

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2148

SPONSOR: Health, Aging, and Long-Term Care Committee and Senator Sebesta

SUBJECT: Indigent Care and Trauma Center Discretionary Sales Surtax

DATE: April 18, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/CS</u>
2.	<u>Cooper</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute (CS) continues the authorization for qualifying counties under section 212.055(4), Florida Statutes, to impose and collect an indigent care and trauma center surtax by repealing the scheduled October 1, 2005 repeal of this subsection. The clerk of the circuit court, as an ex officio custodian of the funds of the authorizing county, must prepare on a biennial basis an audit of the Indigent Care Trust Fund. Commencing February 1, 2004, the audit must be delivered to the governing body and to the chair of the legislative delegation of each authorizing county.

This CS revives and reenacts s. 212.055(4), F.S.

II. Present Situation:

Indigent Care and Trauma Center Surtax

Under s. 212.055(4), F.S., the governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a county public hospital surtax under subsection (5) of s. 212.055, F.S., may levy a discretionary sales surtax at a rate that may not exceed 0.5 percent. The surtax may be levied pursuant to the passage of an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum.

The proceeds of the surtax must fund the provision of a broad range of health care services for both indigent persons and the medically poor who are residents of the county, including but not limited to, primary care and preventive care as well as hospital care established under a plan. The plan must also address services to be provided by the Level I trauma center. The indigent health

care plan must emphasize a continuity of care in the most cost-effective setting, taking into account both a high quality of care and geographic access. The plan must provide that agreements negotiated between the county and providers will include reimbursement methodologies that: take into account the cost of services rendered to eligible patients; recognize hospitals that render a disproportionate share of indigent care; provide other incentives to promote the delivery of charity care; promote the advancement of technology in medical services; recognize the level of responsiveness to medical needs in trauma cases; and require cost containment. The authority to levy this tax expires October 1, 2005.

Broward, Hillsborough, Palm Beach and Pinellas counties are the only counties eligible to impose the Indigent Care Surtax. Hillsborough County is the only county that imposes the surtax.

Repeal Provision for ch. 2000-312, L.O.F.

Section 11 of ch. 2000-312, L.O.F., requires the provisions of ch. 2000-312, L.O.F., be reviewed by the Legislature prior to October 1, 2005, and be repealed on that date unless otherwise reenacted by the Legislature.

Unless reenacted, the following provisions of the Florida Statutes will be repealed on October 1, 2005:

- s. 197.182(1)(a) & (b), and (3), F.S., which relates to DOR's authority to order refunds of property taxes;
- s. 120.80(14)(b), F.S., which addresses taxpayer contest proceedings against DOR;
- s. 213.21(2)&(3), F.S., which addresses DOR's authority to enter into informal conference procedures to settle disputes between the department and taxpayers;
- s. 199.185(1), F.S., which relates to intangible personal property tax exemptions;
- s. 125.0104(6), (7) & (10), F.S., which relates to the referendum repeal requirements for the Tourist Development Tax, provides for the automatic expiration of the Tourist Development Tax upon retirement of bonds, and local administration of the Tourist Development Tax and the Tourist Impact Tax;
- s. 212.0305(5)(c), F.S., which relates to auditing of records relating to the self-administration of the Convention Development Tax;
- s. 213.053(7), F.S., which relates to the disclosure of confidential information by DOR;
- s. 212.055(4), (5), & (7), F.S., which authorizes counties to levy the Indigent Care and Trauma Center Surtax, the County Public Hospital Surtax, and the Voter-Approved Indigent Care Surtax; and
- s. 192.0105, F.S., which provides for a taxpayer bill of rights for property taxes and assessments.

III. Effect of Proposed Changes:

Section 1 revives and reenacts s. 212.055(4), F.S., which grants authority to a county government that is not consolidated with one or more municipalities, with a population of at least 800,000 to impose and collect an indigent care and trauma center sales surtax of up to one half percent, which will otherwise expire on October 1, 2005.

This section is also amended to require the clerk of the circuit court, as an ex officio custodian of the funds of the authorizing county, to prepare on a biennial basis an audit of the Indigent Care Trust Fund. Commencing February 1, 2004, the audit must be delivered to the governing body and to the chair of the legislative delegation of each authorizing county.

Section 2 provides that the act will take effect upon becoming a law.

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, s. 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 Art. I, s. 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. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The bill continues the authorization for qualifying counties under s. 212.055(4), F.S., to impose and collect an indigent care and trauma center surtax. Hillsborough County is the only county currently imposing and collecting this surtax. The surtax rate in Hillsborough is 0.5%. In fiscal year 2002 -03, Hillsborough County collected approximately \$72.6 million.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
