

By Representative Stabins

1                                   A bill to be entitled  
2           An act relating to arrests; amending s. 901.35,  
3           F.S.; revising provisions relating to financial  
4           responsibility for medical expenses for persons  
5           ill, wounded, or injured during or at the time  
6           of arrest; providing an effective date.

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8   Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Section 901.35, Florida Statutes, is  
11   amended to read:

12           901.35 Financial responsibility for medical  
13   expenses.--

14           (1) Notwithstanding any other provision of law, the  
15   responsibility for paying the expenses of medical care,  
16   treatment, hospitalization, and transportation for any person  
17   ill, wounded, or otherwise injured during or at the time of  
18   arrest for any violation of a state law or a county or  
19   municipal ordinance is the responsibility of the person  
20   receiving such care, treatment, hospitalization, and  
21   transportation. The provider of such services shall seek  
22   reimbursement for the expenses incurred in providing medical  
23   care, treatment, hospitalization, and transportation from the  
24   following sources in the following order:

25           (a) From an insurance company, health care  
26   corporation, or other source, if the prisoner is covered by an  
27   insurance policy or subscribes to a health care corporation or  
28   other source for those expenses.

29           (b) From the person receiving the medical care,  
30   treatment, hospitalization, or transportation.

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1 (c) From a financial settlement for the medical care,  
2 treatment, hospitalization, or transportation payable or  
3 accruing to the injured party.

4 (d) From any source that would be responsible for  
5 paying the expenses of such individual in the event the  
6 individual was not incarcerated, whether such source is a  
7 guarantor, Medicare, Medicaid, or an established indigent care  
8 program.

9 ~~(2) Upon a showing that reimbursement from the sources~~  
10 ~~listed in subsection (1) is not available, the costs of~~  
11 ~~medical care, treatment, hospitalization, and transportation~~  
12 ~~shall be paid.~~

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

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

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

22 (2)(3) An arrested person who has health insurance,  
23 subscribes to a health care corporation, or receives health  
24 care benefits from any other source shall assign such benefits  
25 to the health care provider.

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

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HOUSE SUMMARY

Revises provisions relating to responsibility for paying the expenses of medical care, treatment, hospitalization, and transportation for any person ill, wounded, or otherwise injured during or at the time of arrest, to provide additional sources from which a provider of such services shall seek reimbursement and to remove the general fund of a county or a municipal general fund as a source of reimbursement for such expenses.