

hbd-032

Bill No. CS/HB 1927

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Ryan offered the following:

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13 **Amendment (with title amendment)**

14 On page 43, line 25, through page 44, line 20

15 remove from the bill: all of said lines,

16

17 and insert in lieu thereof:

18 (1) A fee, gratuity, or other consideration may not be  
19 paid for services rendered for a claimant in connection with  
20 any proceedings arising under this chapter, unless approved as  
21 reasonable by the judge of compensation claims or court having  
22 jurisdiction over such proceedings. Except as provided by this  
23 subsection, any attorney's fee approved by a judge of  
24 compensation claims for services rendered to a claimant must  
25 equal to 25 ~~20~~ percent of the first \$5,000 of the amount of  
26 the benefits secured, 20 ~~15~~ percent of the next \$5,000 of the  
27 amount of the benefits secured, 15 ~~10~~ percent of the remaining  
28 amount of the benefits secured to be provided during the first  
29 10 years after the date the claim is filed, and 10 ~~5~~ percent  
30 of the benefits secured after 10 years.

31 (a) However, the judge of compensation claims ~~shall~~

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1 ~~consider the following factors in each case and may approve an~~  
2 ~~increase or decrease the attorney's fee of up to \$2,500, based~~  
3 ~~on a reasonable hourly rate, except in those cases set forth~~  
4 ~~in s. 440.34(3)(c), if, in her or his judgment, the judge of~~  
5 ~~compensation claims expressly finds that the attorney's fees~~  
6 ~~based on benefits secured fails to fairly compensate the~~  
7 ~~attorney and that the circumstances of the particular case~~  
8 ~~warrant such action. Such fees shall be allowed for any~~  
9 ~~petition for benefits that were ripe, due, and owing and~~  
10 ~~should have been raised in such petition under this paragraph.~~  
11 ~~Any fees are waived on any other benefits which were not~~  
12 ~~raised and which were ripe, due, and owing at the time the~~  
13 ~~issues are resolved.~~

14 (b) The judge of compensation claims shall not approve  
15 a compensation order, a joint stipulation for lump-sum  
16 settlement, a stipulation or agreement between a claimant and  
17 his or her attorney, or any other agreement related to  
18 benefits under this chapter which provides for an attorney's  
19 fee in excess of the amount permitted by this section.+

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 3, lines 13-17,  
25 remove from the title of the bill: all of said lines,

26  
27 and insert in lieu thereof:

28 amending s. 440.34, F.S.; revising the limit on  
29 the amount of attorney's fees that may be  
30 approved by a judge of compensation claims and  
31 eliminating factors that the judge must

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consider; applying such limits to any agreement  
related to benefits under chapter 440, F.S.;