

By the Committees on Budget Subcommittee on Criminal and Civil Justice Appropriations; and Health Regulation; and Senator Jones

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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

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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; defining the term "in-  
39 custody pretrial detainee or sentenced inmate";  
40 providing that law enforcement personnel or county or  
41 municipal detention facility personnel are responsible  
42 for restricting the personal freedom of certain in-  
43 custody pretrial detainees or sentenced inmates;  
44 providing that the act does not apply to certain  
45 counties; providing that certain charter counties are  
46 not obligated to reimburse any third-party provider of  
47 medical care, treatment, hospitalization, or  
48 transportation for an in-custody pretrial detainee or  
49 sentenced inmate of a county detention facility at a  
50 rate exceeding a particular rate for certain  
51 transportation or medical costs; providing an  
52 effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Section 901.35, Florida Statutes, is amended to  
57 read:

58 901.35 Financial responsibility for medical expenses.—

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59           ~~(1) Except as provided in s. 951.032 Notwithstanding any~~  
60 ~~other provision of law, the responsibility for paying the~~  
61 ~~expenses of medical care, treatment, hospitalization, and~~  
62 ~~transportation for any person ill, wounded, or otherwise injured~~  
63 ~~during or as a result at the time of an arrest for any violation~~  
64 ~~of a state law or a county or municipal ordinance is the~~  
65 ~~responsibility of the person receiving such care, treatment,~~  
66 ~~hospitalization, and transportation. The provider of such~~  
67 ~~services shall seek reimbursement for the expenses incurred in~~  
68 ~~providing medical care, treatment, hospitalization, and~~  
69 ~~transportation from the following sources in the following~~  
70 ~~order:~~

71           ~~(a) From an insurance company, health care corporation, or~~  
72 ~~other source, if the prisoner is covered by an insurance policy~~  
73 ~~or subscribes to a health care corporation or other source for~~  
74 ~~those expenses.~~

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

77           ~~(c) From a financial settlement for the medical care,~~  
78 ~~treatment, hospitalization, or transportation payable or~~  
79 ~~accruing to the injured party.~~

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

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

87           ~~(b) From the municipal general fund, if the arrest was for~~

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88 ~~violation of a municipal ordinance.~~

89

90 ~~The responsibility for payment of such medical costs shall exist~~  
91 ~~until such time as an arrested person is released from the~~  
92 ~~custody of the arresting agency.~~

93 ~~(3) An arrested person who has health insurance, subscribes~~  
94 ~~to a health care corporation, or receives health care benefits~~  
95 ~~from any other source shall assign such benefits to the health~~  
96 ~~care provider.~~

97 Section 2. Section 951.032, Florida Statutes, is amended to  
98 read:

99 951.032 Financial responsibility for medical expenses.—

100 (1) A county detention facility or municipal detention  
101 facility incurring expenses for ~~providing~~ medical care,  
102 treatment, hospitalization, or transportation provided by the  
103 county or municipal detention facility may seek reimbursement  
104 for the expenses incurred during the course of treatment of in-  
105 custody pretrial detainees or sentenced inmates in the following  
106 order:

107 (a) From the in-custody pretrial detainee or sentenced  
108 inmate ~~prisoner or person~~ receiving medical care, treatment,  
109 hospitalization, or transportation by deducting the cost from  
110 the in-custody pretrial detainee's or sentenced inmate's  
111 ~~prisoner's~~ cash account on deposit with the detention facility.  
112 If the in-custody pretrial detainee's or sentenced inmate's  
113 ~~prisoner's~~ cash account does not contain sufficient funds to  
114 cover medical care, treatment, hospitalization, or  
115 transportation, ~~then~~ the detention facility may place a lien  
116 against the in-custody pretrial detainee's or sentenced inmate's

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117 ~~prisoner's~~ cash account or other personal property, to provide  
118 payment in the event sufficient funds become available at a  
119 later time. Any existing lien may be carried over to future  
120 incarceration of the same detainee or inmate ~~prisoner~~ as long as  
121 the future incarceration takes place within the county  
122 originating the lien and the future incarceration takes place  
123 within 3 years after ~~of~~ the date the lien was placed against the  
124 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~  
125 account or other personal property.

126 (b) From an insurance company, health care corporation, or  
127 other source if the in-custody pretrial detainee or sentenced  
128 inmate ~~prisoner or person~~ is covered by an insurance policy or  
129 subscribes to a health care corporation or other source for  
130 those expenses.

131 (2) An in-custody pretrial detainee or sentenced inmate ~~A~~  
132 ~~prisoner~~ who receives medical care, treatment, hospitalization,  
133 or transportation by a county or municipal detention facility  
134 shall cooperate with that ~~the county detention facility or~~  
135 ~~municipal detention facility~~ in seeking reimbursement under  
136 paragraphs(1) (a) and (b) for expenses incurred by the facility  
137 for the in-custody pretrial detainee or sentenced inmate  
138 ~~prisoner~~. An in-custody pretrial detainee or sentenced inmate ~~A~~  
139 ~~prisoner~~ who willfully refuses to cooperate with the  
140 reimbursement efforts of the detention facility may have a lien  
141 placed against his or her ~~the prisoner's~~ cash account or other  
142 personal property and may not receive gain-time as provided by  
143 s. 951.21.

144 (3) A third-party provider of medical care, treatment,  
145 hospitalization, or transportation for in-custody pretrial

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146 detainees or sentenced inmates of a county or municipal  
147 detention facility shall seek reimbursement for the expenses  
148 incurred in providing medical care, treatment, hospitalization,  
149 and transportation to such in-custody pretrial detainees or  
150 sentenced inmates from the following sources in the following  
151 order:

152 (a) From an insurance company, health care corporation, or  
153 other source, if the pretrial detainee or sentenced inmate is  
154 covered by an insurance policy or subscribes to a health care  
155 corporation or other source for those expenses.

156 (b) From the pretrial detainee or sentenced inmate  
157 receiving the medical care, treatment, hospitalization, or  
158 transportation.

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

162 (4) Upon a showing by the third-party provider that a good  
163 faith effort was made, consistent with that provider's usual  
164 policies and procedures related to the collection of fees from  
165 indigent patients outside the custody of a county or municipal  
166 detention facility, to obtain reimbursement from the sources  
167 listed in subsection (3), but that such reimbursement is not  
168 available, the costs of medical care, treatment,  
169 hospitalization, and transportation shall be paid:

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

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

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175 (5) Absent a written agreement between the third-party  
176 provider and the governmental body, the remuneration made  
177 pursuant to subsection (4) must be paid by the governmental body  
178 at a rate not to exceed the following:

179 (a) For emergency services and care resulting in a  
180 discharge from the emergency room, and unrelated to an  
181 admission, provided by a hospital licensed under chapter 395, 75  
182 percent of the hospital's billed charges;

183 (b) For hospital inpatient services, 110 percent of the  
184 Medicare Part A prospective payment applicable to the specific  
185 hospital providing the inpatient services;

186 (c) For all other outpatient services, 110 percent of the  
187 Medicare Part A Ambulatory Payment Classification or Part B for  
188 the specific provider of the outpatient services; and

189 (d) For hospitals reporting a negative operating margin for  
190 the previous year to the Agency for Health Care Administration  
191 through hospital-audited financial data, the payments in  
192 paragraphs (b) and (c) shall be 125 percent of the applicable  
193 Medicare prospective payment.

194 (6) The provisions of subsection (5) do not apply to  
195 amounts billed and paid for physicians licensed under chapter  
196 458 or chapter 459 for emergency services provided within a  
197 hospital emergency department.

198 (7) The responsibility of the governmental body for payment  
199 of any in-custody medical costs ceases upon release of the in-  
200 custody pretrial detainee or sentenced inmate.

201 (8) An in-custody pretrial detainee or sentenced inmate who  
202 has health insurance, subscribes to a health care corporation,  
203 or receives health care benefits from any other source shall

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204 assign such benefits to the health care provider.

205 (9) As used in this section, the term "in-custody pretrial  
206 detainee or sentenced inmate" means a person whose physical  
207 freedom is restricted by a certified law enforcement officer or  
208 certified correctional officer pending disposition of an arrest  
209 or completion of a county court sentence. The term also includes  
210 a person who is furloughed by a criminal court for the express  
211 purpose of receiving medical treatment if a condition of the  
212 furlough is the immediate return to the custody of a county or  
213 municipal detention facility following completion of such  
214 treatment.

215 (10) Law enforcement personnel or personnel of the county  
216 or municipal detention facility are responsible for restricting  
217 the personal freedom of in-custody pretrial detainees or  
218 sentenced inmates receiving treatment or services under this  
219 section.

220 Section 3. This act does not apply to a charter county that  
221 has a population of more than 1.7 million as of the most recent  
222 decennial census. A charter county that has two hospital  
223 districts within its geographical boundaries is not obligated to  
224 reimburse any third-party provider of medical care, treatment,  
225 hospitalization, or transportation for an in-custody pretrial  
226 detainee or sentenced inmate of a county detention facility at a  
227 rate exceeding the rate paid, as of July 1, 2011, for similar  
228 medical costs to such hospital districts, regardless of whether  
229 such reimbursement rate has been established and implemented by  
230 policy or practice or through a contractual arrangement. A  
231 charter county that has a county public hospital is not  
232 obligated to reimburse any third-party provider of medical care,



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233 treatment, hospitalization, or transportation for an in-custody  
234 pretrial detainee or sentenced inmate of a county detention  
235 facility at a rate exceeding the rate paid, as of July 1, 2011,  
236 for similar medical costs to private or not-for-profit hospitals  
237 located within the charter county, regardless of whether such  
238 reimbursement rate has been established and implemented by  
239 policy or practice or through a contractual arrangement.

240 Section 4. This act shall take effect July 1, 2011.