

CS/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           requiring referendum approval for the surtax in certain  
 7           counties; providing an effective date.

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

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 11           Section 1. Paragraph (a) of subsection (4) of section  
 12   212.055, Florida Statutes, is amended to read:

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

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

27           (a)1. The governing body in each county that ~~the~~  
 28   ~~government of which is not consolidated with that of one or more~~

29 ~~municipalities, which~~ has a population of at least 800,000  
 30 residents and is not authorized to levy a surtax under  
 31 subsection (5), may levy, pursuant to an ordinance either  
 32 approved by an extraordinary vote of the governing body or  
 33 conditioned to take effect only upon approval by a majority vote  
 34 of the electors of the county voting in a referendum, a  
 35 discretionary sales surtax at a rate that may not exceed 0.5  
 36 percent. However, the governing body of a county that is  
 37 consolidated with one or more municipalities may levy the surtax  
 38 only if the ordinance is approved by referendum.

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

45  
 46 FOR THE. . . .CENTS TAX  
 47 AGAINST THE. . . .CENTS TAX  
 48

49 3. The ordinance adopted by the governing body providing  
 50 for the imposition of the surtax shall set forth a plan for  
 51 providing health care services to qualified residents, as  
 52 defined in subparagraph 4. Such plan and subsequent amendments  
 53 to it shall fund a broad range of health care services for both  
 54 indigent persons and the medically poor, including, but not  
 55 limited to, primary care and preventive care as well as hospital  
 56 care. The plan must also address the services to be provided by

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

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

87 a. Qualified as indigent persons as certified by the  
88 authorizing county;

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

99 c. Participating in innovative, cost-effective programs  
100 approved by the authorizing county.

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

106 a. Maintain the moneys in an indigent health care trust  
107 fund;

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

110 c. Disburse the funds, including any interest earned, to  
111 any provider of health care services, as provided in  
112 subparagraphs 3. and 4., upon directive from the authorizing

113 county. However, if a county has a population of at least  
114 800,000 residents and has levied the surtax authorized in this  
115 paragraph, notwithstanding any directive from the authorizing  
116 county, on October 1 of each calendar year, the clerk of the  
117 court shall issue a check in the amount of \$6.5 million to a  
118 hospital in its jurisdiction that has a Level I trauma center or  
119 shall issue a check in the amount of \$3.5 million to a hospital  
120 in its jurisdiction that has a Level I trauma center if that  
121 county enacts and implements a hospital lien law in accordance  
122 with chapter 98-499, Laws of Florida. The issuance of the checks  
123 on October 1 of each year is provided in recognition of the  
124 Level I trauma center status and shall be in addition to the  
125 base contract amount received during fiscal year 1999-2000 and  
126 any additional amount negotiated to the base contract. If the  
127 hospital receiving funds for its Level I trauma center status  
128 requests such funds to be used to generate federal matching  
129 funds under Medicaid, the clerk of the court shall instead issue  
130 a check to the Agency for Health Care Administration to  
131 accomplish that purpose to the extent that it is allowed through  
132 the General Appropriations Act; and

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

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

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