



953242

LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/30/2009 03:38 PM

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Senator Lawson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 106 - 114

and insert:

(7) 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



953242

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 ~~(7) If an attorney's fee is owed under paragraph (3) (a),~~  
28 ~~the judge of compensation claims may approve an alternative~~  
29 ~~attorney's fee not to exceed \$1,500 only once per accident,~~  
30 ~~based on a maximum hourly rate of \$150 per hour, if the judge of~~  
31 ~~compensation claims expressly finds that the attorney's fee~~  
32 ~~amount provided for in subsection (1), based on benefits~~  
33 ~~secured, fails to fairly compensate the attorney for disputed~~  
34 ~~medical-only claims as provided in paragraph (3) (a) and the~~  
35 ~~circumstances of the particular case warrant such action.~~

36 Section 2. The Legislature finds that this act fulfills an  
37 important state interest relating to the public interest in  
38 prompt and adequate response to provide for the safety of the  
39 public unique to first responders.

40  
41 ===== T I T L E A M E N D M E N T =====



953242

42 And the title is amended as follows:

43 Delete line 7

44 and insert:

45 carrier or employer; providing that the finder of fact  
46 and law is not bound by provisions of state law  
47 relating to the provision of indemnity or medical  
48 benefits for employment-related accidents or injuries  
49 involving exposure to a toxic substance or  
50 occupational disease when awarding attorney's fees in  
51 cases involving first responders; requiring that the  
52 finder of fact and law consider certain factors when  
53 awarding attorney's fees in such cases; defining the  
54 term "occupational disease" for specified purposes;  
55 deleting provisions authorizing a judge of  
56 compensation claims to approve alternative attorney's  
57 fees under certain circumstances; providing  
58 legislative findings; providing an effective date.