

By Senators Grant, Sebesta, Lee and Hargrett

13-394B-99

1 A bill to be entitled
2 An act relating to Hillsborough County;
3 amending s. 1 of chapter 98-499, Laws of
4 Florida; requiring that a hospital in
5 Hillsborough County bill the insurer or other
6 payor of third-party benefits prior to
7 recording a lien; requiring that the board of
8 county commissioners of Hillsborough County
9 revise any ordinance adopted under chapter
10 98-499, Laws of Florida, to incorporate
11 amendments made to the chapter 98-499, Laws of
12 Florida; repealing chapter 98-499, Laws of
13 Florida, unless the board of county
14 commissioners enacts an ordinance authorizing
15 liens to enforce payment for the medical care
16 of residents of Hillsborough County; providing
17 an effective date and an expiration date.

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

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21 Section 1. Section 1 of chapter 98-499, Laws of
22 Florida, is amended to read:

23 Section 1. The board of county commissioners of
24 Hillsborough County may provide by ordinance for liens in
25 favor of all operators of hospitals in Hillsborough County and
26 in favor of Hillsborough County when it pays for medical care,
27 treatment, or maintenance of qualifying residents of the
28 county upon all causes of action, suits, claims,
29 counterclaims, and demands accruing to persons to whom care,
30 treatment, or maintenance is furnished by such hospital or is
31 paid for by Hillsborough County on behalf of a qualifying

1 resident of the county, or accruing to the legal
2 representatives of such persons, and upon all judgments,
3 settlements, and settlement agreements entered into by virtue
4 thereof on account of illness, injury, deformity, infirmity,
5 abnormality, disease, or pregnancy giving rise to such causes
6 of action, suits, claims, counterclaims, demands, judgments,
7 settlements, and settlement agreements, and which necessitated
8 such care, treatment, or maintenance; and may provide by
9 ordinance for the attachment, perfection, priority, and
10 enforcement of such liens and for such procedural and other
11 matters ~~as may be necessary or appropriate~~ to carry out the
12 purposes of the ordinance. If the patient is covered by or is
13 a beneficiary of commercial, nongovernmental health insurance
14 coverage through a health maintenance organization or other
15 nongovernmental entity that is under contract with the
16 hospital to provide care to the patient at the time care and
17 treatment are delivered, ~~then~~ the lien shall be limited to the
18 covered charges in effect at the time care and treatment were
19 delivered, and the lien may ~~shall~~ not exceed the amount that
20 the hospital has contracted to accept from all sources for the
21 care and treatment of the patient. The hospital may not record
22 a lien unless the insurer or other payor of third-party
23 benefits, including the Medicaid or Medicare programs and the
24 County Indigent Health Care Plan, has been billed for the
25 covered charges. The hospital must accept the contract amount
26 in payment for the covered services, including the contract
27 amount provided under the Medicaid or Medicare programs or the
28 County Indigent Health Care Plan. If ~~in the event of~~ a claim
29 or action by the patient against a third party for which the
30 settlement or judgment is less than or equal to a sum of the
31 debt actually due and owing the hospital, the settlement or

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

25 Section 2. The board of county commissioners of
26 Hillsborough County shall revise any ordinance adopted
27 pursuant to chapter 98-499, Laws of Florida, to incorporate
28 the amendments made by this act to chapter 98-499, Laws of
29 Florida.

30 Section 3. Chapter 98-499, Laws of Florida, is
31 repealed on July 1, 1999, and this act expires on that date

1 unless the board of county commissioners of Hillsborough
2 County enacts an ordinance before that date which affects the
3 statutory provisions of Section 1 of chapter 98-499, Laws of
4 Florida.

5 Section 4. This act shall take effect upon becoming a
6 law.

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