

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 457 w/CS Indigent Care & Trauma Center Tax  
**SPONSOR(S):** Culp and others  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 2148(s)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>19 Y, 0 N</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	<u>18 Y, 0 N w/CS</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
3) <u>Health Care</u>	<u>19 Y, 0 N</u>	<u>Chavis</u>	<u>Collins</u>
4) <u>Finance &amp; Tax</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5) <u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

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### SUMMARY ANALYSIS

HB 457 revives and reenacts a section of current law relating to the authority for non-consolidated counties with a total population of at least 800,000 to impose and collect an indigent care and trauma center sales surtax of up to one half percent that will otherwise sunset on October 1, 2005. In fiscal year 2002, in excess of \$184 Million was collected.

The bill continues the authorization for qualifying counties to impose and collect an indigent care and trauma center surtax; requires a biennial audit of the indigent care trust fund; and further provides that beginning February 1, 2004, the audit shall be delivered to the local governing body and to the chair of the legislative delegation.

The bill takes effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0457a.hc.doc  
**DATE:** April 7, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

HB 457 revives and reenacts s. 212.055(4), F.S., relating to the authority for non-consolidated counties with a total population of at least 800,000 to impose and collect an indigent care and trauma center sales surtax of up to one half percent that will otherwise sunset on October 1, 2005. The bill does not apply to Miami-Dade County as they are authorized to levy a County Public Hospital Surtax. Hillsborough County is currently the only county imposing this surtax.

#### **Background**

Chapter 2000-312, L.O.F., created a new Voter-Approved Indigent Care Surtax in counties with less than 800,000 residents, to be imposed after referendum approval. The use of tax proceeds is delineated in the act. Local option sales surtaxes are capped at a combined total of 1 percent or 1.5 percent if a publicly supported medical school is in the county. The surtax is one of several surtaxes subject to a combined rate limitation. A county eligible to levy this surtax shall not levy it along with the Local Government Infrastructure Surtax and/or Small County Surtax in excess of a combined rate of 1 percent.

#### Indigent Care Surtax

In 1991, the Legislature authorized certain counties to levy the Indigent Care Surtax at the rate of 0.5 percent. A county with a total population of 800,000 or more is eligible to levy this tax; however, counties consolidated with that of one or more municipalities (Duval), and counties authorized to levy the County Public Hospital Surtax (Miami-Dade), 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. 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 the 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. The counties eligible to levy the surtax are: Broward; Hillsborough; Orange; Palm Beach; and Pinellas Counties.

The authority to levy this tax expires October 1, 2005. This sunset was approved by a super majority vote of the Board of County Commissioners.

## Current Law

Section 212.055(4), F.S., authorizes the imposition and collection of an indigent care and trauma center surtax. Sections 11 and 13, ch. 2000-312, L.O.F., provide for an October 1, 2005, sunset of s. 212.055(4), F.S.

### C. SECTION DIRECTORY:

**Section 1.** Notwithstanding the provisions of s. 11 of ch. 2000-312, L.O.F., as amended by s. 13 of ch. 2000-312, L.O.F., amends current law to revive and reenact s. 212.055(4), F.S., relating to the imposition and collection of an indigent care and trauma center surtax.

**Section 2.** Provides an effective date upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill continues the authorization for qualifying counties to impose and collect an indigent care and trauma center surtax. In fiscal year 2002, Hillsborough County, the only county currently imposing and collecting this surtax, collected approximately \$72.6 Million. The fiscal year 2003 revenue is estimated to be approximately \$82.8 Million.<sup>1</sup>

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill continues the authority to impose and collect an indigent care and trauma center surtax.

### D. FISCAL COMMENTS:

None.

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<sup>1</sup> Department of Revenue, State and Local Tax Receipts, March 12, 2003 [<http://sun6.dms.state.fl.us/dor/tables/f4fy2002.html>], and The Florida House of Representatives, Committee on Finance & Tax, March 14, 2003.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. This bill does not reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

The Local Affairs Subcommittee, at its meeting on March 20, 2003, recommended one amendment favorably. The amendment adds a requirement for a biennial audit of the indigent care trust fund; and further provides that beginning February 1, 2004, the audit shall be delivered to the local governing body and to the chair of the legislative delegation.

The Committee on Local Government & Veterans' Affairs, at its meeting on March 27, 2003, adopted the amendment discussed above.