



# Broward County

## Legislation Text

File #: 20-463, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2020-089 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 31, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO HOSPITAL LIENS; AMENDING SECTIONS 16-13, 16-16, AND 16-18 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CLARIFYING THAT THE APPLICABLE HOSPITAL LIENS AND IMPAIRMENT OF LIEN CLAIMS DO NOT APPLY AGAINST LOCAL GOVERNMENT ENTITIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### Why Action is Necessary

Board action is necessary to schedule a public hearing to consider the proposed Ordinance.

#### What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider amending Article II of Chapter 16 of the Broward County Code of Ordinances.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

Article II of Chapter 16 of the Broward County Code of Ordinances ("Code") imposes a lien in favor of a hospital for all reasonable charges incurred by the hospital upon any claim, judgment, and settlement relating to the illness or injuries that gave rise to the claim at issue.

Despite the sovereign immunity doctrine that precludes the assertion of such claims against local governments, these Code provisions have occasionally been cited by hospitals in an attempt to assert a claim against Broward County for impairment of a lien based upon the County's settlement of a personal injury action. To avoid confusion and unnecessary litigation, the proposed Ordinance, if

enacted, would clarify that the Code provisions are not a waiver of, and have no effect upon, the sovereign immunity of local governments.

**Source of Additional Information**

René D. Harrod, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.