

By Senator Jones

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1                   A bill to be entitled  
2           An act relating to financial responsibility for  
3           medical expenses of pretrial detainees and sentenced  
4           inmates; amending s. 901.35, F.S.; providing that the  
5           responsibility for paying the expenses of medical  
6           care, treatment, hospitalization, and transportation  
7           for a person who is ill, wounded, or otherwise injured  
8           during or as a result of an arrest for a violation of  
9           a state law or a county or municipal ordinance is the  
10          responsibility of the person receiving the medical  
11          care, treatment, hospitalization, or transportation;  
12          removing provisions establishing the order by which  
13          medical providers receive reimbursement for the  
14          expenses incurred in providing the medical services or  
15          transportation; amending s. 951.032, F.S.; setting  
16          forth the order by which a county or municipal  
17          detention facility may seek reimbursement for the  
18          expenses incurred during the course of treating or  
19          transporting in-custody pretrial detainees or  
20          sentenced inmates; requiring that each in-custody  
21          pretrial detainee or sentenced inmate who receives  
22          medical care or other services cooperate with the  
23          county or municipal detention facility in seeking  
24          reimbursement for the expenses incurred by the  
25          facility; setting forth the order of fiscal resources  
26          from which a third-party provider of medical services  
27          may seek reimbursement for the expenses the provider  
28          incurred in providing medical care; requiring that the  
29          county or municipality pay the costs of medical

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30 services provided by a third-party provider at  
31 specified rates, under certain circumstances;  
32 requiring that each in-custody pretrial detainee or  
33 sentenced inmate who has health insurance, subscribes  
34 to a health care corporation, or receives health care  
35 benefits from any other source assign such benefits to  
36 the health care provider; defining the term "in-  
37 custody pretrial detainee or sentenced inmate";  
38 providing that law enforcement personnel or county or  
39 municipal detention facility personnel are responsible  
40 for restricting the personal freedom of certain in-  
41 custody pretrial detainees or sentenced inmates;  
42 providing that the act does not apply to certain  
43 counties; providing that certain charter counties are  
44 not obligated to reimburse a third-party provider of  
45 medical care, treatment, hospitalization, or  
46 transportation for an in-custody pretrial detainee or  
47 sentenced inmate of a county detention facility at a  
48 rate exceeding a particular rate for certain  
49 transportation or medical costs; providing an  
50 effective date.

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. Section 901.35, Florida Statutes, is amended to  
55 read:

56 901.35 Financial responsibility for medical expenses.—  
57 ~~(1) Except as provided in s. 951.032 Notwithstanding any~~  
58 ~~other provision of law,~~ the responsibility for paying the

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59 expenses of medical care, treatment, hospitalization, and  
60 transportation for any person ill, wounded, or otherwise injured  
61 during or as a result ~~at the time~~ of an arrest for any violation  
62 of a state law or a county or municipal ordinance is the  
63 responsibility of the person receiving such care, treatment,  
64 hospitalization, and transportation. ~~The provider of such~~  
65 ~~services shall seek reimbursement for the expenses incurred in~~  
66 ~~providing medical care, treatment, hospitalization, and~~  
67 ~~transportation from the following sources in the following~~  
68 ~~order:~~

69 ~~(a) From an insurance company, health care corporation, or~~  
70 ~~other source, if the prisoner is covered by an insurance policy~~  
71 ~~or subscribes to a health care corporation or other source for~~  
72 ~~those expenses.~~

73 ~~(b) From the person receiving the medical care, treatment,~~  
74 ~~hospitalization, or transportation.~~

75 ~~(c) From a financial settlement for the medical care,~~  
76 ~~treatment, hospitalization, or transportation payable or~~  
77 ~~accruing to the injured party.~~

78 ~~(2) Upon a showing that reimbursement from the sources~~  
79 ~~listed in subsection (1) is not available, the costs of medical~~  
80 ~~care, treatment, hospitalization, and transportation shall be~~  
81 ~~paid:~~

82 ~~(a) From the general fund of the county in which the person~~  
83 ~~was arrested, if the arrest was for violation of a state law or~~  
84 ~~county ordinance; or~~

85 ~~(b) From the municipal general fund, if the arrest was for~~  
86 ~~violation of a municipal ordinance.~~

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88 ~~The responsibility for payment of such medical costs shall exist~~  
89 ~~until such time as an arrested person is released from the~~  
90 ~~custody of the arresting agency.~~

91 ~~(3) An arrested person who has health insurance, subscribes~~  
92 ~~to a health care corporation, or receives health care benefits~~  
93 ~~from any other source shall assign such benefits to the health~~  
94 ~~care provider.~~

95 Section 2. Section 951.032, Florida Statutes, is amended to  
96 read:

97 951.032 Financial responsibility for medical expenses.—

98 (1) A county detention facility or municipal detention  
99 facility incurring expenses for ~~providing~~ medical care,  
100 treatment, hospitalization, or transportation provided by the  
101 county or municipal detention facility may seek reimbursement  
102 for the expenses incurred during the course of treatment of an  
103 in-custody pretrial detainee or sentenced inmate in the  
104 following order:

105 (a) From the in-custody pretrial detainee or sentenced  
106 inmate ~~prisoner or person~~ receiving medical care, treatment,  
107 hospitalization, or transportation by deducting the cost from  
108 the in-custody pretrial detainee's or sentenced inmate's  
109 ~~prisoner's~~ cash account on deposit with the detention facility.  
110 If the in-custody pretrial detainee's or sentenced inmate's  
111 ~~prisoner's~~ cash account does not contain sufficient funds to  
112 cover medical care, treatment, hospitalization, or  
113 transportation, ~~then~~ the detention facility may place a lien  
114 against the in-custody pretrial detainee's or sentenced inmate's  
115 ~~prisoner's~~ cash account or other personal property, to provide  
116 payment in the event sufficient funds become available at a

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117 later time. Any existing lien may be carried over to future  
118 incarceration of the same detainee or inmate ~~prisoner~~ as long as  
119 the future incarceration takes place within the county  
120 originating the lien and the future incarceration takes place  
121 within 3 years after ~~of~~ the date the lien was placed against the  
122 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~  
123 account or other personal property.

124 (b) From an insurance company, health care corporation, or  
125 other source if the in-custody pretrial detainee or sentenced  
126 inmate ~~prisoner or person~~ is covered by an insurance policy or  
127 subscribes to a health care corporation or other source for  
128 those expenses.

129 (2) An in-custody pretrial detainee or sentenced inmate ~~A~~  
130 ~~prisoner~~ who receives medical care, treatment, hospitalization,  
131 or transportation by a county or municipal detention facility  
132 shall cooperate with that ~~the county detention facility or~~  
133 ~~municipal detention facility~~ in seeking reimbursement under  
134 paragraphs (1)(a) and (b) for expenses incurred by the facility  
135 for the in-custody pretrial detainee or sentenced inmate  
136 ~~prisoner~~. An in-custody pretrial detainee or sentenced inmate ~~A~~  
137 ~~prisoner~~ who willfully refuses to cooperate with the  
138 reimbursement efforts of the detention facility may have a lien  
139 placed against his or her ~~the prisoner's~~ cash account or other  
140 personal property and may not receive gain-time as provided by  
141 s. 951.21.

142 (3) A third-party provider of medical care, treatment,  
143 hospitalization, or transportation for an in-custody pretrial  
144 detainee or sentenced inmate of a county or municipal detention  
145 facility shall seek reimbursement for the expenses incurred in

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146 providing medical care, treatment, hospitalization, and  
147 transportation to the in-custody pretrial detainee or sentenced  
148 inmate from the following sources in the following order:

149 (a) From an insurance company, health care corporation, or  
150 other source, if the pretrial detainee or sentenced inmate is  
151 covered by an insurance policy or subscribes to a health care  
152 corporation or other source for those expenses.

153 (b) From the pretrial detainee or sentenced inmate  
154 receiving the medical care, treatment, hospitalization, or  
155 transportation.

156 (c) From a financial settlement for the medical care,  
157 treatment, hospitalization, or transportation payable or  
158 accruing to the injured pretrial detainee or sentenced inmate.

159 (4) Upon a showing by the third-party provider that a good  
160 faith effort was made, consistent with that provider's usual  
161 policies and procedures related to the collection of fees from  
162 patients outside the custody of a county or municipal detention  
163 facility, to obtain reimbursement from the sources listed in  
164 subsection (3), but that such reimbursement is not available,  
165 the costs of medical care, treatment, hospitalization, and  
166 transportation shall be paid:

167 (a) From the general fund of the county in which the person  
168 was arrested, if the arrest was for violation of a state law or  
169 county ordinance; or

170 (b) From the municipal general fund, if the arrest was for  
171 violation of a municipal ordinance.

172 (5) Absent a written agreement between the third-party  
173 provider and the governmental body, the remuneration made  
174 pursuant to subsection (4) must be paid by the governmental body

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175 at a rate not to exceed the following:

176 (a) For emergency services and care resulting in a  
177 discharge from the emergency room, and unrelated to an  
178 admission, provided by a hospital licensed under chapter 395, 75  
179 percent of the hospital's billed charges;

180 (b) For hospital inpatient services, 110 percent of the  
181 Medicare Part A prospective payment applicable to the specific  
182 hospital providing the inpatient services;

183 (c) For all other outpatient services, 110 percent of the  
184 Medicare Part A Ambulatory Payment Classification or Part B for  
185 the specific provider of the outpatient services; and

186 (d) For hospitals reporting a negative operating margin for  
187 the previous year to the Agency for Health Care Administration  
188 through hospital-audited financial data, the payments in  
189 paragraphs (b) and (c) shall be 125 percent of the applicable  
190 Medicare prospective payment.

191 (6) Subsection (5) does not apply to amounts billed and  
192 paid for physicians licensed under chapter 458 or chapter 459  
193 for emergency services provided within a hospital emergency  
194 department.

195 (7) The responsibility of the governmental body for payment  
196 of any in-custody medical cost ceases upon release of the in-  
197 custody pretrial detainee or sentenced inmate.

198 (8) An in-custody pretrial detainee or sentenced inmate who  
199 has health insurance, subscribes to a health care corporation,  
200 or receives health care benefits from any other source shall  
201 assign such benefits to the health care provider.

202 (9) As used in this section, the term "in-custody pretrial  
203 detainee or sentenced inmate" means a person whose physical

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204 freedom is restricted by a certified law enforcement officer or  
205 certified correctional officer pending disposition of an arrest  
206 or completion of a county court sentence. The term also includes  
207 a person who is furloughed by a criminal court for the express  
208 purpose of receiving medical treatment if a condition of the  
209 furlough is the immediate return to the custody of a county or  
210 municipal detention facility following completion of such  
211 treatment.

212 (10) Law enforcement personnel or personnel of the county  
213 or municipal detention facility are responsible for restricting  
214 the personal freedom of an in-custody pretrial detainee or  
215 sentenced inmate receiving treatment or services under this  
216 section.

217 Section 3. This act does not apply to a charter county that  
218 has a population of more than 1.7 million as of the most recent  
219 decennial census. A charter county that has two hospital  
220 districts within its geographical boundaries is not obligated to  
221 reimburse any third-party provider of medical care, treatment,  
222 hospitalization, or transportation for an in-custody pretrial  
223 detainee or sentenced inmate of a county detention facility at a  
224 rate exceeding the rate paid, as of July 1, 2012, to the  
225 hospital districts located within its boundaries for similar  
226 medical costs, regardless of whether such reimbursement rate has  
227 been established and implemented by policy or practice or  
228 through a contractual arrangement. A charter county that has a  
229 county public hospital is not obligated to reimburse any third-  
230 party provider of medical care, treatment, hospitalization, or  
231 transportation for an in-custody pretrial detainee or sentenced  
232 inmate of a county detention facility at a rate exceeding the



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233 rate paid, as of July 1, 2012, to a private or not-for-profit  
234 hospital located within the charter county for similar medical  
235 cost, regardless of whether such reimbursement rate has been  
236 established and implemented by policy or practice or through a  
237 contractual arrangement.

238 Section 4. This act shall take effect July 1, 2012.