

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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

.  
.
.

Representative Homan offered the following:

**Amendment (with directory and title amendments)**

Between line(s) 1009 and 1010, insert:

Section 25. Section 766.1027, Florida Statutes, is created to read:

766.1027 Actions for medical malpractice; limits on attorney's fees; periodic payments.--

(1) An attorney may not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon such person's alleged professional negligence in excess of the following limits:

(a) Forty percent of the first \$50,000 recovered.

(b) Thirty-three and one-third percent of the next \$50,000 recovered.

(c) Twenty-five percent of the next \$500,000 recovered.

Amendment No. (for drafter's use only)

28 (d) Fifteen percent of any amount recovered in excess of  
29 \$600,000.

30  
31 This limitation applies regardless of whether the recovery is by  
32 settlement, arbitration, or judgment or whether the person for  
33 whom the recovery is made is a responsible adult, a child, or  
34 incompetent.

35 (2) If periodic payments are to be awarded to the  
36 plaintiff, the court shall place a total value on these payments  
37 based upon the projected life expectancy of the plaintiff and  
38 include this amount in computing the total award from which  
39 attorney's fees are calculated under this section.

40 (3) As used in this section, the term:

41 (a) "Recovered" means the net sum recovered after  
42 deducting any disbursements or costs incurred in connection with  
43 prosecution or settlement of the claim. Costs of medical care  
44 incurred by the plaintiff and costs or charges for office  
45 overhead expenses of the attorney are not deductible  
46 disbursements or costs for such purpose.

47 (b) "Health care provider" has the meaning ascribed in s.  
48 766.1115(3)(d). The term includes the legal representatives of  
49 such a person.

50  
51 ===== T I T L E A M E N D M E N T =====

52 Remove line(s) 66, and insert:  
53 enforcement; creating s. 766.1027, F.S.; limiting  
54 attorney's fees in medical malpractice actions; defining  
55 the terms "recovered" and "health care provider"; amending  
56 s. 766.106, F.S.; extending the time