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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/29/2009 11:10 AM

Senator Gelber moved the following:

Senate Amendment (with title amendment)

Delete lines 89 - 107

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 \$10 million and \$15 million; plus



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13 3. Fifteen percent of any portion of such recovery between
14 \$15 million and \$20 million; plus

15 4. Ten percent of any portion of such recovery between \$20
16 million and \$25 million; plus

17 5. Five percent of any portion of such recovery exceeding
18 \$25 million.

19
20 The aggregate contingency fee may not exceed \$50 million,
21 exclusive of reasonable costs and expenses, and irrespective of
22 the number of lawsuits filed or the number of private attorneys
23 retained to achieve the recovery.

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

30
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 29

35 and insert:

36 contract with the department; providing circumstances
37 under which such limitations do not apply; requiring
38 that copies of any