

By Senator Jones

13-00330A-11

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1                   A bill to be entitled  
2           An act relating to financial responsibility for  
3           medical expenses of pretrial detainees or sentenced  
4           inmates; amending s. 901.35, F.S.; providing that the  
5           responsibility for paying the expenses of medical  
6           care, treatment, hospitalization, and transportation  
7           for a person who is ill, wounded, or otherwise injured  
8           during or as a result of an arrest for a violation of  
9           a state law or a county or municipal ordinance is the  
10          responsibility of the person receiving the medical  
11          care, treatment, hospitalization, or transportation;  
12          removing provisions establishing the order by which  
13          medical providers receive reimbursement for the  
14          expenses incurred in providing the medical services or  
15          transportation; amending s. 951.032, F.S.; setting  
16          forth the order by which a county or municipal  
17          detention facility may seek reimbursement for the  
18          expenses incurred during the course of treating or  
19          transporting in-custody pretrial detainees or  
20          sentenced inmates; requiring each in-custody pretrial  
21          detainee or sentenced inmate who receives medical care  
22          or other services to cooperate with the county or  
23          municipal detention facility in seeking reimbursement  
24          for the expenses incurred by the facility; setting  
25          forth the order of fiscal resources from which a  
26          third-party provider of medical services may seek  
27          reimbursement for the expenses the provider incurred  
28          in providing medical care; providing that, absent a  
29          written agreement between a third-party provider and a

13-00330A-11

2011490\_\_

30 governmental body, the remuneration be billed by the  
31 third-party provider and paid by the governmental body  
32 at a rate not to exceed a specified percent of the  
33 Medicare allowable rate for the service rendered;  
34 requiring each in-custody pretrial detainee or  
35 sentenced inmate who has health insurance, subscribes  
36 to a health care corporation, or receives health care  
37 benefits from any other source to assign such benefits  
38 to the health care provider; providing an effective  
39 date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Section 901.35, Florida Statutes, is amended to  
44 read:

45 901.35 Financial responsibility for medical expenses.—

46 ~~(1) Except as provided in s. 951.032 Notwithstanding any~~  
47 ~~other provision of law, the responsibility for paying the~~  
48 ~~expenses of medical care, treatment, hospitalization, and~~  
49 ~~transportation for any person ill, wounded, or otherwise injured~~  
50 ~~during or as a result at the time of an arrest for any violation~~  
51 ~~of a state law or a county or municipal ordinance is the~~  
52 ~~responsibility of the person receiving such care, treatment,~~  
53 ~~hospitalization, and transportation. The provider of such~~  
54 ~~services shall seek reimbursement for the expenses incurred in~~  
55 ~~providing medical care, treatment, hospitalization, and~~  
56 ~~transportation from the following sources in the following~~  
57 ~~order:~~

58 ~~(a) From an insurance company, health care corporation, or~~

13-00330A-11

2011490

59 ~~other source, if the prisoner is covered by an insurance policy~~  
60 ~~or subscribes to a health care corporation or other source for~~  
61 ~~those expenses.~~

62 ~~(b) From the person receiving the medical care, treatment,~~  
63 ~~hospitalization, or transportation.~~

64 ~~(c) From a financial settlement for the medical care,~~  
65 ~~treatment, hospitalization, or transportation payable or~~  
66 ~~accruing to the injured party.~~

67 ~~(2) Upon a showing that reimbursement from the sources~~  
68 ~~listed in subsection (1) is not available, the costs of medical~~  
69 ~~care, treatment, hospitalization, and transportation shall be~~  
70 ~~paid:~~

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

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

76  
77 ~~The responsibility for payment of such medical costs shall exist~~  
78 ~~until such time as an arrested person is released from the~~  
79 ~~custody of the arresting agency.~~

80 ~~(3) An arrested person who has health insurance, subscribes~~  
81 ~~to a health care corporation, or receives health care benefits~~  
82 ~~from any other source shall assign such benefits to the health~~  
83 ~~care provider.~~

84 Section 2. Section 951.032, Florida Statutes, is amended to  
85 read:

86 951.032 Financial responsibility for medical expenses.—

87 (1) A county detention facility or municipal detention

13-00330A-11

2011490\_\_

88 facility incurring expenses for ~~providing~~ medical care,  
89 treatment, hospitalization, or transportation provided by the  
90 county or municipal detention facility may seek reimbursement  
91 for the expenses incurred during the course of treatment of in-  
92 custody pretrial detainees or sentenced inmates in the following  
93 order:

94 (a) From the in-custody pretrial detainee or sentenced  
95 inmate ~~prisoner or person~~ receiving medical care, treatment,  
96 hospitalization, or transportation by deducting the cost from  
97 the in-custody pretrial detainee's or sentenced inmate's  
98 ~~prisoner's~~ cash account on deposit with the detention facility.  
99 If the in-custody pretrial detainee's or sentenced inmate's  
100 ~~prisoner's~~ cash account does not contain sufficient funds to  
101 cover medical care, treatment, hospitalization, or  
102 transportation, ~~then~~ the detention facility may place a lien  
103 against the in-custody pretrial detainee's or sentenced inmate's  
104 ~~prisoner's~~ cash account or other personal property, to provide  
105 payment in the event sufficient funds become available at a  
106 later time. Any existing lien may be carried over to future  
107 incarceration of the same detainee or inmate ~~prisoner~~ as long as  
108 the future incarceration takes place within the county  
109 originating the lien and the future incarceration takes place  
110 within 3 years after ~~of~~ the date the lien was placed against the  
111 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~  
112 account or other personal property.

113 (b) From an insurance company, health care corporation, or  
114 other source if the in-custody pretrial detainee or sentenced  
115 inmate ~~prisoner or person~~ is covered by an insurance policy or  
116 subscribes to a health care corporation or other source for

13-00330A-11

2011490

117 those expenses.

118 (2) An in-custody pretrial detainee or sentenced inmate ~~A~~  
119 ~~prisoner~~ who receives medical care, treatment, hospitalization,  
120 or transportation by a county or municipal detention facility  
121 shall cooperate with that ~~the county detention facility or~~  
122 ~~municipal detention facility~~ in seeking reimbursement under  
123 paragraphs(1) (a) and (b) for expenses incurred by the facility  
124 for the in-custody pretrial detainee or sentenced inmate  
125 ~~prisoner~~. An in-custody pretrial detainee or sentenced inmate ~~A~~  
126 ~~prisoner~~ who willfully refuses to cooperate with the  
127 reimbursement efforts of the detention facility may have a lien  
128 placed against his or her ~~the prisoner's~~ cash account or other  
129 personal property and may not receive gain-time as provided by  
130 s. 951.21.

131 (3) A third-party provider of medical care, treatment,  
132 hospitalization, or transportation for in-custody pretrial  
133 detainees or sentenced inmates of a county or municipal  
134 detention facility shall seek reimbursement for the expenses  
135 incurred in providing medical care, treatment, hospitalization,  
136 and transportation to such in-custody pretrial detainees or  
137 sentenced inmates from the following sources in the following  
138 order:

139 (a) From an insurance company, health care corporation, or  
140 other source, if the pretrial detainee or sentenced inmate is  
141 covered by an insurance policy or subscribes to a health care  
142 corporation or other source for those expenses.

143 (b) From the pretrial detainee or sentenced inmate  
144 receiving the medical care, treatment, hospitalization, or  
145 transportation.

13-00330A-11

2011490

146 (c) From a financial settlement for the medical care,  
147 treatment, hospitalization, or transportation payable or  
148 accruing to the injured pretrial detainee or sentenced inmate.

149 (4) Upon a showing by the third-party provider that a good  
150 faith effort was made, consistent with that provider's usual  
151 policies and procedures related to the collection of fees from  
152 indigent patients outside the custody of a county or municipal  
153 detention facility, to obtain reimbursement from the sources  
154 listed in subsection (1), but that such reimbursement is not  
155 available, the costs of medical care, treatment,  
156 hospitalization, and transportation shall be paid:

157 (a) From the general fund of the county in which the person  
158 was arrested, if the arrest was for violation of a state law or  
159 county ordinance; or

160 (b) From the municipal general fund, if the arrest was for  
161 violation of a municipal ordinance.

162  
163 Absent a written agreement between the third-party provider and  
164 the governmental body, the remuneration made pursuant to  
165 paragraph (a) or paragraph (b) must be billed by the third-party  
166 provider and paid by the governmental body at a rate not to  
167 exceed 110 percent of the Medicare allowable rate for the  
168 service. Compensation to a third-party provider may not exceed  
169 125 percent of the Medicare allowable rate if there is no  
170 written agreement between the third-party provider and the  
171 governmental body and if the third-party provider reported a  
172 negative operating margin for the previous year to the Agency  
173 for Health Care Administration through hospital-audited  
174 financial data. However, these maximum allowable rates do not

13-00330A-11

2011490\_\_

175 apply to amounts billed and paid for physicians licensed under  
176 chapter 458 or chapter 459 for emergency services provided  
177 within a hospital emergency department. The responsibility of  
178 the governmental body for payment of any in-custody medical  
179 costs ceases upon release of the in-custody pretrial detainee or  
180 sentenced inmate.

181 (5) An in-custody pretrial detainee or sentenced inmate who  
182 has health insurance, subscribes to a health care corporation,  
183 or receives health care benefits from any other source shall  
184 assign such benefits to the health care provider.

185 Section 3. This act shall take effect July 1, 2011.