

FILED

ORDINANCE NO.: 94- 15

AUG 15 1 54 24 '94

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA RELATING TO THE CREATION OF LIENS TO RECOVER THE COST OF THE COUNTY IN PROVIDING MEDICAL-DENTAL SERVICES TO THOSE INDIVIDUALS IN THE CUSTODY OF THE COUNTY, PROVIDING FOR AUTHORIZATION AND ENTITLEMENT, PROVIDING FOR PERFECTION OF LIEN; PROVIDING FOR FILING; PROVIDING FOR RELEASE AND SATISFACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA

SECTION 1. ENTITLEMENT

The Hernando County Board of County Commissioners shall be entitled to a lien for all reasonable charges for hospital care, treatment, and maintenance of ill of injured persons upon any and all causes of action, suits, claims, counterclaims, and demands accruing to the legal representatives of such persons, and upon all judgments, settlements and settlement agreements rendered or entered into by virtue thereof, on account of illness or injuries giving rise to such causes of action, suits, claims, counterclaims, demands, judgment, settlements or settlement agreements and which necessitate or shall have necessitated such hospital care, treatment and maintenance while such injured persons are in the custody of Hernando County.

SECTION 2. PERFECTION OF LIEN

In order to perfect such a lien, the County Administrator or his agent, before, or within ten (10) days after, any such person shall have been discharged from custody shall file in the office of the Clerk of the Circuit Court of Hernando County, a verified claim in writing setting forth the name and address of such patient, a description of what care was provided and the dates (if applicable) of admission to

and discharge of such individual, the amount claimed to be due for such medical care, treatment, and maintenance, and, to the best knowledge of the person signing such claim, the names and addresses of all persons, firms or corporations who may be claimed by such ill or injured person or by the legal representative of such person, to be liable on account of such illness or injuries. At the same time that such claim is filed with the Clerk of the Circuit Court, a copy thereof shall be mailed by the Board of County Commissioners of Hernando County to the ill or injured person, his attorney, if known, and to all persons, firms or corporations named in such claim. The filing and mailing of such claim in accordance with this section shall be notice thereof to all persons, firms or corporations who may be liable on account of such illness or injuries, whether or not they are named in such claim or lien, and whether or not a copy of such claim shall have been received by them.

SECTION 3. FILING

The Clerk of Circuit Court of Hernando County shall endorse on such claim the date and hour of filing and shall record such claim in the Official Records of Hernando County. He shall be paid by the claimant as his fee for such filing and recording of each claim the same fee as provided for filing and recording other instruments under the recording laws.

SECTION 4. RELEASE OR SATISFACTION

No release or satisfaction of any action, suit, claim, counterclaim, demand, judgment, settlement or settlement agreement or of any of them, shall be valid or effectual as against such lien unless such lienholder shall join therein or execute a release of such lien. Any acceptance of a release or satisfaction of any such cause

of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of the lien referred to in this act shall prima facie constitute an impairment of such lien and the lienholder shall be entitled to an action at law for damages on account of such impairment, and in such action may recover from the one accepting such release or satisfaction or making such settlement the reasonable cost of such hospital care, treatment, and maintenance. Satisfaction of any judgment rendered in favor of the lienholder in any such action shall operate as a satisfaction of the lien. Any action by the lienholder shall be brought in the court having jurisdiction of the amount of the lienholder's claim and may be brought and maintained in the county wherein the lienholder has his, or its or their residence or place of business. If the lienholder shall prevail in such action, the lienholder shall be entitled to recover from the defendant, in addition to costs otherwise allowed by law, all reasonable attorney's fees and expenses incident to the matter.

SECTION 5. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. INCLUSION IN THE CODE

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of Hernando County as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session
this 9th day of August, 1994.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:



KAREN NICOLAI

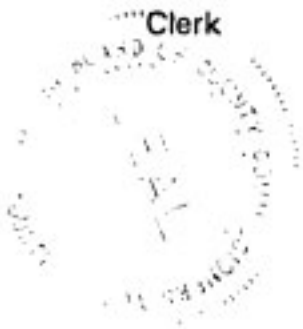
Clerk

By:



JUNE ESTER

Chairman



RBB/pjv/07/20/94