

ARTICLE II. - HOSPITAL LIENS

Sec. 16-13. - Established.

Every individual, partnership, firm, association, corporation, institution and governmental unit, and every combination of any of the foregoing, operating a hospital shall be entitled to a lien for all reasonable charges for hospital care, treatment and maintenance of ill or injured persons upon any and all causes of action, suits, claims, counterclaims and demands accruing to the persons to whom such care, treatment or maintenance are furnished, or 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, settlement or settlement agreement and which necessitate or shall have necessitated such hospital care, treatment and maintenance.

(Sp. Acts 1955, Ch. 30615, § 1)

Sec. 16-14. - Perfection of lien.

In order to perfect such lien, the executive officer or agent of a hospital, before, or within ten (10) days after, any such person shall have been discharged from such hospital, shall file in the office of the clerk of the Circuit Court of Broward County, Florida, a verified claim in writing setting forth the name and address of such patient as it shall appear on the records of such hospital the name and location of such hospital, and the name and address of the executive officer or agent of such hospital, the dates of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital 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 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; such claimant shall also, within one (1) day after the filing of such claim or lien, mail a copy thereof by registered mail, postage prepaid, to each person, firm or corporation so claimed to be liable on account of such illness or injuries, at the address so given in such statement. The filing of such claim 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.

(Sp. Acts 1955, Ch. 30615, § 2)

Sec. 16-15. - Hospital lien book.

The clerk of the circuit court shall endorse on such claim the date and hour of filing, shall provide a hospital lien book with proper index in which he shall record such claim, and shall show therein the date and hour of such filing. 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.

(Sp. Acts 1955, Ch. 30615, § 3)

Sec. 16-16. - Release of lien; impairment of lien.

- (a) 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.
- (b) 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 article 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, 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.

(Sp. Acts 1955, Ch. 30615, § 4)

Sec. 16-17. - Persons entitled to recover.

No person shall be entitled to recover or receive damages on account of hospital care, treatment and maintenance unless he shall affirmatively show that he has paid the cost thereof. It is specifically provided, however, that in any action, suit or counterclaim brought on account of illness or injury, the plaintiff or counterclaimant may include as an item of damages the cost of such hospital care, treatment and maintenance, if prior to the trial of the action he shall have notified the lienholder referred to in this article of the pendency of such action or counterclaim; whereupon such lienholder shall have the right, without leave of court, to intervene in the case and prove the reasonable cost of such hospital care, treatment and maintenance. Any verdict that may be rendered in favor of the plaintiff or counterclaimant shall set forth the amount the jury finds to be due the lienholder for such hospital care, treatment and maintenance and the name of such lienholder. Any judgment rendered in the case in favor of the plaintiff or a counterclaimant shall also be in favor of the lienholder in the amount set forth by the jury's verdict.

(Sp. Acts 1955, Ch. 30615, § 5)

Sec. 16-18. - Provisions not applicable to injuries coming under workmen's compensation.

The provisions of this article shall not be applicable to accidents or injuries within the purview of the workmen's compensation act of this state.

(Sp. Acts 1955, Ch. 30615, § 6)

Secs. 16-19—16-29. - Reserved.