

By Representatives Lawson, Boyd and Turnbull

1 A bill to be entitled
2 An act relating to Leon County; providing for
3 liens in favor of operators of hospitals in
4 Leon County upon causes of actions, suits,
5 claims, counterclaims, and demands accruing to
6 patients in such hospitals, or their legal
7 representatives, and upon judgments,
8 settlements, and settlement agreements, on
9 account of illness or injury of such patients,
10 for all reasonable charges for hospital care,
11 treatment, and maintenance necessitated by such
12 illness or injury; providing for a method of
13 perfecting and enforcing such liens; providing
14 duties of the Clerk of the Circuit Court of
15 Leon County; requiring claims for lien to be
16 recorded and fees for recording; providing for
17 validity of a release or satisfaction of an
18 action, suit, claim, counterclaim, demand,
19 judgment, settlement, or settlement agreement
20 against a lien under certain circumstances;
21 specifying actions constituting impairment of a
22 lien; entitling lienholders to actions for
23 damages for such impairment; specifying actions
24 in satisfaction of a lien; providing for
25 recovery of attorney's fees and expenses under
26 certain circumstances; prohibiting recovery of
27 damages for hospital care, treatment, and
28 maintenance unless a claimant has paid certain
29 costs; providing an exception; providing for
30 intervention by a lienholder and verdict and
31 judgment in favor of a lienholder in certain

1 cases; providing an exemption from matters
2 within purview of the Workers' Compensation Law
3 of this state; 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. Every individual, partnership, firm,
8 association, corporation, institution, and governmental unit,
9 and every combination of any of the foregoing, operating a
10 hospital licensed under chapter 395, Florida Statutes, in Leon
11 County shall have a lien for all reasonable charges for such
12 hospital care, treatment, and maintenance of all ill or
13 injured persons upon any and all causes of action, suits,
14 claims, counterclaims, and demands accruing to the persons to
15 whom such care, treatment, or maintenance are furnished, or
16 accruing to the legal representative of such persons, and upon
17 all judgments, settlements, and settlement agreements rendered
18 or entered into by virtue thereof, on account of illness or
19 injury giving rise to such causes of actions, suits, claims,
20 counterclaims, demands, judgments, settlements, or settlement
21 agreements, which necessitated or shall have necessitated such
22 hospital care, treatment, and maintenance.

23 Section 2. In order to perfect such lien, the
24 executive officer or duly appointed agent of a hospital or
25 responsible governmental officer shall, before or within 180
26 calendar days after any such person shall have been discharged
27 from the hospital, file in the office of the Clerk of the
28 Circuit Court in Leon County a verified claim in writing
29 setting forth the name and address of the patient as it
30 appears on the records of the hospital, the name and location
31 of the hospital, the name and address of the executive officer

1 or agent of the hospital, the dates of admission to and
2 discharge of the patient therefrom, the amount claimed to be
3 due for the hospital care, treatment, and maintenance, and, to
4 the best knowledge of the person signing such claim, the names
5 and addresses of all persons, firms, or corporations claimed
6 by such ill or injured person, or by the legal representative
7 of such person, to be liable on account of such illness or
8 injury. The lienholder shall also, within 7 business days
9 after the filing of such claim or lien, mail a copy thereof to
10 each person, firm, or corporation claimed to be liable on
11 account of such illness or injury, at the address set forth in
12 the verified claim. The filing of the claim shall be notice
13 thereof to all persons, firms, or corporations who may be
14 liable on account of such illness or injury, whether or not
15 they are named in the claim or lien, and whether or not a copy
16 of the claim shall have been received by them.

17 Section 3. The Clerk of the Circuit Court of Leon
18 County shall endorse on the claim the date and hour of filing
19 and shall record the claim in the official records of Leon
20 County. The Clerk of the Circuit Court of Leon County shall
21 be paid by the lienholder, for the filing and recording of
22 each claim, the same fee as provided for filing and recording
23 other instruments under the recording laws.

24 Section 4. No release or satisfaction of any action,
25 suit, claim, counterclaim, demand, judgment, settlement, or
26 settlement agreement, or of any of them, shall be valid or
27 effectual against such lien unless the lienholder shall join
28 therein or execute a release of the lien. Any acceptance of a
29 release or satisfaction of any cause of action, suit, claim,
30 counterclaim, demand, or judgment and any settlement of any of
31 the foregoing in the absence of a release or satisfaction of

1 lien referred to in this act shall prima facie constitute an
2 impairment of the lien, and the lienholder shall be entitled
3 to an action at law for damages on account of such impairment,
4 and in such action may recover from the one accepting the
5 release or satisfaction or making the settlement the
6 reasonable costs of the hospital care, treatment, and
7 maintenance. Satisfaction of any judgment rendered in favor
8 of the lienholder in any such action shall operate as a
9 satisfaction of the lien. Any action by the lienholder shall
10 be brought in the court having jurisdiction in the amount of
11 the lienholder's claims and may be brought and maintained in
12 Leon County. If the lienholder shall prevail in such action,
13 the lienholder shall be entitled to recover from the
14 defendant, in addition to costs otherwise allowed by law, all
15 reasonable attorney's fees and expenses incident to the
16 matter.

17 Section 5. No person shall be entitled to recover or
18 receive damages on account of hospital care, treatment, and
19 maintenance provided by any individual, partnership, firm,
20 association, corporation, institution, or governmental unit or
21 any combination of any of the foregoing operating a hospital
22 unless that person shall affirmatively show that he or she has
23 paid the costs thereof. However, in any action, suit, or
24 counterclaim brought on account of illness or injury, the
25 plaintiff or counterclaimant may include as an item of damages
26 the cost of such hospital care, treatment, and maintenance, if
27 prior to the trial of the action the plaintiff or
28 counterclaimant shall have notified the lienholder referred to
29 in this act of the pendency of such action or counterclaim;
30 whereupon the lienholder shall have the right, without leave
31 of court, to intervene in the case and prove the reasonable

1 costs of such hospital care, treatment, and maintenance. Any
2 verdict that may be rendered in favor of the plaintiff or
3 counterclaimant shall set forth the amount the jury finds to
4 be due the lienholder for such hospital care, treatment, and
5 maintenance, and the name of such lienholder. Any judgment
6 rendered in the case in favor of the plaintiff or
7 counterclaimant shall also be in favor of the lienholder in
8 the amount set forth by the jury's verdict.

9 Section 6. The provisions of this act shall not be
10 applicable to incidents or injuries within the purview of the
11 Workers' Compensation Law within this state.

12 Section 7. If any section, paragraph, sentence,
13 clause, phrase, or other part of this act is declared
14 unconstitutional, or if this act should be declared
15 inapplicable in any case, such declaration shall not affect
16 the remainder of this act nor the applicability thereof in any
17 other case.

18 Section 8. This act shall take effect upon becoming a
19 law.

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