

CHAMBER ACTION

1 The Claims Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled
7 An act relating to tort claims against the state; amending
8 s. 768.28, F.S.; providing a limitation on fees charged,
9 demanded, received, or collected for services rendered for
10 a tort claim against the state by an attorney or lobbyist;
11 providing that such limitation applies to the combined
12 total of any judgment or settlement paid, including any
13 amount paid by further act of the Legislature; clarifying
14 that fees do not include court costs; providing an
15 effective date.

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

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19 Section 1. Subsection (8) of section 768.28, Florida
20 Statutes, is amended to read:

21 768.28 Waiver of sovereign immunity in tort actions;
22 recovery limits; limitation on ~~attorney~~ fees; statute of

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23 limitations; exclusions; indemnification; risk management
24 programs.--

25 (8) The combined total for all fees charged, demanded,
26 received, or collected for all services rendered for a tort
27 claim under this section by an attorney or lobbyist may not
28 exceed ~~No attorney may charge, demand, receive, or collect, for~~
29 ~~services rendered, fees in excess of~~ 25 percent of the combined
30 total of any judgment or settlement paid, including any amount
31 paid by further act of the Legislature. For the purposes of this
32 subsection, fees paid to an attorney or lobbyist do not include
33 costs as provided in chapter 57.

34 Section 2. This act shall take effect July 1, 2005.