

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/CS/SB 1036

INTRODUCER: Health and Human Services Appropriations Committee, Finance and Tax Committee and Senator Peaden

SUBJECT: Discretionary Sales Surtaxes

DATE: April 19, 2010 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bell	Wilson	HR	<b>Favorable</b>
2.	ODonnell	McKee	FT	<b>Fav/CS</b>
3.	Hansen	Hansen	HA	<b>Fav/CS</b>
4.			WPSC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes  
 B. AMENDMENTS.....  Technical amendments were recommended  
 Amendments were recommended  
 Significant amendments were recommended

**I. Summary:**

The bill amends the discretionary sales surtax for the “Indigent Care and Trauma Center Surtax” to expand the authority to levy the surtax to include a county that has a population of at least 800,000 residents and that is consolidated with one or more municipalities (Duval County). However, the bill requires that such counties must receive approval of the electors in a referendum prior to levying the surtax.

The Revenue Estimating Conference determined that this bill will have no fiscal impact on state revenue and an indeterminate positive local revenue impact since an eligible jurisdiction must pass the levy.

This bill substantially amends section 212.055, Florida Statutes.

**II. Present Situation:**

Section 212.055, F.S., authorizes qualifying counties and other specified local governmental entities to levy various surtaxes. The section expresses the legislative intent that any

authorization for imposition of a discretionary sales surtax be published in the Florida Statutes as a subsection of this section. Each enactment must specify the types of counties authorized to levy, the rates which may be imposed, the maximum length of time the surtax may be imposed, the approval required, the purpose for which the proceeds may be expended, and such other requirements as the Legislature may provide.

Under s. 212.055(4)(a), F.S., certain counties are authorized to levy the Indigent Care and Trauma Center Surtax at the rate that may not exceed 0.5 percent. A county with a total population of at least 800,000 residents is eligible to levy this tax; however, counties that are consolidated with one or more municipalities (Duval County), and counties authorized to levy the County Public Hospital Surtax (Miami-Dade County), are ineligible. The proceeds must be used to fund health care services, including, but not limited to, primary care, preventive care, and hospital care for indigent and medically poor persons, as well as Level I trauma center services. Persons defined as medically poor lack sufficient income, resources, and assets to provide for needed medical care without using resources required to meet the basic needs for shelter, food, clothing, and personal expenses. Medically poor individuals lack sufficient third-party insurance coverage and are not eligible for any other state or federal third-party insurance coverage. These persons are not eligible for any other state or federal program or have medical needs that are not covered by such a program. This tax may be imposed by either an extraordinary vote of the county's governing body or by voter approval in a county-wide referendum.

Section 212.055(4)(b), F.S., authorizes, notwithstanding any other provisions of s. 212.055(4), F.S., certain counties to levy the Indigent Care and Trauma Center Surtax at a rate that may not exceed 0.25 percent. A county with a total population of fewer than 800,000 residents is eligible to levy this tax subject to approval by voters in a referendum; however, counties consolidated with one or more municipalities are ineligible. The proceeds of the tax may be used to fund trauma services provided by a Florida-licensed trauma center. A discretionary surtax imposed under this paragraph expires four years after the effective date of the surtax, unless reenacted by ordinance subject to approval by a majority of the electors of the county voting in a subsequent referendum.

### **Governor's Veto**

In 2009, the Legislature passed CS/SB 718, to remove the exclusion of a county that has a population of at least 800,000 residents and that is consolidated with one or more municipalities from levying a discretionary sales surtax under the "Indigent Care and Trauma Center Surtax," provision in law. This legislation would have allowed Duval County to levy a discretionary sales surtax. The Governor vetoed CS/SB 718 because the bill allowed a discretionary sales surtax to be levied without voter approval.<sup>1</sup> In the veto message, the Governor stated that he believes every discretionary sales surtax, or local option sales tax, must be approved by the voters.

### **III. Effect of Proposed Changes:**

The bill amends the discretionary sales surtax provision for the "Indigent Care and Trauma Center Surtax," to delete the exclusion of a county that has a population of at least 800,000

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<sup>1</sup> Letter to Secretary Kurt S. Browning, Secretary of State, from Governor Charlie Crist, regarding the veto of CS/SB 718, June 10, 2009, on file with the Senate Health Regulation Committee.

residents and that is consolidated with one or more municipalities (Duval County) from levying this surtax under paragraph (a) of subsection (4) of Section 212.055, Florida Statutes. The bill provides that the governing board of a county that is consolidated with one or more municipalities may levy the surtax only if the ordinance is approved in a referendum.

The effective date of the bill is July 1, 2010.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

The Revenue Estimating Conference determined that this bill will have no fiscal impact on state revenue and an indeterminate positive local revenue impact since an eligible jurisdiction must put the imposition of the levy to a referendum.

Non-consolidated counties with a total population of at least 800,000 residents (Broward, Hillsborough, Orange, Palm Beach, and Pinellas Counties) are eligible to levy the 0.5 percent surtax. Under current law, Duval County is ineligible to levy the surtax because it is a consolidated county government. Miami-Dade County may not levy the surtax because it already has authority to levy the County Public Hospital Surtax. An estimate of potential revenue for a county that is consolidated with one or more municipalities (Duval County) is outlined in the government sector impact section below.

##### **B. Private Sector Impact:**

If any county that has a population of at least 800,000 residents and that is consolidated with one or more municipalities (Duval County) imposes the Indigent Care and Trauma Center Surtax, consumers in that county will pay up to an additional 0.5 percent sales surtax on taxable purchases.

**C. Government Sector Impact:**

Imposition of this tax will provide Duval County with additional revenue to fund health care services for indigent and medically poor persons and Level I Trauma Center services. Duval County has a projected population of 899,535 in 2010.<sup>2</sup> According revised estimates published by the Florida Legislative Committee on Intergovernmental Relations, a 1-cent local option sales tax in Duval County will generate approximately \$130 million for Fiscal Year 2008-2009. If Duval County had already imposed an Indigent Care and Trauma Center Surtax, 0.5 percent surtax could have generated approximately \$65 million in fiscal year 2008-2009.<sup>3</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In 2009, the Governor vetoed CS/SB 718 because it allowed a discretionary sales tax to be levied without voter approval. The bill language in SB 1036 (2010) is identical to CS/SB 718 (2009).

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health and Human Services Appropriations Committee on April 19, 2010:**

Clarifies that prior to levying the surtax, a county that is consolidated with one or more municipalities must receive approval of the electors in a referendum.

**CS by Finance and Tax on April 13, 2010:**

Provides that the governing board of a county that is consolidated with one or more municipalities may levy the surtax only if the ordinance is approved in a referendum.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>2</sup> The Office of Economic & Demographic Research, The Florida Legislature, County Profiles, Found at: <<http://edr.state.fl.us/county%20profiles.htm>> (Last visited on March 30, 2010).

<sup>3</sup> 2009 Legislative Summary, Florida Legislative Committee on Intergovernmental Relations, Found at: <http://www.floridalcir.gov/UserContent/docs/File/reports/legisum09.pdf> (Last visited March 30, 2010).