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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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	.	

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

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, and subsections (17) and (18) are added to that section, 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



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13 assignee of an insured's rights and the insurer, the provisions
14 of s. 627.428 ~~shall~~ apply, except as provided in subsections
15 (10) and (15), and except that any attorney's fees recovered are
16 limited to the lesser of \$200 per billable hour or:-

17 (a) For a disputed amount less than \$500, 15 times the
18 disputed amount recovered by the attorney under ss. 627.730-
19 627.7407, up to a total of \$5,000.

20 (b) For a disputed amount of \$500 or more and less than
21 \$5,000, 10 times the disputed amount recovered by the attorney
22 under ss. 627.730-627.7407, up to a total of \$10,000.

23 (c) For a disputed amount of \$5,000 or more and up to
24 \$10,000, five times the disputed amount recovered by the
25 attorney under ss. 627.730-627.7407, up to a total of \$15,000.

26 (17) CLASS ACTIONS.-Attorney's fees in a class action under
27 ss. 627.730-627.7407 are limited to the lesser of \$50,000 or
28 three times the total of the disputed amount recovered in the
29 class action proceeding.

30 (18) ATTORNEY'S FEES.-Notwithstanding s. 627.428, the
31 attorney's fees recovered under ss. 627.730-627.7407 shall be
32 calculated without regard to any contingency risk multiplier.

33 Section 2. This act shall take effect July 1, 2011.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled
40 An act relating to motor vehicle personal injury
41 protection insurance; amending s. 627.736, F.S.;



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42 limiting attorney's fees based on the disputed amount;
43 limiting attorney's fees in class actions; providing
44 that attorney's fees are calculated without regard to
45 a contingency risk multiplier; providing an effective
46 date.