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1 A bill to be entitled
2 An act relating to Lake County; amending chapter 93-346,
3 Laws of Florida; providing for liens in favor of
4 physicians licensed under chapter 458 or chapter 459,
5 Florida Statutes, in Lake County upon causes of action,
6 suits, claims, counterclaims, and demands accruing to
7 patients who received physician services in Lake County
8 hospitals, or the patients' legal representatives, and
9 upon judgments, settlements, and settlement agreements, on
10 account of illness or injury of such patients, for all
11 reasonable charges incurred before filing the claim of
12 lien for physician services rendered in the hospital;
13 providing for a method of perfecting and enforcing such
14 liens; providing duties of the Clerk of the Circuit Court
15 of Lake County; requiring claims for liens to be recorded
16 and providing for recording fees; providing for validity
17 of a release or satisfaction of an action, suit, claim,
18 counterclaim, demand, judgment, settlement, or settlement
19 agreement against a lien under certain circumstances;
20 specifying actions constituting impairment of a lien;
21 entitling lienholders to actions for damages for such
22 impairment; specifying actions in satisfaction of a lien;
23 providing for recovery of attorney's fees and expenses
24 under certain circumstances; prohibiting recovery of
25 damages for physician and hospital care, treatment, and
26 maintenance unless a claimant has paid certain costs;
27 providing an exception; providing for intervention by a
28 lienholder and for verdict and judgment in favor of a
29 lienholder in certain cases; providing an exemption for

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30 matters within the purview of the Worker's Compensation
 31 Law of this state; providing an effective date.

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

Section 1. Chapter 93-346, Laws of Florida, is amended to read:

Section 1. Each ~~Every~~ individual, partnership, firm, association, corporation, institution, and governmental unit, and every combination of ~~any of~~ the foregoing, operating a hospital licensed under chapter 395, Florida Statutes, in Lake County, and each physician licensed to practice medicine pursuant to chapter 458 or chapter 459, Florida Statutes, ~~or any governmental agency paying for hospital charges or medical treatment of individuals in Lake County~~ shall have ~~be~~ entitled ~~to~~ a lien subject to the limitations of this act for all reasonable charges for such hospital and physician care, treatment, and maintenance rendered in that hospital, prior to filing the claim of lien, to ~~of~~ all ill or injured persons upon any and all causes of action, suits, claims, counterclaims, and demands, accruing to the persons to whom such care, treatment, or maintenance is ~~are~~ furnished, or accruing to the legal representative of such persons, and upon all judgments, settlements, and settlement agreements rendered or entered into by virtue thereof, on account of illness or injury giving rise to such causes of action ~~actions~~, suits, claims, counterclaims, demands, judgments, settlement, or settlement agreements ~~agreement~~, which necessitated or shall have necessitated such hospital and physician care, treatment, and maintenance. ~~The~~

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59 ~~above-referenced lien shall be limited to the lesser of the~~
60 ~~following: reasonable charges for care and treatment or two-~~
61 ~~thirds of the net amount of settlement or judgment after~~
62 ~~deducting the reasonable cost of procuring the settlement or~~
63 ~~judgment. Reasonable costs of procuring the settlement or~~
64 ~~judgment include reasonable attorney's fees.~~

65 Section 2. In order to perfect such a lien, the physician
66 or the executive officer or duly appointed agent of a hospital
67 or responsible governmental officer shall, ~~before or within 180~~
68 ~~days after any such person shall have been discharged from the~~
69 ~~hospital~~, file in the office of the Clerk of the Circuit Court
70 in Lake County ~~the county in which the hospital is located~~, a
71 verified claim in writing setting forth the name and address of
72 the patient as they appear ~~it appears~~ on the records of the
73 hospital or physician, the name and location of the hospital or
74 physician, the name and address of the executive officer or
75 agent of the hospital or physician, the dates of admission of
76 the patient to and discharge from the hospital ~~of the patient~~
77 ~~therefrom~~, the amount claimed to be due for the hospital or
78 physician care, treatment, and maintenance rendered in the
79 hospital before the claim of lien was filed, and, to the best
80 knowledge of the person signing the ~~such~~ claim, the names and
81 addresses of all persons, firms, or corporations claimed by such
82 ill or injured person or by the legal representative of such
83 person, to be liable on account of such illness or injury. The
84 hospital shall file the verified claim of lien only as to
85 hospital services rendered by or on behalf of the hospital
86 before filing the claim of lien, and the physician shall file
87 the verified claim of lien only as to physician services

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88 rendered by or on behalf of the physician services rendered in
 89 the hospital before filing the claim of lien. The lienholder
 90 ~~injuries; the claimant~~ shall also, within 7 business days after
 91 the filing of such claim of ~~or~~ lien, mail a copy thereof via
 92 registered mail, postage prepaid, to each person, firm, or
 93 corporation claimed to be liable on account of such illness or
 94 injuries, at the address set forth in the verified claim. The
 95 filing of the claim shall be notice thereof to all persons,
 96 firms, or corporations who may be liable on account of such
 97 illness or injury, whether or not they are named in the claim of
 98 ~~or~~ lien, and whether or not they have received a copy of the
 99 claim ~~shall have been received by them.~~

100 Section 3. The Clerk of the Circuit Court of Lake County
 101 shall endorse on the claim the date and hour of filing and shall
 102 record the claim in the official records of Lake County. The
 103 Clerk of the Circuit Court of Lake County ~~His office~~ shall be
 104 paid by the lienholder claimant, for the filing and recording of
 105 each claim, the same fee as provided for filing and recording
 106 other instruments under the recording laws.

107 Section 4. A ~~No~~ release or satisfaction of any action,
 108 suit, claim, counterclaim, demand, judgment, settlement, or
 109 settlement agreement is invalid and ineffectual ~~or of any of~~
 110 ~~them, shall be valid or effectual~~ against such lien unless the
 111 lienholder joins ~~shall join~~ therein or executes ~~execute~~ a
 112 release of the lien. Any acceptance of a release or satisfaction
 113 of any cause of action, suit, claim, counterclaim, demand, or
 114 judgment and any settlement of any of the foregoing in the
 115 absence of a release or satisfaction of lien referred to in this
 116 act constitutes ~~shall~~ prima facie evidence of ~~constitute~~ an

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117 impairment of the lien, and the lienholder ~~is shall be~~ entitled
118 to an action at law for damages on account of such impairment,
119 and, in such action, may recover from the one accepting the
120 release or satisfaction or making the settlement the reasonable
121 ~~costs~~ cost of the ~~hospital~~ care, treatment, and maintenance.
122 Satisfaction of any judgment rendered in favor of the lienholder
123 in any such action operates ~~shall operate~~ as a satisfaction of
124 the lien. Any action by the lienholder must ~~shall~~ be brought in
125 the court having jurisdiction in the amount of the lienholder's
126 claims ~~claim~~ and may be brought and maintained in Lake County
127 ~~the county in which the lienholder has his, or its, or their~~
128 ~~residence or place of business~~. If the lienholder prevails ~~shall~~
129 ~~prevail~~ in such action, the lienholder is ~~shall be~~ entitled to
130 recover from the defendant, in addition to costs otherwise
131 allowed by law, all reasonable attorney's fees and expenses
132 incident to the matter.

133 Section 5. Notwithstanding the lien created by this act,
134 the amount recovered in a judgment, award, or settlement subject
135 to this act must be distributed and the lien extinguished as
136 follows:

137 (1) After attorney's fees and taxable costs as defined by
138 the Florida Rules of Civil Procedure have been paid, up to 60
139 percent of the remaining amount recovered must be distributed to
140 the lienholders pro rata up to the total amount of reasonable
141 charges for medical services provided in the hospital by the
142 lienholders.

143 (2) At least 40 percent of the remaining amount recovered
144 must be paid to the patient.

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146 Upon such distribution, the lienholder shall promptly file in
147 the office of the Clerk of the Circuit Court in Lake County a
148 satisfaction of the lien and shall cause it to be recorded in
149 the official records of Lake County.

150 Section 6. For purposes of this act, the reasonable
151 charges due and owing to the lienholder must be determined by
152 reducing the patient's reasonable charges by the amount of any
153 health insurance payment or obligation or any other
154 reimbursement paid or owed to the lienholder on behalf of the
155 patient by any health care policy, plan, or program. The lien
156 may not exceed the amount that the lienholder would be legally
157 entitled to recover directly from the patient after all payments
158 on behalf of the patient have been made by health care policies,
159 plans, or programs to which the patient is legally entitled. If
160 the lienholder's charges are reduced by any third-party payor as
161 a result of any agreement or contract between the lienholder and
162 the third-party payor, or as a result of state or federal law,
163 the patient is entitled to a similar reduction in any copayment
164 charges billed to the patient.

165 Section 7.5. A No person is not shall be entitled to
166 recover or receive damages on account of ~~hospital~~ care,
167 treatment, and maintenance provided by any individual,
168 partnership, firm, association, corporation, institution, or
169 governmental unit or any combination of any of the foregoing,
170 operating a hospital or provided by any physician subject to
171 this act in Lake County unless the person he shall affirmatively
172 shows ~~show~~ that he or she has paid the costs thereof. However,
173 in any action, suit, or counterclaim brought on account of
174 illness or injury, the plaintiff or counterclaimant may include

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175 as an item of damages the cost of such ~~hospital~~ care, treatment,
 176 and maintenance, if, before ~~prior to~~ the trial of the action,
 177 the plaintiff or counterclaimant notifies ~~he shall have notified~~
 178 the lienholder referred to in this act of the pendency of the
 179 ~~such~~ action or counterclaim, ~~+~~ whereupon such lienholder has
 180 ~~shall have~~ the right, without leave of court, to intervene in
 181 the case and prove the reasonable costs ~~cost~~ of such ~~hospital~~
 182 care, treatment, and maintenance. Any verdict that is ~~may be~~
 183 rendered in favor of the plaintiff or counterclaimant must ~~shall~~
 184 set forth the amount the jury finds to be due to the lienholder
 185 for the ~~such hospital~~ care, treatment, and maintenance, and the
 186 name of the ~~such~~ lienholder. Any judgment rendered in the case
 187 in favor of the plaintiff or counterclaimant must ~~shall~~ also be
 188 in favor of the lienholder in the amount set forth by the jury's
 189 verdict.

190 Section 8.6- This act is inapplicable to incidents ~~The~~
 191 ~~provisions of this act shall not be applicable to the accidents~~
 192 or injuries within the purview of the Worker's Compensation Law
 193 of this state within the State of Florida.

194 Section 9.7- If any section, paragraph, sentence, clause,
 195 phrase, or other part of this act should be declared
 196 unconstitutional, or if this act should be declared inapplicable
 197 in any case, such declaration shall not affect the remainder of
 198 this act or ~~nor~~ the applicability thereof in any other case.

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