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LEGISLATIVE ACTION

Senate	.	House
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Floor: WD/2R	.	
03/06/2012 04:42 PM	.	
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Senator Richter moved the following:

1 **Senate Amendment to Amendment (435312) (with title**
2 **amendment)**

3
4 Delete lines 771 - 776
5 and insert:

6 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY
7 ~~ATTORNEY'S~~ FEES.—With respect to any dispute under the
8 provisions of ss. 627.730-627.7405 between the insured and the
9 insurer, or between an assignee of an insured's rights and the
10 insurer, the provisions of ss. 627.428 and 768.79 ~~shall~~
11 apply, except as provided in subsections (10) and (15), and
12 except that any attorney fees recovered must:

13 (a) Comply with prevailing professional standards;



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14 (b) Appropriately discount the attorney fees for work
15 performed, or capable of being performed, by a paralegal or
16 legal assistant;

17 (c) Not overstate or inflate the number of hours reasonably
18 necessary for a case of comparable skill or complexity; and

19 (d) Represent legal services that are reasonable and
20 necessary to achieve the result obtained.

21
22 Upon request by either party, a judge must make written
23 findings, substantiated by evidence presented at trial or any
24 hearings associated therewith, that any award of attorney fees
25 complies with this subsection. Notwithstanding s. 627.428, the
26 attorney fees recovered under ss. 627.730-627.7405 must be
27 calculated without regard to a contingency risk multiplier.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete line 743

32 and insert:

33 protection benefits; providing exceptions; providing
34 criteria for the award of attorney fees; prohibiting
35 the use of a contingency risk multiplier; requiring