

By Senator Wise

5-909A-03

See HB

1 A bill to be entitled
2 An act relating to awards of damages; limiting
3 noneconomic damages in tort cases to \$250,000;
4 providing for annual adjustment; providing
5 construction; requiring court supervision of
6 damages paid to claimants; authorizing courts
7 to restrict payment of contingent attorney's
8 fees based upon the amount of damages awarded;
9 specifying limits for such contingent
10 attorney's fees in health care lawsuits;
11 providing applicability; authorizing courts to
12 further limit fees in certain cases; providing
13 an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Cap on noneconomic
18 damages.--Notwithstanding any other provision of law,
19 noneconomic damages in tort cases shall be limited to
20 \$250,000, which amount may be adjusted on an annual basis to
21 reflect inflation. The provisions of this section shall not be
22 deemed a denial of access to courts as set forth in Section
23 21, Article I of the State Constitution.

24 Section 2. Court supervision of damage payments.--
25 (1) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY
26 PAID TO CLAIMANTS; CONTINGENT ATTORNEY'S FEES; HEALTH CARE
27 LAWSUIT LIMITS.--

28 (a) In any lawsuit, the court shall supervise the
29 arrangements for payment of damages to protect against
30 conflicts of interest that may have the effect of reducing the
31

1 amount of awarded damages which are actually paid to a
2 claimant.

3 (b)1. In any lawsuit in which an attorney for a party
4 claims a financial stake in the outcome by virtue of a
5 contingent fee based on the amount of damages awarded, the
6 court shall have the power to restrict the payment of a
7 claimant's damage recovery to such attorney and to redirect
8 payment of amounts of such damages to the claimant based upon
9 the interests of justice and the principles of equity.

10 2. In no event shall the total of all contingent fees,
11 based upon the amount of damages awarded, for representing all
12 claimants in a health care lawsuit exceed the following
13 limits:

14 a. Forty percent of the first \$50,000 in damages
15 awarded to the claimants.

16 b. Thirty-three and one-third percent of the next
17 \$50,000 in damages awarded to the claimants.

18 c. Twenty-five percent of the next \$500,000 in damages
19 awarded to the claimants.

20 d. Fifteen percent of any amount by which the award of
21 damages to the claimants exceeds \$600,000.

22 (2) APPLICABILITY.--The limitations in this section
23 shall apply whether the recovery is by judgment, settlement,
24 mediation, arbitration, or any other form of alternative
25 dispute resolution. In a lawsuit involving a minor or an
26 incompetent person, a court retains the authority to authorize
27 or approve a fee that is less than the maximum permitted under
28 this section.

29 Section 3. This act shall take effect upon becoming a
30 law.

31