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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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