

# **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the County's website by the time notice of the proposed ordinance is published.*

## **ORDINANCE NO. 2024-08**

**AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA; AMENDING CHAPTER 58 – HEALTH AND SANITATION, BY ADDING ARTICLE V – MEDICAL PROVIDER LIENS, SECTIONS 58-128 THROUGH 58-136, ESTABLISHING FOR CERTAIN MEDICAL PROVIDERS AN ENTITLEMENT TO LIENS FOR CERTAIN OUTSTANDING CHARGES, AND ESTABLISHING PROCESS RELATED THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes. If one or more boxes are checked below, this means the County is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the County is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

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<sup>1</sup> See Section 125.66(3)(c), Florida Statutes.

- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the County hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

**The proposed ordinance entitles, but does not mandate, nonprofit entities operating charitable hospitals, special taxing districts operating hospitals, and certain local government divisions (collectively, “medical providers”) that provide medical services to patients injured by third party tortfeasors certain lien rights for outstanding reasonable charges for medical care, treatment, and maintenance of patients. The lien may only be made on causes of action, suits, claims, counterclaims, and demands accruing to the patient or their representative or estate, or on judgments, settlements, and settlement agreements rendered or entered into by or for said patient. The lien cannot apply to real or personal property owned by the patient prior to the rendition of the relevant medical care.**

**The proposed ordinance establishes processes related to perfecting, filing, recording, reviewing, releasing, and satisfying a medical lien, and it also permits a court, arbitration proceeding, or agreement of the parties to reduce the lien amount to a fair and equitable share of the patient’s limited recovery if the patient’s recovery is less than the patient's damages or the lien amount.**

**The purpose of the proposed ordinance is to serve public health and promote the general economic welfare of the people of Volusia County.**

2. **An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, if any:**

The proposed ordinance is not intended or anticipated to impact private, for-profit businesses in the County, and the lien rights established in the proposed ordinance are not available to private, for-profit businesses. Therefore, the estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County is negligible.

**(a) An estimate of direct compliance costs that businesses may reasonably incur;** Private, for-profit businesses will not incur any direct compliance costs.

**(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**

No new charges or fees are imposed by the proposed ordinance; standard recording fees will apply.

**(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

Except for usual costs and fees to the Clerk of the Circuit Court of Volusia County associated with recording official records, the County is not expected to incur any regulatory costs associated with the proposed ordinance. If the County's emergency medical services divisions exercise the lien rights available to them under the proposed ordinance, there may be indirect staff-related costs to the County, and the County may realize revenue from increased recovery for outstanding reasonable charges for medical services rendered; the amount of revenue will correspond to the charges for medical services and recovery made.

**3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:** The estimated number of entities (including the county and units of local government) entitled to lien rights under the proposed ordinance is eight to ten. These entities have the option of using the newly provided authority. The proposed ordinance may also indirectly impact an indeterminate number of law firms or practices who represent patients involved in proceedings to which the lien rights created by the proposed ordinance may attach.

**4. Additional information the governing body deems useful (if any):** When preparing the proposed ordinance, County staff solicited comments regarding the potential economic impact from Halifax Health and multiple area attorneys who represent plaintiffs/patients in proceedings to which the lien rights created by the proposed ordinance may attach when preparing the proposed ordinance.