

HB 611

2010

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.; providing  
 4           that the finder of fact and law is not bound by provisions  
 5           of state law relating to the provision of indemnity or  
 6           medical benefits for employment-related accidents or  
 7           injuries when awarding attorney's fees in cases involving  
 8           first responders; requiring that the finder of fact and  
 9           law consider certain factors when awarding attorney's fees  
 10          in such cases; providing a statement of important state  
 11          interest; providing an effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

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

17           112.1815 Firefighters, paramedics, emergency medical  
 18   technicians, and law enforcement officers; special provisions  
 19   for employment-related accidents and injuries.-

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

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

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

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

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

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

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

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

42        Section 3. This act shall take effect upon becoming law.