

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Wood offered the following:

2
3 **Substitute Amendment for Amendment (380737) (with title**
4 **amendment)**

5 Remove lines 247-273 and insert:
6 except as provided in paragraphs (b) and (c) and subsections
7 (10) and (15) and except that any attorney fees recovered are
8 limited to the lesser of the actual fee incurred based upon a
9 rate for attorney services not to exceed \$200 per billable hour
10 or:

11 1. For any disputed amount of less than \$500, 15 times any
12 disputed amount recovered by the attorney under ss. 627.730-
13 627.7405, limited to a total of \$5,000.

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

663197

Approved For Filing: 2/29/2012 4:09:25 PM

Amendment No.

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

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

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

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

32 (d) This subsection does not limit the attorney fees an
33 insured may pay her or his attorney.

34
35
36 Remove lines 1390-1415 and insert:
37 as provided in paragraphs (b) and (c) and subsections (9) and
38 (13) and except that any attorney fees recovered are limited to
39 the lesser of the actual fee incurred based upon a rate for
40 attorney services not to exceed \$200 per billable hour or:

41 1. For any disputed amount of less than \$500, 15 times any
42 disputed amount recovered by the attorney under ss. 627.748-
43 627.7491, not to exceed \$5,000.

663197

Approved For Filing: 2/29/2012 4:09:25 PM

Amendment No.

44 2. For any disputed amount of \$500 or more and less than
45 \$5,000, 10 times any disputed amount recovered by the attorney
46 under ss. 627.748-627.7491, not to exceed \$10,000.

47 3. For any disputed amount of \$5,000 or more and up to
48 \$10,000, 5 times any disputed amount recovered by the attorney
49 under ss. 627.748-627.7491, not to exceed \$15,000.

50
51 Fees incurred in litigating or quantifying the amount of fees
52 due to the prevailing party under ss. 627.748-627.7491 are not
53 recoverable.

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

57 (c) The limitations on attorney fees in paragraph (a) do
58 not apply in disputes between insurers and hospitals. In
59 disputes between insurers and hospitals that are the subject of
60 litigation, the nonprevailing party is responsible for paying
61 the attorney fees of the prevailing party.

62 (d) Nothing in this subsection limits the attorney fees an
63 insured may pay her or his attorney.

64
65 -----

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

66 Remove line 119 and insert:
67 creating an attorney fee cap; providing an exception;
68 prohibiting the use of
69