

CHAMBER ACTION

1 The Judiciary Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to attorney's fees; amending s. 627.736,  
7 F.S.; prohibiting the application of a contingency risk  
8 multiplier in the award of attorney's fees in suits based  
9 on claims arising under the Florida Motor Vehicle No-Fault  
10 Law except in certain circumstances; providing an  
11 effective date.

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

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15 Section 1. Subsection (8) of section 627.736, Florida  
16 Statutes, is amended to read:

17 627.736 Required personal injury protection benefits;  
18 exclusions; priority; claims.--

19 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S  
20 FEES.--With respect to any dispute under the provisions of ss.  
21 627.730-627.7405 between the insured and the insurer, or between  
22 an assignee of an insured's rights and the insurer, the  
23 provisions of s. 627.428 shall apply, except as provided in

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24 | subsection (11). If a court awards attorney's fees pursuant to  
25 | this subsection, no contingency fee risk multiplier shall be  
26 | applied in determining a reasonable fee unless the court finds  
27 | by clear and convincing evidence that success was unlikely at  
28 | the outset of litigation.

29 | Section 2. This act shall take effect July 1, 2005.