17-1859-04

1   Senate Joint Resolution No. _____
2   A joint resolution proposing the addition of
3   Section 26 to Article I of the State
4   Constitution to provide for a claimant in a
5   medical liability action involving a contingent
6   fee to receive no less than a specified
7   percentage of the recovery, exclusive of
8   reasonable and customary costs and regardless
9   of the number of defendants.
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11 Be It Resolved by the Legislature of the State of Florida:
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13   That the following Section 26 of Article I of the State
14 Constitution is agreed to, shall be presented to the electors
15 of this state for approval or rejection at the next general
16 election or at an earlier special election specifically
17 authorized by law for that purpose, and, if approved, shall
18 take effect on the day following the day it is approved:
19   ARTICLE I
20   DECLARATION OF RIGHTS
21   SECTION 26. Medical liability contingent fees.--In any
22 medical liability claim involving a contingent fee, the
23 claimant is entitled to receive no less than 70 percent of the
24 first $250,000 in all damages received by the claimant,
25 exclusive of reasonable and customary costs, whether received
26 by judgment, settlement, or otherwise, and regardless of the
27 number of defendants. The claimant is entitled to 90 percent
28 of all damages in excess of $250,000, exclusive of reasonable
29 and customary costs and regardless of the number of
30 defendants. This section is self-executing and does not
31 require implementing legislation.

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   BE IT FURTHER RESOLVED that the following statement be

2 placed on the ballot:

3   CONSTITUTIONAL AMENDMENT

4   ARTICLE I, SECTION 26

5   CLAIMANT RECOVERY IN MEDICAL LIABILITY

6 CASES.--Proposing an amendment to the State Constitution to

7 require that the claimant receive at least 70 percent of the

8 first $250,000 of recovery in a medical liability claim that

9 involves a contingent fee and 90 percent of all damages in

10 excess of $250,000, in both cases exclusive of reasonable and

11 customary fees and regardless of the number of defendants.

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