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1  
2 An act relating to discretionary sales surtaxes;  
3 amending s. 212.055, F.S.; deleting a limitation upon  
4 the imposition of indigent care and trauma center  
5 discretionary sales surtaxes by certain counties;  
6 providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Paragraph (a) of subsection (4) of section  
11 212.055, Florida Statutes, is amended to read:

12 212.055 Discretionary sales surtaxes; legislative intent;  
13 authorization and use of proceeds.—It is the legislative intent  
14 that any authorization for imposition of a discretionary sales  
15 surtax shall be published in the Florida Statutes as a  
16 subsection of this section, irrespective of the duration of the  
17 levy. Each enactment shall specify the types of counties  
18 authorized to levy; the rate or rates which may be imposed; the  
19 maximum length of time the surtax may be imposed, if any; the  
20 procedure which must be followed to secure voter approval, if  
21 required; the purpose for which the proceeds may be expended;  
22 and such other requirements as the Legislature may provide.  
23 Taxable transactions and administrative procedures shall be as  
24 provided in s. 212.054.

25 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

26 (a)1. The governing body in each county that ~~the government~~  
27 ~~of which is not consolidated with that of one or more~~  
28 ~~municipalities, which~~ has a population of at least 800,000  
29 residents and is not authorized to levy a surtax under

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30 subsection (5), may levy, pursuant to an ordinance either  
31 approved by an extraordinary vote of the governing body or  
32 conditioned to take effect only upon approval by a majority vote  
33 of the electors of the county voting in a referendum, a  
34 discretionary sales surtax at a rate that may not exceed 0.5  
35 percent.

36 2. If the ordinance is conditioned on a referendum, a  
37 statement that includes a brief and general description of the  
38 purposes to be funded by the surtax and that conforms to the  
39 requirements of s. 101.161 shall be placed on the ballot by the  
40 governing body of the county. The following questions shall be  
41 placed on the ballot:

42 FOR THE. . . .CENTS TAX

43 AGAINST THE. . . .CENTS TAX

44 3. The ordinance adopted by the governing body providing  
45 for the imposition of the surtax shall set forth a plan for  
46 providing health care services to qualified residents, as  
47 defined in subparagraph 4. Such plan and subsequent amendments  
48 to it shall fund a broad range of health care services for both  
49 indigent persons and the medically poor, including, but not  
50 limited to, primary care and preventive care as well as hospital  
51 care. The plan must also address the services to be provided by  
52 the Level I trauma center. It shall emphasize a continuity of  
53 care in the most cost-effective setting, taking into  
54 consideration both a high quality of care and geographic access.  
55 Where consistent with these objectives, it shall include,  
56 without limitation, services rendered by physicians, clinics,  
57 community hospitals, mental health centers, and alternative  
58 delivery sites, as well as at least one regional referral

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59 hospital where appropriate. It shall provide that agreements  
60 negotiated between the county and providers, including hospitals  
61 with a Level I trauma center, will include reimbursement  
62 methodologies that take into account the cost of services  
63 rendered to eligible patients, recognize hospitals that render a  
64 disproportionate share of indigent care, provide other  
65 incentives to promote the delivery of charity care, promote the  
66 advancement of technology in medical services, recognize the  
67 level of responsiveness to medical needs in trauma cases, and  
68 require cost containment including, but not limited to, case  
69 management. It must also provide that any hospitals that are  
70 owned and operated by government entities on May 21, 1991, must,  
71 as a condition of receiving funds under this subsection, afford  
72 public access equal to that provided under s. 286.011 as to  
73 meetings of the governing board, the subject of which is  
74 budgeting resources for the rendition of charity care as that  
75 term is defined in the Florida Hospital Uniform Reporting System  
76 (FHURS) manual referenced in s. 408.07. The plan shall also  
77 include innovative health care programs that provide cost-  
78 effective alternatives to traditional methods of service  
79 delivery and funding.

80 4. For the purpose of this paragraph, the term "qualified  
81 resident" means residents of the authorizing county who are:

82 a. Qualified as indigent persons as certified by the  
83 authorizing county;

84 b. Certified by the authorizing county as meeting the  
85 definition of the medically poor, defined as persons having  
86 insufficient income, resources, and assets to provide the needed  
87 medical care without using resources required to meet basic

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88 needs for shelter, food, clothing, and personal expenses; or not  
89 being eligible for any other state or federal program, or having  
90 medical needs that are not covered by any such program; or  
91 having insufficient third-party insurance coverage. In all  
92 cases, the authorizing county is intended to serve as the payor  
93 of last resort; or

94 c. Participating in innovative, cost-effective programs  
95 approved by the authorizing county.

96 5. Moneys collected pursuant to this paragraph remain the  
97 property of the state and shall be distributed by the Department  
98 of Revenue on a regular and periodic basis to the clerk of the  
99 circuit court as ex officio custodian of the funds of the  
100 authorizing county. The clerk of the circuit court shall:

101 a. Maintain the moneys in an indigent health care trust  
102 fund;

103 b. Invest any funds held on deposit in the trust fund  
104 pursuant to general law;

105 c. Disburse the funds, including any interest earned, to  
106 any provider of health care services, as provided in  
107 subparagraphs 3. and 4., upon directive from the authorizing  
108 county. However, if a county has a population of at least  
109 800,000 residents and has levied the surtax authorized in this  
110 paragraph, notwithstanding any directive from the authorizing  
111 county, on October 1 of each calendar year, the clerk of the  
112 court shall issue a check in the amount of \$6.5 million to a  
113 hospital in its jurisdiction that has a Level I trauma center or  
114 shall issue a check in the amount of \$3.5 million to a hospital  
115 in its jurisdiction that has a Level I trauma center if that  
116 county enacts and implements a hospital lien law in accordance

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117 with chapter 98-499, Laws of Florida. The issuance of the checks  
118 on October 1 of each year is provided in recognition of the  
119 Level I trauma center status and shall be in addition to the  
120 base contract amount received during fiscal year 1999-2000 and  
121 any additional amount negotiated to the base contract. If the  
122 hospital receiving funds for its Level I trauma center status  
123 requests such funds to be used to generate federal matching  
124 funds under Medicaid, the clerk of the court shall instead issue  
125 a check to the Agency for Health Care Administration to  
126 accomplish that purpose to the extent that it is allowed through  
127 the General Appropriations Act; and

128         d. Prepare on a biennial basis an audit of the trust fund  
129 specified in sub-subparagraph a. Commencing February 1, 2004,  
130 such audit shall be delivered to the governing body and to the  
131 chair of the legislative delegation of each authorizing county.

132         6. Notwithstanding any other provision of this section, a  
133 county shall not levy local option sales surtaxes authorized in  
134 this paragraph and subsections (2) and (3) in excess of a  
135 combined rate of 1 percent.

136         Section 2. This act shall take effect July 1, 2009.