

By Senator Smith

29-01798A-10

20102634

1 A bill to be entitled
2 An act relating to attorney's fees in workers'
3 compensation cases; amending s. 112.1815, F.S.;
4 providing that the finder of fact and law is not bound
5 by provisions of state law relating to the provision
6 of indemnity or medical benefits for employment-
7 related accidents or injuries when awarding attorney's
8 fees in cases involving first responders; requiring
9 that the finder of fact and law consider certain
10 factors when awarding attorney's fees in such cases;
11 providing a statement of important state interest;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (5) is added to section 112.1815,
17 Florida Statutes, to read:

18 112.1815 Firefighters, paramedics, emergency medical
19 technicians, and law enforcement officers; special provisions
20 for employment-related accidents and injuries.-

21 (5) For purposes of first responders as defined in
22 subsection (1), the finder of fact and law is not bound by any
23 statutory provision regarding attorney's fees relating to the
24 provision of indemnity or medical benefits for employment-
25 related accidents or injuries, but must consider the following
26 factors when awarding attorney's fees:

27 (a) The time and labor required, the novelty and difficulty
28 of the questions involved, and the skill required to perform the
29 legal service properly.

29-01798A-10

20102634__

30 (b) The fee customarily charged in the locality for similar
31 legal services.

32 (c) The amount involved in the controversy and the benefits
33 payable to the claimant.

34 (d) The time limitations imposed by the claimant or the
35 circumstances.

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

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

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

43 Section 3. This act shall take effect upon becoming a law.