

1 A bill to be entitled
2 An act relating to Hillsborough County;
3 authorizing the board of county commissioners
4 of Hillsborough County to provide by ordinance
5 for liens in favor of all operators of
6 hospitals in Hillsborough County and in favor
7 of Hillsborough County when it pays for medical
8 care, treatment, or maintenance of qualifying
9 residents of the county upon all causes of
10 action, suits, claims, counterclaims, and
11 demands accruing to persons to whom care,
12 treatment, or maintenance is furnished by such
13 hospital or is paid for by Hillsborough County
14 on behalf of a qualifying resident of the
15 county, or accruing to the legal
16 representatives of such persons, and upon all
17 judgments, settlements, and settlement
18 agreements entered into by virtue thereof on
19 account of illness, injury, deformity,
20 infirmity, abnormality, disease, or pregnancy
21 giving rise to such causes of action, suits,
22 claims, counterclaims, demands, judgments,
23 settlements, or settlement agreements, and
24 which necessitated such care, treatment, or
25 maintenance; authorizing the board of county
26 commissioners of Hillsborough County to provide
27 by ordinance for the attachment, perfection,
28 priority, and enforcement of such liens and for
29 such procedural and other matters as may be
30 necessary or appropriate to carry out the
31 purposes of the ordinance; requiring the

1 ordinance to provide identical remedies to the
2 hospitals and the County Indigent Health Care
3 Plan; providing an effective date.
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. The board of county commissioners of
8 Hillsborough County may provide by ordinance for liens in
9 favor of all operators of hospitals in Hillsborough County and
10 in favor of Hillsborough County when it pays for medical care,
11 treatment, or maintenance of qualifying residents of the
12 county upon all causes of action, suits, claims,
13 counterclaims, and demands accruing to persons to whom care,
14 treatment, or maintenance is furnished by such hospital or is
15 paid for by Hillsborough County on behalf of a qualifying
16 resident of the county, or accruing to the legal
17 representatives of such persons, and upon all judgments,
18 settlements, and settlement agreements entered into by virtue
19 thereof on account of illness, injury, deformity, infirmity,
20 abnormality, disease, or pregnancy giving rise to such causes
21 of action, suits, claims, counterclaims, demands, judgments,
22 settlements, and settlement agreements, and which necessitated
23 such care, treatment, or maintenance; and may provide by
24 ordinance for the attachment, perfection, priority, and
25 enforcement of such liens and for such procedural and other
26 matters as may be necessary or appropriate to carry out the
27 purposes of the ordinance. If the patient is covered by or is
28 a beneficiary of commercial, nongovernmental health insurance
29 coverage through a health maintenance organization or other
30 nongovernmental entity that is under contract with the
31 hospital to provide care to the patient at the time care and

1 treatment are delivered, then the lien shall be limited to the
 2 covered charges in effect at the time care and treatment were
 3 delivered, and the lien shall not exceed the amount that the
 4 hospital has contracted to accept from all sources for the
 5 care and treatment of the patient. In the event of a claim or
 6 action by the patient against a third party for which the
 7 settlement or judgment is less than or equal to a sum of the
 8 debt actually due and owing the hospital, the settlement or
 9 judgment will be equitably distributed based on the pro rata
 10 reduction in the amount due the hospital and the patient,
 11 including a pro rata reduction in the amount of reasonable
 12 attorney's fees and costs due the patient's attorney on that
 13 portion of the settlement or judgment attributable to the
 14 hospital lien. In the event of a claim or action by the
 15 patient against a third party for which the settlement or
 16 judgment exceeds the debt actually due and owing the hospital
 17 but is not adequate to cover the amount actually due and owing
 18 the hospital, as well as the patient's attorney's fees, then
 19 the settlement or judgment will be equitably distributed based
 20 on a pro rata share of the amount due the hospital and the
 21 patient, including a pro rata share for the amount of
 22 reasonable attorney's fees and costs due the patient's
 23 attorney and the hospital's attorney. In the event litigation
 24 is filed to recover a plaintiff's damages through settlement
 25 or judgment, then the hospital's lien actually collected shall
 26 be subject to assessment, by reduction, for plaintiff's
 27 attorney's fees, which for the lien assessment shall be capped
 28 at 25 percent. Any ordinance adopted by Hillsborough County
 29 under this act must grant, without exception, both to every
 30 hospital operating in the county and to the County Indigent
 31 Health Care Plan the identical remedies.

1 Section 2. This act shall take effect upon becoming a
2 law.
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