



Broward County

Legislation Text

File #: 20-577, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT 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

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of March 10, 2020.

What Action Accomplishes

Permits the Board to 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

None.