

By Senator Brandes

24-01110-20

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1 A bill to be entitled
2 An act relating to property insurance; amending s.
3 627.428, F.S.; providing that, for certain attorney
4 fees awarded for claims arising under property
5 insurance policies, the maximum fee a court may award
6 is a lodestar fee; prohibiting the court from
7 considering contingency risk or using a contingency
8 risk multiplier; amending s. 627.736, F.S.; conforming
9 a provision to changes made by the act; providing an
10 effective date.

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

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14 Section 1. Subsection (4) is added to section 627.428,
15 Florida Statutes, to read:

16 627.428 Attorney fees.—

17 (4) In awarding attorney fees under this section for a
18 claim arising under a property insurance policy, the maximum fee
19 a court may award is a lodestar fee. A court may not consider
20 contingency risk in determining the lodestar fee or use a
21 contingency risk multiplier to increase the lodestar fee.

22 Section 2. Subsection (8) of section 627.736, Florida
23 Statutes, is amended to read:

24 627.736 Required personal injury protection benefits;
25 exclusions; priority; claims.—

26 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—
27 With respect to any dispute under the provisions of ss. 627.730-
28 627.7405 between the insured and the insurer, or between an
29 assignee of an insured's rights and the insurer, the provisions

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30 of ss. 627.428 and 768.79 apply, except as provided in
31 subsections (10) and (15), and except that any attorney fees
32 recovered must:

- 33 (a) Comply with prevailing professional standards;
34 (b) Not overstate or inflate the number of hours reasonably
35 necessary for a case of comparable skill or complexity; and
36 (c) Represent legal services that are reasonable and
37 necessary to achieve the result obtained.

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39 Upon request by either party, a judge must make written
40 findings, substantiated by evidence presented at trial or any
41 hearings associated therewith, that any award of attorney fees
42 complies with this subsection. ~~Notwithstanding s. 627.428,~~
43 Attorney fees recovered under ss. 627.730-627.7405 must be
44 calculated without regard to a contingency risk multiplier.

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Section 3. This act shall take effect July 1, 2020.