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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/25/2009	.	
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The Committee on Judiciary (Gelber) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 92 - 110

and insert:

(5) (a) Notwithstanding s. 287.059(7) (a), a contingency fee contract entered into by the department may not provide for the private attorney to receive an aggregate contingency fee in excess of:

1. Twenty-five percent of any recovery of up to \$10 million; plus

2. Twenty percent of any portion of such recovery between



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- 13 \$10 million and \$15 million; plus  
14 3. Fifteen percent of any portion of such recovery between  
15 \$15 million and \$20 million; plus  
16 4. Ten percent of any portion of such recovery between \$20  
17 million and \$25 million; plus  
18 5. Five percent of any portion of such recovery exceeding  
19 \$25 million.

20  
21 The aggregate contingency fee may not exceed \$50 million,  
22 exclusive of reasonable costs and expenses, and irrespective of  
23 the number of lawsuits filed or the number of private attorneys  
24 retained to achieve the recovery.

25 (b) The limits on contingency fees in paragraph (a) do not  
26 apply if the Attorney General determines that the costs and  
27 expenses of a legal proceeding create an undue financial risk  
28 for the state and that the best interests of the state are for a  
29 private attorney to represent the state and bear the costs and  
30 expenses of the legal proceeding.

31  
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 31

35 and insert:

36 contract with the department; creating an exception to the limit  
37 on contingency fees; requiring that copies of