

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Wood offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 247-273 and insert:

5 except as provided in paragraphs (b), (c), and (d) and
6 subsections (10) and (15) and except that any attorney fees
7 recovered are limited to the lesser of the actual fee incurred
8 based upon a rate for attorney services not to exceed \$200 per
9 billable hour or:

10 1. For any disputed amount of less than \$500, 15 times any
11 disputed amount recovered by the attorney under ss. 627.730-
12 627.7405, limited to a total of \$5,000.

13 2. For any disputed amount of \$500 or more and less than
14 \$5,000, 10 times any disputed amount recovered by the attorney
15 under ss. 627.730-627.7405, limited to a total of \$10,000.

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16 3. For any disputed amount of \$5,000 or more and up to
17 \$10,000, 5 times any disputed amount recovered by the attorney
18 under ss. 627.730-627.7405, limited to a total of \$15,000.

19
20 Fees incurred in litigating or quantifying the amount of fees
21 due to the prevailing party under ss. 627.730-627.7405 are not
22 recoverable.

23 (b) Notwithstanding s. 627.428, the attorney fees
24 recovered under ss. 627.730-627.7405 shall be calculated without
25 regard to any contingency risk multiplier.

26 (c) Attorney fees in a class action under ss. 627.730-
27 627.7405 are limited to the lesser of \$50,000 or 3 times the
28 total of any disputed amount recovered in the class action
29 proceeding.

30 (d) The limitations on attorney fees in paragraph (a) do
31 not apply in disputes between insurers and hospitals. In
32 disputes between insurers and hospitals that are the subject of
33 litigation, the nonprevailing party is responsible for paying
34 the attorney fees of the prevailing party.

35 (e) This subsection does not limit the attorney fees an
36 insured may pay her or his attorney.

37
38
39 Remove lines 1390-1415 and insert:
40 as provided in paragraphs (b), (c), and (d) and subsections (9)
41 and (13) and except that any attorney fees recovered are limited
42 to the lesser of the actual fee incurred based upon a rate for
43 attorney services not to exceed \$200 per billable hour or:

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44 1. For any disputed amount of less than \$500, 15 times any
45 disputed amount recovered by the attorney under ss. 627.748-
46 627.7491, not to exceed \$5,000.

47 2. For any disputed amount of \$500 or more and less than
48 \$5,000, 10 times any disputed amount recovered by the attorney
49 under ss. 627.748-627.7491, not to exceed \$10,000.

50 3. For any disputed amount of \$5,000 or more and up to
51 \$10,000, 5 times any disputed amount recovered by the attorney
52 under ss. 627.748-627.7491, not to exceed \$15,000.

53
54 Fees incurred in litigating or quantifying the amount of fees
55 due to the prevailing party under ss. 627.748-627.7491 are not
56 recoverable.

57 (b) Notwithstanding s. 627.428, the attorney fees
58 recovered under ss. 627.748-627.7491 shall be calculated without
59 regard to any contingency risk multiplier.

60 (c) Attorney fees in a class action under ss. 627.748-
61 627.7491 are limited to the lesser of \$50,000 or 3 times the
62 total of any disputed amount recovered in the class action
63 proceeding.

64 (d) The limitations on attorney fees in paragraph (a) do
65 not apply in disputes between insurers and hospitals. In
66 disputes between insurers and hospitals that are the subject of
67 litigation, the nonprevailing party is responsible for paying
68 the attorney fees of the prevailing party.

69 (e) Nothing in this subsection limits the attorney fees an
70 insured may pay her or his attorney.

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

Remove line 119 and insert:
creating an attorney fee cap; providing an exception;
prohibiting the use of