



HB 1139

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1 A bill to be entitled

2 An act relating to Collier County; providing for liens in  
3 favor of a nonprofit corporation operating a charitable  
4 hospital within the county; authorizing such liens on  
5 judgments and settlements recovered from a tortfeasor  
6 causing a patient's injury for reasonable charges owed to  
7 a hospital for services provided to an injured person;  
8 providing limitations; providing for determination by the  
9 court of amount of recovery when a patient and hospital  
10 cannot agree on the actual amount; providing for reduction  
11 of the lien by any payments to the hospital by or on  
12 behalf of a patient; providing for notification to the  
13 hospital of the patient's intent to claim damages from the  
14 tortfeasor; requiring the hospital to state its intent to  
15 assert its lien within a prescribed time; providing a  
16 waiver of the right for failure to state such intent;  
17 providing that payment to the hospital pursuant to this  
18 act fully satisfies the patient's hospital charges and  
19 bill; requiring that the hospital provide a patient with  
20 reasonably necessary information; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. (1) Each nonprofit corporation operating a  
26 hospital that qualifies as a charitable hospital under section  
27 501(c)(3) of the Internal Revenue Code and that is located in  
28 Collier County is entitled under this section to a lien, for all  
29 reasonable hospital charges due and owing to the hospital for  
30 medically necessary health care services provided to an injured



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31 person, upon the proceeds of judgments and settlements recovered  
32 from a tortfeasor who caused the injuries to the injured person  
33 thus necessitating the health care services. As used in this  
34 section, the term "patient" includes the legal representatives  
35 of the injured person.

36 (2) The lien for all reasonable charges is limited to the  
37 actual amount of all reasonable charges recovered by the patient  
38 from a tortfeasor, less the hospital's pro rata share of costs  
39 and attorney's fees incurred by the patient in recovering such  
40 charges from the tortfeasor. In determining the hospital's pro  
41 rata share of those costs and attorney's fees, the hospital must  
42 have deducted from its recovery an amount equal to the  
43 percentage of the judgment or settlement which is for costs and  
44 attorney's fees.

45 (3) All reasonable charges must be calculated after  
46 reduction for all amounts paid or at any time payable under any  
47 third-party-payor contract or agreements between the hospital  
48 and third-party payors or from any other private, public,  
49 county, state, or federal insurance, contract, agreement,  
50 benefit, program, or plan. If benefits are payable under  
51 personal injury protection insurance as provided in chapter 627,  
52 Florida Statutes, and the injured person has lost wages, 25  
53 percent of the amount of the personal injury protection benefits  
54 or the amount of lost wages, whichever is less, must be reserved  
55 for paying the injured person's lost wages, and that amount  
56 reserved for lost wages may not be used to pay reasonable  
57 charges and is not subject to the lien created by this section.  
58 All reasonable charges must be calculated after all adjustments,  
59 reductions, and write-offs, in accordance with all third-party-  
60 payor contracts and agreements between the hospital and third-



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61 party payors, and in accordance with any other private, public,  
62 county, state, or federal insurance contract, agreement,  
63 benefit, program, or plan.

64 (4) If no amount is paid or at any time payable under any  
65 third-party-payor contract or agreement between the hospital and  
66 third-party payors, or from any other private, public, county,  
67 state, or federal insurance, contract, agreement, benefit,  
68 program, or plan, the amount of reasonable charges must be  
69 determined under the third-party-payor contract or agreement  
70 entered into between the hospital and a third-party payor which  
71 provides for the lowest charges agreed to as acceptable by the  
72 hospital, taking into account all reductions and write-offs  
73 provided for in the third-party-payor contract or agreement in  
74 effect at the time the charges were incurred.

75 (5) If the patient and hospital fail to agree on the  
76 actual amount of the charges recovered from a tortfeasor, the  
77 court in which the patient's claim against the tortfeasor was  
78 filed, or, if never filed, the circuit court of the county in  
79 which the cause of action arose, shall determine the actual  
80 amount of the charges recovered from a tortfeasor. In  
81 determining the actual amount of charges recovered,  
82 consideration must be given to any offset in the amount of  
83 settlement or judgment for any comparative negligence of the  
84 patient, negligence of other tortfeasors, limitations in the  
85 amount of liability insurance coverage available to the  
86 tortfeasor, or any other mitigating factors determined equitable  
87 and appropriate under the circumstances.

88 (6) The hospital lien recovery from the judgment or  
89 settlement as calculated under this section must be reduced by  
90 any payments to the hospital by the patient and by any payments



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91 to the hospital by any other individual or entity making a  
92 voluntary donation on behalf of the patient.

93 (7) A patient shall send the hospital, by certified or  
94 registered mail, notification of his or her intent to claim  
95 damages from the tortfeasor. If the claimant has filed suit  
96 against the tortfeasor at the time such notice is sent, a copy  
97 of the complaint against the tortfeasor shall be included with  
98 the notice. The notice must include a statement that the  
99 hospital waives any lien if it does not provide the patient or  
100 patient's attorney with a statement asserting the lien and the  
101 amount of all reasonable charges within 30 days following  
102 receipt of the patient's notification to the hospital.

103 (8) Within 30 days after receipt of the patient's notice  
104 of intent to claim damages from the tortfeasor, the hospital  
105 must provide the patient or patient's attorney with a statement  
106 asserting its lien. Failure of the hospital to provide this  
107 statement to the patient or patient's attorney within the 30-day  
108 period constitutes a waiver of any lien, and no lien exists if  
109 the lien has been waived pursuant to this section.

110 (9) Payment to the hospital pursuant to this section fully  
111 satisfies the patient's hospital charges and bill.

112 (10) A hospital shall cooperate with the patient and the  
113 patient's attorney by producing at no charge to the patient all  
114 reasonably necessary information to assist the patient in  
115 proving his or her claim against the tortfeasor. Reasonably  
116 necessary information includes, but is not limited to, hospital  
117 bills and medical records.

118 Section 2. This act shall take effect July 1, 2003, and  
119 applies to all hospital charges incurred on or after that date.