Senator Diaz de la Portilla moved the following:

**Senate Substitute for Amendment (202446) (with title amendment)**

Delete lines 1236 - 1240

and insert:

ATTORNEY’S FEES.–

(a) With respect to any dispute under the provisions of ss. 627.730–627.7405 between the insured and the insurer, or between an assignee of an insured’s rights and the insurer, the provisions of ss. 627.428 and 768.79 shall apply, except as provided in subsections (10) and (15), and except that any attorney fees recovered must:

1. Comply with prevailing professional standards;
2. Ensure that the attorney fees for work performed by an attorney do not duplicate work performed by a paralegal or legal assistant; and

3. Not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity.

(b) Notwithstanding s. 627.428 and this subsection, it shall be presumed that any attorney fees awarded under ss. 627.730-627.7405 are calculated without regard to a contingency risk multiplier. This presumption may be overcome only if the court makes findings of fact based upon competent evidence in the record which establishes that:

1. The party requesting the multiplier would have faced substantial difficulties finding competent counsel to pursue the case in the relevant market but for the consideration of a fee multiplier;

2. Consideration of a fee multiplier was a necessary incentive to obtain competent counsel to pursue the case;

3. The claim would not be economically feasible to hire an attorney on a noncontingent, fixed-fee basis;

4. The attorney was unable to mitigate the risk of nonpayment of attorney fees in any other way; and

5. The use of a multiplier is justified based on factors such as the amount of risk undertaken by the attorney at the outset of the case, the results obtained, and the type of fee arrangement between the attorney and client.

(c) Paragraph (b) does not apply to a case where class action status has been sought or granted, and a contingency risk multiplier may be applied in such cases notwithstanding paragraph (b).
(d) Upon the request of either party, a judge must make written findings, substantiated by evidence presented at trial or any hearings associated with the trial, that an award of attorney fees complies with this subsection.

And the title is amended as follows:
Between lines 75 and 76
insert:
providing criteria for the award of attorney fees;
providing a presumption regarding the use of a contingency risk multiplier;