

By Representative Maygarden

1                                   A bill to be entitled  
2           An act relating to expenses incurred by persons  
3           during their apprehension; amending s. 901.35,  
4           F.S.; prescribing the financial responsibility  
5           for medical and other specified expenses of a  
6           person who becomes ill, wounded, or injured  
7           during apprehension for violation of a state  
8           law or county or municipal ordinance; providing  
9           that responsibility for such expenses exists  
10          until treatment is completed; prescribing  
11          guidelines for payment of such costs from the  
12          county or municipal general fund; providing for  
13          assignment of benefits to a health care  
14          provider; prescribing responsibilities of the  
15          arresting or apprehending law enforcement  
16          agency and guidelines relating to provision of  
17          security to an arrested or apprehended person  
18          transported to a licensed health care facility  
19          and to facility patients and employees;  
20          providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1.   Section 901.35, Florida Statutes, is  
25   amended to read:

26           901.35   Financial responsibility for medical expenses;  
27   provision of security.--

28           (1)   Notwithstanding any other provision of law, the  
29   responsibility for paying the expenses of medical care,  
30   treatment, hospitalization, and transportation for any person  
31   ill, wounded, or otherwise injured during or at the time of

1 arrest for any violation of a state law or a county or  
2 municipal ordinance, or during the course of being apprehended  
3 for the violation regardless of whether the person is  
4 subsequently arrested,is the responsibility of the person  
5 receiving such care, treatment, hospitalization, and  
6 transportation. The provider of such services shall seek  
7 reimbursement for the expenses incurred in providing medical  
8 care, treatment, hospitalization, and transportation from the  
9 following sources in the following order:

10 (a) From an insurance company, health care  
11 corporation, or other source, if the person ~~prisoner~~ is  
12 covered by an insurance policy or subscribes to a health care  
13 corporation or other source for those expenses.

14 (b) From the person receiving the medical care,  
15 treatment, hospitalization, or transportation.

16 (c) From a financial settlement for the medical care,  
17 treatment, hospitalization, or transportation payable or  
18 accruing to the injured party.

19 (2) Upon a showing that reimbursement from the sources  
20 listed in subsection (1) is not available, the costs of  
21 medical care, treatment, hospitalization, and transportation  
22 shall be paid:

23 (a) From the general fund of the county in which the  
24 person was arrested or apprehended, if the arrest or  
25 apprehension was for violation of a state law or county  
26 ordinance; or

27 (b) From the municipal general fund, if the arrest or  
28 apprehension was for violation of a municipal ordinance.

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30 The responsibility for payment of such medical costs shall  
31 exist until such time as the treatment rendered to an arrested

1 or apprehended person for the illness or injury has been  
2 completed ~~is released from the custody of the arresting~~  
3 ~~agency.~~

4 (3) An arrested or apprehended person who has health  
5 insurance, subscribes to a health care corporation, or  
6 receives health care benefits from any other source shall  
7 assign such benefits to the health care provider.

8 (4) For any person who is ill, wounded, or otherwise  
9 injured during or at the time of arrest for any violation of a  
10 state law or a county or municipal ordinance, or during the  
11 course of being apprehended for the violation regardless of  
12 whether the person is subsequently arrested, and who is  
13 subsequently transported to a licensed health care facility  
14 for treatment, the arresting or apprehending law enforcement  
15 agency is responsible for providing all necessary security to  
16 ensure the safety of the arrested or apprehended person and of  
17 the patients and employees of the facility. If the arresting  
18 or apprehending law enforcement agency determines that  
19 security is unnecessary, the law enforcement agency must  
20 certify in writing to the health care facility that security  
21 is unnecessary.

22 Section 2. This act shall take effect July 1, 1997.  
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SENATE SUMMARY

Provides that the responsibility for paying the expenses of medical care and other specified expenses of a person who becomes ill, wounded, or injured while being apprehended for violating a state law or county or municipal ordinance, regardless of whether a subsequent arrest is made, is the responsibility of the person receiving the care, treatment, hospitalization, or transportation. Responsibility for payment of such expenses continues until treatment is completed. Provides for assignment of benefits to the health care provider. Prescribes the responsibilities of an arresting or apprehending law enforcement agency and guidelines for providing security to an arrested or apprehended person who is transported to a licensed health care facility and to facility employees and patients.