



808476

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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	.	
	.	

The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 107 - 115
and insert:

(7) For purposes of first responders as defined in s. 112.1815(1), the finder of fact and law is not bound by any statutory provision regarding attorney's fees relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease, but must consider the following factors when awarding an attorney's fee:

(a) The time and labor required, the novelty and difficulty



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13 of the questions involved, and the skill required to perform the
14 legal service properly.

15 (b) The fee customarily charged in the locality for similar
16 legal services.

17 (c) The amount involved in the controversy and the benefits
18 payable to the claimant.

19 (d) The time limitations imposed by the claimant or the
20 circumstances.

21 (e) The experience, reputation, and ability of the attorney
22 or attorneys performing services.

23 (f) The contingency or certainty of a fee.

24
25 For purposes of this subsection, the term "occupational disease"
26 has the same meaning as provided in s. 112.1815(4).

27 ~~(7) If an attorney's fee is owed under paragraph (3) (a),~~
28 ~~the judge of compensation claims may approve an alternative~~
29 ~~attorney's fee not to exceed \$1,500 only once per accident,~~
30 ~~based on a maximum hourly rate of \$150 per hour, if the judge of~~
31 ~~compensation claims expressly finds that the attorney's fee~~
32 ~~amount provided for in subsection (1), based on benefits~~
33 ~~secured, fails to fairly compensate the attorney for disputed~~
34 ~~medical-only claims as provided in paragraph (3) (a) and the~~
35 ~~circumstances of the particular case warrant such action.~~

36 Section 2. The Legislature finds that this act fulfills an
37 important state interest relating to the public interest in
38 prompt and adequate response to provide for the safety of the
39 public unique to first responders.

40
41 ===== T I T L E A M E N D M E N T =====



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42 And the title is amended as follows:

43 Delete line 7

44 and insert:

45 to recover from a carrier or employer; providing that
46 the finder of fact and law is not bound by provisions
47 of state law relating to the provision of indemnity or
48 medical benefits for employment-related accidents or
49 injuries involving exposure to a toxic substance or
50 occupational disease when awarding attorney's fees in
51 cases involving first responders; requiring that the
52 finder of fact and law consider certain factors when
53 awarding attorney's fees in such cases; defining the
54 term "occupational disease" for specified purposes;
55 deleting provisions authorizing a judge of
56 compensation claims to approve alternative attorney's
57 fees under certain circumstances; providing
58 legislative findings; providing an