

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 certain medical expenses for  
6     a person who is ill, wounded, or otherwise injured  
7     during or as a result of an arrest for a violation of  
8     a state law or a county or municipal ordinance is the  
9     responsibility of the person receiving the medical  
10    care; removing provisions establishing the order by  
11    which medical providers receive reimbursement for such  
12    expenses; amending s. 951.032, F.S.; setting forth the  
13    order in which a county or municipal detention  
14    facility may seek reimbursement for the expenses  
15    incurred during the course of treating or transporting  
16    in-custody pretrial detainees or sentenced inmates;  
17    requiring each in-custody pretrial detainee or  
18    sentenced inmate who receives medical care or other  
19    services to cooperate with the county or municipal  
20    detention facility in seeking such reimbursement;  
21    setting forth the order of fiscal resources from which  
22    a third-party provider of medical services may seek  
23    reimbursement for such expenses; providing that,  
24    absent a written agreement between a third-party  
25    provider and a governmental body, certain remuneration  
26    shall be paid by the governmental body at a specified  
27    rate; providing an exception for certain emergency  
28    services; specifying when governmental responsibility

29 | for in-custody medical expenses ceases; requiring each  
 30 | in-custody pretrial detainee or sentenced inmate who  
 31 | has health insurance, subscribes to a health care  
 32 | corporation, or receives health care benefits from any  
 33 | other source to assign such benefits to the health  
 34 | care provider; defining the term "in-custody pretrial  
 35 | detainee or sentenced inmate"; providing that law  
 36 | enforcement or detention facility personnel are  
 37 | responsible for restricting the personal freedom of  
 38 | certain in-custody pretrial detainees or sentenced  
 39 | inmates; providing that the act does not apply to  
 40 | certain counties; providing reimbursement obligations  
 41 | of certain charter counties to third-party providers  
 42 | of medical care, treatment, hospitalization, or  
 43 | transportation for in-custody pretrial detainees or  
 44 | sentenced inmates; providing an effective date.

45 |

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

47 |

48 | Section 1. Section 901.35, Florida Statutes, is amended to  
 49 | read:

50 | 901.35 Financial responsibility for medical expenses.—

51 | ~~(1) Except as provided in s. 951.032 Notwithstanding any~~  
 52 | ~~other provision of law,~~ the responsibility for paying the  
 53 | expenses of medical care, treatment, hospitalization, and  
 54 | transportation for any person ill, wounded, or otherwise injured  
 55 | during or as a result ~~at the time~~ of an arrest for any violation  
 56 | of a state law or a county or municipal ordinance is the

57 responsibility of the person receiving such care, treatment,  
 58 hospitalization, and transportation. ~~The provider of such~~  
 59 ~~services shall seek reimbursement for the expenses incurred in~~  
 60 ~~providing medical care, treatment, hospitalization, and~~  
 61 ~~transportation from the following sources in the following~~  
 62 ~~order:~~

63 ~~(a) From an insurance company, health care corporation, or~~  
 64 ~~other source, if the prisoner is covered by an insurance policy~~  
 65 ~~or subscribes to a health care corporation or other source for~~  
 66 ~~those expenses.~~

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

69 ~~(c) From a financial settlement for the medical care,~~  
 70 ~~treatment, hospitalization, or transportation payable or~~  
 71 ~~accruing to the injured party.~~

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

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

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

81  
 82 ~~The responsibility for payment of such medical costs shall exist~~  
 83 ~~until such time as an arrested person is released from the~~  
 84 ~~eustody of the arresting agency.~~

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85 ~~(3) An arrested person who has health insurance,~~  
86 ~~subscribes to a health care corporation, or receives health care~~  
87 ~~benefits from any other source shall assign such benefits to the~~  
88 ~~health care provider.~~

89 Section 2. Section 951.032, Florida Statutes, is amended  
90 to read:

91 951.032 Financial responsibility for medical expenses.—

92 (1) A county detention facility or municipal detention  
93 facility incurring expenses for ~~providing~~ medical care,  
94 treatment, hospitalization, or transportation provided by the  
95 county or municipal detention facility may seek reimbursement  
96 for the expenses incurred during the course of treatment of in-  
97 custody pretrial detainees or sentenced inmates in the following  
98 order:

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

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113 the future incarceration takes place within the county  
114 originating the lien and the future incarceration takes place  
115 within 3 years after ~~of~~ the date the lien was placed against the  
116 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~  
117 account or other personal property.

118 (b) From an insurance company, health care corporation, or  
119 other source if the in-custody pretrial detainee or sentenced  
120 inmate ~~prisoner or person~~ is covered by an insurance policy or  
121 subscribes to a health care corporation or other source for  
122 those expenses.

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

136 (3) A third-party provider of medical care, treatment,  
137 hospitalization, or transportation for in-custody pretrial  
138 detainees or sentenced inmates of a county or municipal  
139 detention facility shall seek reimbursement for the expenses  
140 incurred in providing medical care, treatment, hospitalization,

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141 and transportation to such in-custody pretrial detainees or  
142 sentenced inmates from the following sources in the following  
143 order:

144 (a) From an insurance company, health care corporation, or  
145 other source if the pretrial detainee or sentenced inmate is  
146 covered by an insurance policy or subscribes to a health care  
147 corporation or other source for those expenses.

148 (b) From the pretrial detainee or sentenced inmate  
149 receiving the medical care, treatment, hospitalization, or  
150 transportation.

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

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

162 (a) From the general fund of the county in which the  
163 person was arrested if the arrest was for violation of a state  
164 law or county ordinance; or

165 (b) From the municipal general fund if the arrest was for  
166 violation of a municipal ordinance.

167 (5) Absent a written agreement between the third-party  
168 provider and the governmental body, the remuneration made

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169 pursuant to subsection (4) must be paid by the governmental body  
170 at a rate not to exceed the following:

171 (a) For emergency services and care resulting in a  
172 discharge from the emergency room, and unrelated to an  
173 admission, provided by a hospital licensed under chapter 395, 75  
174 percent of the hospital's billed charges.

175 (b) For hospital inpatient services, 110 percent of the  
176 Medicare Part A prospective payment applicable to the specific  
177 hospital providing the inpatient services.

178 (c) For all other outpatient services, 110 percent of the  
179 Medicare Part A Ambulatory Payment Classification or Part B for  
180 the specific provider of the outpatient services.

181  
182 For hospitals reporting a negative operating margin for the  
183 previous year to the Agency for Health Care Administration  
184 through hospital-audited financial data, the payments in  
185 paragraphs (b) and (c) shall be 125 percent of the applicable  
186 Medicare prospective payment.

187 (6) Subsection (5) does not apply to amounts billed and  
188 paid for physicians licensed under chapter 458 or chapter 459  
189 for emergency services provided within a hospital emergency  
190 department.

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

194 (8) An in-custody pretrial detainee or sentenced inmate  
195 who has health insurance, subscribes to a health care  
196 corporation, or receives health care benefits from any other

197 source shall assign such benefits to the health care provider.

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

208 (10) Law enforcement personnel or personnel of the county  
 209 or municipal detention facility are responsible for restricting  
 210 the personal freedom of in-custody pretrial detainees or  
 211 sentenced inmates receiving treatment or services under this  
 212 section.

213 Section 3. This act does not apply to a charter county  
 214 that has a population of more than 1.7 million as of the most  
 215 recent decennial census. A charter county that has two hospital  
 216 districts within its geographical boundaries is not obligated to  
 217 reimburse any third-party provider of medical care, treatment,  
 218 hospitalization, or transportation for an in-custody pretrial  
 219 detainee or sentenced inmate of a county detention facility at a  
 220 rate exceeding the rate paid, as of July 1, 2012, for similar  
 221 medical costs to such hospital districts, regardless of whether  
 222 such reimbursement rate has been established and implemented by  
 223 policy or practice or through a contractual arrangement. A  
 224 charter county that has a county public hospital is not

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225 obligated to reimburse any third-party provider of medical care,  
226 treatment, hospitalization, or transportation for an in-custody  
227 pretrial detainee or sentenced inmate of a county detention  
228 facility at a rate exceeding the rate paid, as of July 1, 2012,  
229 for similar medical costs to private or not-for-profit hospitals  
230 located within the charter county, regardless of whether such  
231 reimbursement rate has been established and implemented by  
232 policy or practice or through a contractual arrangement.

233 Section 4. This act shall take effect July 1, 2012.