

By the Committee on Community Affairs; and Senator Jones

578-01862-12

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1 A bill to be entitled
2 An act relating to financial responsibility for
3 medical expenses of pretrial detainees and 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 that each in-custody
21 pretrial detainee or sentenced inmate who receives
22 medical care or other services cooperate with the
23 county or municipal detention facility in seeking
24 reimbursement for the expenses incurred by the
25 facility; setting forth the order of fiscal resources
26 from which a third-party provider of medical services
27 may seek reimbursement for the expenses the provider
28 incurred in providing medical care; requiring that the
29 county or municipality pay the costs of medical

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30 services provided by a third-party provider at
31 specified rates, under certain circumstances;
32 requiring that each in-custody pretrial detainee or
33 sentenced inmate who has health insurance, subscribes
34 to a health care corporation, or receives health care
35 benefits from any other source assign such benefits to
36 the health care provider; defining the term "in-
37 custody pretrial detainee or sentenced inmate";
38 providing that law enforcement personnel or county or
39 municipal detention facility personnel are responsible
40 for restricting the personal freedom of certain in-
41 custody pretrial detainees or sentenced inmates;
42 providing that the act does not apply to certain
43 counties; providing that certain charter counties are
44 not obligated to reimburse a third-party provider of
45 medical care, treatment, hospitalization, or
46 transportation for an in-custody pretrial detainee or
47 sentenced inmate of a county detention facility at a
48 rate exceeding a particular rate for certain
49 transportation or medical costs; providing an
50 effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Section 901.35, Florida Statutes, is amended to
55 read:

56 901.35 Financial responsibility for medical expenses.—
57 ~~(1) Except as provided in s. 951.032 Notwithstanding any~~
58 ~~other provision of law,~~ the responsibility for paying the

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

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

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

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

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

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

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

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

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

95 Section 2. Section 951.032, Florida Statutes, is amended to
96 read:

97 951.032 Financial responsibility for medical expenses.—

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

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

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

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

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

142 (3) A third-party provider of medical care, treatment,
143 hospitalization, or transportation for an in-custody pretrial
144 detainee or sentenced inmate of a county or municipal detention
145 facility shall seek reimbursement for the expenses incurred in

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146 providing medical care, treatment, hospitalization, and
147 transportation to the in-custody pretrial detainee or sentenced
148 inmate from the following sources in the following order:

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

153 (b) From the pretrial detainee or sentenced inmate
154 receiving the medical care, treatment, hospitalization, or
155 transportation.

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

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

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

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

172 (5) Absent a written agreement between the third-party
173 provider and the governmental body, the remuneration made
174 pursuant to subsection (4) must be paid by the governmental body

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175 at a rate not to exceed the following:

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

180 (b) For hospital inpatient services, 110 percent of the
181 Medicare Part A prospective payment applicable to the specific
182 hospital providing the inpatient services;

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

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

191 (6) Subsection (5) does not apply to amounts billed and
192 paid for physicians licensed under chapter 458 or chapter 459,
193 and dentists licensed under chapter 466 for emergency services
194 provided within a hospital emergency department.

195 (7) The responsibility of the governmental body for payment
196 of any in-custody medical cost ceases upon release of the in-
197 custody pretrial detainee or sentenced inmate.

198 (8) An in-custody pretrial detainee or sentenced inmate who
199 has health insurance, subscribes to a health care corporation,
200 or receives health care benefits from any other source shall
201 assign such benefits to the health care provider.

202 (9) As used in this section, the term "in-custody pretrial
203 detainee or sentenced inmate" means a person whose physical

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204 freedom is restricted by a certified law enforcement officer or
205 certified correctional officer pending disposition of an arrest
206 or completion of a county court sentence. The term also includes
207 a person who is furloughed by a criminal court for the express
208 purpose of receiving medical treatment if a condition of the
209 furlough is the immediate return to the custody of a county or
210 municipal detention facility following completion of such
211 treatment.

212 (10) Law enforcement personnel or personnel of the county
213 or municipal detention facility are responsible for restricting
214 the personal freedom of an in-custody pretrial detainee or
215 sentenced inmate receiving treatment or services under this
216 section.

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

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233 rate paid, as of July 1, 2012, to a private or not-for-profit
234 hospital located within the charter county for similar medical
235 cost, regardless of whether such reimbursement rate has been
236 established and implemented by policy or practice or through a
237 contractual arrangement.

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