

Bill No. CS for CS for SB 484

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Bankhead moved the following amendment:

Senate Amendment

On page 15, line 28, through
page 17, line 21, delete those lines

and insert:

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party which results in a ~~and in which the amount of any judgment, award, or settlement from a third party, third party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of the amount recovered shall be distributed~~ as follows:

1. After attorney's fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the

Bill No. CS for CS for SB 484

Amendment No. ____

1 remaining recovery shall be paid to the department up to the
2 total amount of medical assistance provided by Medicaid.

3 2. The remaining amount of the recovery shall be paid
4 to the recipient.

5 3. For purposes of calculating the department's
6 recovery of medical assistance benefits paid, the fee for
7 services of an attorney retained by the recipient or his or
8 her legal representative shall be calculated at 25 percent of
9 the judgment, award, or settlement.

10 4. Notwithstanding any provision of this section to
11 the contrary, the department shall be entitled to all medical
12 coverage benefits up to the total amount of medical assistance
13 provided by Medicaid.

14 ~~1. Any fee for services of an attorney retained by the~~
15 ~~recipient or his or her legal representative shall not exceed~~
16 ~~an amount equal to 25 percent of the recovery, after~~
17 ~~reasonable costs and expenses of litigation, from the~~
18 ~~judgment, award, or settlement.~~

19 ~~2. After attorney's fees, two-thirds of the remaining~~
20 ~~recovery shall be designated for past medical care and paid to~~
21 ~~the department for medical assistance provided by Medicaid.~~

22 ~~3. The remaining amount from the recovery shall be~~
23 ~~paid to the recipient.~~

24 ~~4.~~ For purposes of this paragraph, "medical coverage"
25 means any benefits under health insurance, a health
26 maintenance organization, a preferred provider arrangement, or
27 a prepaid health clinic, and the portion of benefits
28 designated for medical payments under coverage for workers'
29 compensation, personal injury protection, and casualty.

30
31