

Bill No. SB 1990

Barcode 105460

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Geller) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S
FEES.--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 s. 627.428 shall apply, except as provided
in subsection (11). If a court awards an attorney's fee
pursuant to this subsection, a contingency fee risk multiplier
shall not be applied in determining a reasonable attorney's
fee unless the court finds that:

(a) The attorney agreed to pursue the case on a

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1 contingency fee basis;

2 (b) At the outset of the case the relevant market
3 required a fee multiplier to obtain competent counsel; and

4 (c) The attorney was unable to mitigate the risk of
5 nonpayment of attorney's fees for prosecuting the case.

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

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

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13 and insert:

14 A bill to be entitled

15 An act relating to attorney's fees; amending s.
16 627.736, F.S.; providing guidelines for
17 determining contingency fee risk multipliers in
18 attorney's fee awards in cases involving
19 personal injury protection benefits; providing
20 an effective date.

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