

HB 767

2010

1 A bill to be entitled
 2 An act relating to discretionary sales surtaxes; amending
 3 s. 212.055, F.S.; deleting a limitation upon the
 4 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:
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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~~
 27 ~~government 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
 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
 43 FOR THE. . . .CENTS TAX
 44 AGAINST THE. . . .CENTS TAX
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46 3. The ordinance adopted by the governing body providing
 47 for the imposition of the surtax shall set forth a plan for
 48 providing health care services to qualified residents, as
 49 defined in subparagraph 4. Such plan and subsequent amendments
 50 to it shall fund a broad range of health care services for both
 51 indigent persons and the medically poor, including, but not
 52 limited to, primary care and preventive care as well as hospital
 53 care. The plan must also address the services to be provided by
 54 the Level I trauma center. It shall emphasize a continuity of
 55 care in the most cost-effective setting, taking into
 56 consideration both a high quality of care and geographic access.

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57 | Where consistent with these objectives, it shall include,
58 | without limitation, services rendered by physicians, clinics,
59 | community hospitals, mental health centers, and alternative
60 | delivery sites, as well as at least one regional referral
61 | hospital where appropriate. It shall provide that agreements
62 | negotiated between the county and providers, including hospitals
63 | with a Level I trauma center, will include reimbursement
64 | methodologies that take into account the cost of services
65 | rendered to eligible patients, recognize hospitals that render a
66 | disproportionate share of indigent care, provide other
67 | incentives to promote the delivery of charity care, promote the
68 | advancement of technology in medical services, recognize the
69 | level of responsiveness to medical needs in trauma cases, and
70 | require cost containment including, but not limited to, case
71 | management. It must also provide that any hospitals that are
72 | owned and operated by government entities on May 21, 1991, must,
73 | as a condition of receiving funds under this subsection, afford
74 | public access equal to that provided under s. 286.011 as to
75 | meetings of the governing board, the subject of which is
76 | budgeting resources for the rendition of charity care as that
77 | term is defined in the Florida Hospital Uniform Reporting System
78 | (FHURS) manual referenced in s. 408.07. The plan shall also
79 | include innovative health care programs that provide cost-
80 | effective alternatives to traditional methods of service
81 | delivery and funding.

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

84 | a. Qualified as indigent persons as certified by the

85 authorizing county;

86 b. Certified by the authorizing county as meeting the
 87 definition of the medically poor, defined as persons having
 88 insufficient income, resources, and assets to provide the needed
 89 medical care without using resources required to meet basic
 90 needs for shelter, food, clothing, and personal expenses; or not
 91 being eligible for any other state or federal program, or having
 92 medical needs that are not covered by any such program; or
 93 having insufficient third-party insurance coverage. In all
 94 cases, the authorizing county is intended to serve as the payor
 95 of last resort; or

96 c. Participating in innovative, cost-effective programs
 97 approved by the authorizing county.

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

103 a. Maintain the moneys in an indigent health care trust
 104 fund;

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

107 c. Disburse the funds, including any interest earned, to
 108 any provider of health care services, as provided in
 109 subparagraphs 3. and 4., upon directive from the authorizing
 110 county. However, if a county has a population of at least
 111 800,000 residents and has levied the surtax authorized in this
 112 paragraph, notwithstanding any directive from the authorizing

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113 county, on October 1 of each calendar year, the clerk of the
114 court shall issue a check in the amount of \$6.5 million to a
115 hospital in its jurisdiction that has a Level I trauma center or
116 shall issue a check in the amount of \$3.5 million to a hospital
117 in its jurisdiction that has a Level I trauma center if that
118 county enacts and implements a hospital lien law in accordance
119 with chapter 98-499, Laws of Florida. The issuance of the checks
120 on October 1 of each year is provided in recognition of the
121 Level I trauma center status and shall be in addition to the
122 base contract amount received during fiscal year 1999-2000 and
123 any additional amount negotiated to the base contract. If the
124 hospital receiving funds for its Level I trauma center status
125 requests such funds to be used to generate federal matching
126 funds under Medicaid, the clerk of the court shall instead issue
127 a check to the Agency for Health Care Administration to
128 accomplish that purpose to the extent that it is allowed through
129 the General Appropriations Act; and

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

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

138 Section 2. This act shall take effect July 1, 2010.