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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/15/2009	.	
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	.	
	.	

The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 115 and 116
insert:

(8) For purposes of first responders as defined in s. 112.1815(1), the finder of fact and law is not bound by any statutory provision regarding attorney's fees relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease, but must consider the following factors when awarding an attorney's fee:

(a) The time and labor required, the novelty and difficulty



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13 of the questions involved, and the skill required to perform the
14 legal service properly.

15 (b) The fee customarily charged in the locality for similar
16 legal services.

17 (c) The amount involved in the controversy and the benefits
18 payable to the claimant.

19 (d) The time limitations imposed by the claimant or the
20 circumstances.

21 (e) The experience, reputation, and ability of the attorney
22 or attorneys performing services.

23 (f) The contingency or certainty of a fee.

24
25 For purposes of this subsection, the term "occupational disease"
26 has the same meaning as provided in s. 112.1815(4).

27
28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 7

33 and insert:

34 to recover from a carrier or employer; providing that
35 the finder of fact and law is not bound by provisions
36 of state law relating to the provision of indemnity or
37 medical benefits for employment-related accidents or
38 injuries involving exposure to a toxic substance or
39 occupational disease when awarding attorney's fees in
40 cases involving first responders; requiring that the
41 finder of fact and law consider certain factors when



42 awarding attorney's fees in such cases; defining the
43 term "occupational disease" for specified purposes;
44 providing an