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FLORIDA HOSPITAL LIEN LAWS IN ALL 67 COUNTIES

Florida is a unique state for hospital liens in that it does not have a comprehensive state hospital lien statute. Florida grants the autonomy to enact hospital lien statutes to the individual counties within the State of Florida. Florida used to have a statewide lien law. However, it was determined to be unconstitutional in 2012 in the *Shands Teaching Hosp. & Clinics, Inc. v. Mercury Ins. Co. of Fla.*, 97 So.3d 204 (Fla. 2012) case. It was held that the use of special acts to authorize medical liens was unconstitutional. The statewide lien law was deemed unconstitutional as it was a “Special Law” in violation of Article III, section 11(a)(9) of the Florida Constitution which states, in part: (a) There shall be no special law or general law of local application pertaining to:... (9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts. The holding in *Shands* was unique in that holding that the “special law” regarding hospital liens was unconstitutional, County Ordinances were not deemed unconstitutional. The Alachua County ordinance, which was being analyzed in *Shands*, which created enforceable hospital liens, was deemed to be *valid and enforceable*. What is highly unique about this case is that the Alachua County ordinance language and the “special law” had identical language.

As such and as is to be expected, there are great variances in the county ordinances as they relate to the timeline for filing, the methods for perfection, and the types of hospitals which may assert a lien. Some Florida counties allow liens for non-profit hospitals, while others allow them for all hospitals.

In Florida, a hospital lien is given full priority over all other recoverable benefits such as lost wages and injury benefits. Furthermore, hospital liens in Florida are not generally subject to a reduction for attorney’s fees or a common fund argument. See *Public Health Trust of Dade County v. O’Neal*, 348 So.2d 377 (3rd DCA 1977). Furthermore, hospital liens are intended to be effective for the “full amount” against the proceeds of a judgment or settlement in favor of the patient. *Id.*

| COUNTY | ORIDNANCE | TYPES OF HOSPITALS | DEADLINE TO PERFECT LIEN | DEADLINE TO SEND NOTICE |
|---------|--|--------------------|---|---|
| ALACHUA | Alachua Cty. Code, Sec. 81.03 to 81.04 | Charitable | Before or within 20 days after discharge of patient, must file with Office of the Clerk of the Circuit Court of Alachua County. | Must send copy of the filed verified claim to patient, his attorney if known, and to all persons named in such claim, within three days after claim is filed. |
| BAKER | No Statute | | No Right of Lien Filing | |

| COUNTY | ORIDNANCE | TYPES OF HOSPITALS | DEADLINE TO PERFECT LIEN | DEADLINE TO SEND NOTICE |
|-----------|--|--------------------|---|--|
| BAY | Repealed as of Sept. 20, 2020 | | No Right of Lien Filing | |
| BRADFORD | No Statute | | No Right of Lien Filing | |
| BREVARD | Code of Ords. of Brevard, Sec. 54-66 to 54-67. | All | Before or within 10 days after the patient has been discharged. | Must mail a copy of the filed claim within one day after such filing via registered mail to each person claimed to be liable on the account at the addresses given on the statement. |
| BROWARD | Code of Broward Cty., Sec. 16-13 to 16-14 | All | Before or within 10 days after the patient has been discharged. | Must mail a copy of the filed claim within one day after such filing via registered mail to each person claimed to be liable on the account at the addresses given on the statement. |
| CALHOUN | No Statute | | No Right of Lien Filing | |
| CHARLOTTE | No Statute | | No Right of Lien Filing | |
| CITRUS | No Statute | | No Right of Lien Filing | |
| CLAY | No Statute | | No Right of Lien Filing | |
| COLLIER | Code of Laws and Ords. of Collier Cty. Sec. 234-31 | Charitable | <p>Patient is required to provide hospital with notice of their intent to claim damages from a third-party. If suit is filed, patient must provide copy of the complaint.</p> <p>There appears to be no deadline to file.</p> | <p>Must provide notice of intent to claim damages within 30 days after receipt of patient's notice letter.</p> <p>Upon request, medical provider must cooperate with patient by producing, at no charge, all reasonably necessary info. To assist patient with claim, includes hospital bills and medical records.</p> <p><u>Note:</u> Hospital limited to recover "reasonable charges" which includes reductions for the hospital's pro rata share of costs and attorney fee's incurred by patient.</p> |
| COLUMBIA | No Statute | | No Right of Lien Filing | |
| DE SOTO | No Statute | | No Right of Lien Filing | |
| DIXIE | No Statute | | No Right of Lien Filing | |

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|-----------|---|--------------------|--|--|
| DUVAL | Jacksonville Ord. Code, Sec. 482.103 to 482.105 | All | <p>Before or within 6 months after the patient has been discharged.</p> <p>Verified claim must include: (1) Name and location of hospital; (2) Name and address of hospital rep. and relation to hospital; (3) Name and address of patient; (4) Dates of admission and discharge; (5) Amount of lien claimed; and (6) To the best of hospital's knowledge, the names, addresses of all persons claimed to be liable.</p> | The proper filing of a claim shall be considered notice to all persons who may be liable regardless if they are named in the claim or not. |
| ESCAMBIA | No Statute | | No Right of Lien Filing | |
| FLAGLER | No Statute | | No Right of Lien Filing | |
| FRANKLIN | No Statute | | No Right of Lien Filing | |
| GADSDEN | No Statute | | No Right of Lien Filing | |
| GILCHRIST | No Statute | | No Right of Lien Filing | |
| GLADES | No Statute | | No Right of Lien Filing | |
| GULF | No Statute | | No Right of Lien Filing | |
| HAMILTON | No Statute | | No Right of Lien Filing | |
| HARDEE | No Statute | | No Right of Lien Filing | |
| HENDRY | No Statute | | No Right of Lien Filing | |
| HERNANDO | No Statute | | No Right of Lien Filing | |
| HIGHLANDS | No Statute | | No Right of Lien Filing | |

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| HILLSBOROUGH | Code of Ords. Hillsborough Cty., Sec. 28-142 | All | <p>Must file not later than 12 months after the patient has been discharged.</p> <p>Verified claim must include: (1) Name and location of hospital; (2) Name and address of hospital rep. and relation to hospital; (3) Name and address of patient; (4) Dates of admission and discharge; (5) Amount of lien claimed; and (6) To the best of hospital's knowledge, the names, addresses of all persons claimed to be liable.</p> | Must mail a copy of the filed claim within 10 business days after such filing via first class mail to the patient, their attorney if known, and all other potential third-party payors identified in the filed lien. |
| HOLMES | No Statute | | No Right of Lien Filing | |
| INDIAN RIVER | No Statute | | No Right of Lien Filing | |
| JACKSON | No Statute | | No Right of Lien Filing | |
| JEFFERSON | No Statute | | No Right of Lien Filing | |
| LAFAYETTE | No Statute | | No Right of Lien Filing | |
| LAKE | No Statute | | No Right of Lien Filing | |
| LEE | Code of Law and Ords. Of Lee Cty., Ch. 18-37 to 18-38 | Only the hospital Board of Directors at Lee Memorial Hospital | Before or within 10 days after the patient has been discharged. | At the same time the claim is filed, notice should be mailed out to the patient. The filing and mailing of the claim in accordance with this section shall be considered notice to all persons who may be liable regardless if they are named on the claim or if they received the notice. |
| LEON | No Statute | | No Right of Lien Filing | |
| LEVY | No Statute | | No Right of Lien Filing | |
| LIBERTY | No Statute | | No Right of Lien Filing | |
| MADISON | No Statute | | No Right of Lien Filing | |
| MANATEE | No Statute | | No Right of Lien Filing | |
| MARION | No Statute | | No Right of Lien Filing | |
| MARTIN | No Statute | | No Right of Lien Filing | |

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| MIAMI-DADE | Code of Miami-Dade Cty., §25C-4 | All | Before or within 10 days after the patient has been discharged. | Must mail a copy of the filed claim within one day after such filing via registered mail to each person claimed to be liable on the account at the addresses given on the statement. |
| MONROE | No Statute | | No Right of Lien Filing | |
| NASSAU | No Statute | | No Right of Lien Filing | |
| OKALOOSA | No Statute | | No Right of Lien Filing | |
| OKEECHOBEE | No Statute | | No Right of Lien Filing | |
| ORANGE | Orange Cty. Code, Sec. 20-156 to 20-157 | All | Before or within 10 days after the patient has been discharged. | Must mail a copy of the filed claim within one day after such filing via registered mail to each person claimed to be liable on the account at the addresses given on the statement. Note: Hospital lien shall be limited to the lesser of (1) Reasonable charges for care and treatment or (2) the net amount of settlement/judgment after deducting for costs of procuring the settlement/judgment. |
| OSCEOLA | No Statute | | No Right of Lien Filing | |
| PALM BEACH | No Statute | | No Right of Lien Filing | |
| PASCO | No Statute | | No Right of Lien Filing | |
| PINELLAS | No Statute | | No Right of Lien Filing | |
| POLK | No Statute | | No Right of Lien Filing | |
| PUTNAM | No Statute | | No Right of Lien Filing | |
| ST. JOHNS | No Statute | | No Right of Lien Filing | |
| ST. LUCIE | No Statute | | No Right of Lien Filing | |
| SANTA ROSA | No Statute | | No Right of Lien Filing | |
| SARASOTA | No Statute | | No Right of Lien Filing | |
| SEMINOLE | No Statute | | No Right of Lien Filing | |
| SUMTER | No Statute | | No Right of Lien Filing | |

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| SUWANNEE | No Statute | | No Right of Lien Filing | |
| TAYLOR | No Statute | | No Right of Lien Filing | |
| UNION | No Statute | | No Right of Lien Filing | |
| VOLUSIA | No Statute | | No Right of Lien Filing | |
| WAKULLA | No Statute | | No Right of Lien Filing | |
| WALTON | No Statute | | No Right of Lien Filing | |
| WASHINGTON | No Statute | | No Right of Lien Filing | |

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