~~a.1.~~ Maintain the moneys in an indigent health care  
29 trust fund;

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

1           c.3. Disburse the funds, including any interest  
2 earned, to any provider of health care services, as provided  
3 in subparagraphs 3. and 4.~~paragraphs (c) and (d)~~, upon  
4 directive from the authorizing county. However, if a county  
5 has a population of at least 800,000 residents and has levied  
6 the surtax authorized in this paragraph ~~subsection~~,  
7 notwithstanding any directive from the authorizing county, on  
8 October 1 of each calendar year, the clerk of the court shall  
9 issue a check in the amount of \$6.5 million to a hospital in  
10 its jurisdiction that has a Level I trauma center or shall  
11 issue a check in the amount of \$3.5 million to a hospital in  
12 its jurisdiction that has a Level I trauma center if that  
13 county enacts and implements a hospital lien law in accordance  
14 with chapter 98-499, Laws of Florida. The issuance of the  
15 checks on October 1 of each year is provided in recognition of  
16 the Level I trauma center status and shall be in addition to  
17 the base contract amount received during fiscal year 1999-2000  
18 and any additional amount negotiated to the base contract. If  
19 the hospital receiving funds for its Level I trauma center  
20 status requests such funds to be used to generate federal  
21 matching funds under Medicaid, the clerk of the court shall  
22 instead issue a check to the Agency for Health Care  
23 Administration to accomplish that purpose to the extent that  
24 it is allowed through the General Appropriations Act; and  
25           d.4. Prepare on a biennial basis an audit of the trust  
26 fund specified in sub-subparagraph a.~~subparagraph 1.~~  
27 Commencing February 1, 2004, such audit shall be delivered to  
28 the governing body and to the chair of the legislative  
29 delegation of each authorizing county.  
30           6.(f) Notwithstanding any other provision of this  
31 section, a county shall not levy local option sales surtaxes

1 authorized in this ~~paragraph subsection~~ and subsections (2)  
2 and (3) in excess of a combined rate of 1 percent.

3 (b) Notwithstanding any other provision of this  
4 section, the governing body in each county the government of  
5 which is not consolidated with that of one or more  
6 municipalities and which has a population of less than 800,000  
7 residents, may levy, by ordinance subject to approval by a  
8 majority of the electors of the county voting in a referendum,  
9 a discretionary sales surtax at a rate that may not exceed  
10 0.25 percent for the sole purpose of funding trauma services  
11 provided by a trauma center licensed under chapter 395.

12 1. A statement that includes a brief and general  
13 description of the purposes to be funded by the surtax and  
14 that conforms to the requirements of s. 101.161 shall be  
15 placed on the ballot by the governing body of the county. The  
16 following questions shall be placed on the ballot:

17  
18 FOR THE. . . .CENTS TAX  
19 AGAINST THE. . . .CENTS TAX  
20

21 2. The ordinance adopted by the governing body of the  
22 county providing for the imposition of the surtax shall set  
23 forth a plan for providing trauma services to trauma victims  
24 presenting in the trauma service area in which such county is  
25 located.

26 3. Moneys collected under this paragraph remain the  
27 property of the state and shall be distributed by the  
28 Department of Revenue on a regular and periodic basis to the  
29 clerk of the circuit court as ex officio custodian of the  
30 funds of the authorizing county. The clerk of the circuit  
31 court shall:

1           a. Maintain the moneys in a trauma services trust  
2 fund.

3           b. Invest any funds held on deposit in the trust fund  
4 under general law.

5           c. Disburse the funds, including any interest earned  
6 on such funds, to the trauma center in its trauma service area  
7 as provided in the plan set forth pursuant to subparagraph 2.  
8 upon directive from the authorizing county. If the trauma  
9 center receiving funds requests that such funds be used to  
10 generate federal matching funds under Medicaid, the custodian  
11 of the funds shall instead issue a check to the Agency for  
12 Health Care Administration to accomplish that purpose to the  
13 extent that the agency is authorized in the General  
14 Appropriations Act.

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

18           4. A discretionary sales surtax imposed under this  
19 paragraph shall expire 4 years after the effective date of the  
20 surtax unless reenacted by ordinance subject to approval by a  
21 majority of the electors of the county voting in a subsequent  
22 referendum.

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

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

28           (a)1. The governing body in each county that has a  
29 population of fewer ~~less~~ than 800,000 residents may levy an  
30 indigent care surtax pursuant to an ordinance conditioned to  
31 take effect only upon approval by a majority vote of the

1 electors of the county voting in a referendum. The surtax may  
2 be levied at a rate not to exceed 0.5 percent, except that if  
3 a publicly supported medical school is located in the county,  
4 the rate shall not exceed 1 percent.

5 2. Notwithstanding subparagraph 1., the governing body  
6 of any county that has a population of fewer than 50,000  
7 residents may levy an indigent care surtax pursuant to an  
8 ordinance conditioned to take effect only upon approval by a  
9 majority vote of the electors of the county voting in a  
10 referendum. The surtax may be levied at a rate not to exceed 1  
11 percent.

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

17  
18 FOR THE. . .CENTS TAX  
19 AGAINST THE. . .CENTS TAX  
20

21 (c)1. The ordinance adopted by the governing body  
22 providing for the imposition of the surtax must set forth a  
23 plan for providing health care services to qualified  
24 residents, as defined in paragraph (d). The plan and  
25 subsequent amendments to it shall fund a broad range of health  
26 care services for indigent persons and the medically poor,  
27 including, but not limited to, primary care and preventive  
28 care, as well as hospital care. It shall emphasize a  
29 continuity of care in the most cost-effective setting, taking  
30 into consideration a high quality of care and geographic  
31 access. Where consistent with these objectives, it shall



1 include, without limitation, services rendered by physicians,  
2 clinics, community hospitals, mental health centers, and  
3 alternative delivery sites, as well as at least one regional  
4 referral hospital where appropriate. It shall provide that  
5 agreements negotiated between the county and providers shall  
6 include reimbursement methodologies that take into account the  
7 cost of services rendered to eligible patients, recognize  
8 hospitals that render a disproportionate share of indigent  
9 care, provide other incentives to promote the delivery of  
10 charity care, and require cost containment, including, but not  
11 limited to, case management. The plan must also include  
12 innovative health care programs that provide cost-effective  
13 alternatives to traditional methods of service delivery and  
14 funding.

15 2. In addition to the uses specified or services  
16 required to be provided under this subsection, the ordinance  
17 adopted by a county that has a population of fewer than 50,000  
18 residents may pledge surtax proceeds to service new or  
19 existing bond indebtedness incurred to finance, plan,  
20 construct, or reconstruct a public or not-for-profit hospital  
21 in such county and any land acquisition, land improvement,  
22 design, or engineering costs related to such hospital, if the  
23 governing body of the county determines that a public or  
24 not-for-profit hospital existing at the time of issuance of  
25 the bonds authorized under this subparagraph would, more  
26 likely than not, otherwise cease to operate. The plan required  
27 under this paragraph may, by an extraordinary vote of the  
28 governing body of such county, provide that some or all of the  
29 surtax revenues and any interest earned must be expended for  
30 the purpose of servicing such bond indebtedness. Such county  
31 may also use the services of the Division of Bond Finance of

1 the State Board of Administration pursuant to the State Bond  
2 Act to issue bonds under this subparagraph. A jurisdiction may  
3 not issue bonds under this subparagraph more frequently than  
4 once per year. Any county that has a population of fewer than  
5 50,000 residents at the time any bonds authorized in this  
6 subparagraph are issued retains the authority granted under  
7 this subparagraph throughout the terms of such bonds,  
8 including the term of any refinancing bonds, regardless of any  
9 subsequent increase in population which would result in such  
10 county having 50,000 or more residents.

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

13 1. Qualified as indigent persons as certified by the  
14 authorizing county;

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

25 3. Participating in innovative, cost-effective  
26 programs approved by the authorizing county.

27 (e) Moneys collected pursuant to this subsection  
28 remain the property of the state and shall be distributed by  
29 the Department of Revenue on a regular and periodic basis to  
30 the clerk of the circuit court as ex officio custodian of the  
31

1 funds of the authorizing county. The clerk of the circuit  
2 court shall:

3 1. Maintain the moneys in an indigent health care  
4 trust fund.

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

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

11 4. Disburse the funds, including any interest earned,  
12 to service any bond indebtedness authorized in this subsection  
13 upon directive from the authorizing county, which directive  
14 may be irrevocably given at the time the bond indebtedness is  
15 incurred.

16 (f) Notwithstanding any other provision of this  
17 section, a county may not levy local option sales surtaxes  
18 authorized in this subsection and subsections (2) and (3) in  
19 excess of a combined rate of 1 percent or, if a publicly  
20 supported medical school is located in the county or the  
21 county has a population of fewer than 50,000 residents, in  
22 excess of a combined rate of 1.5 percent.

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

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