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LEGISLATIVE ACTION

Senate

House

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Floor: 3/RS/2R

03/06/2012 05:01 PM

Senator Richter moved the following:

Senate Amendment (with title amendment)

Delete lines 1235 - 1240

and insert:

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY
~~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 ~~ss. 627.428~~ and 768.79 ~~shall~~
apply, except as provided in subsections (10) and (15), and
except that any attorney fees recovered must:

(a) Comply with prevailing professional standards;

(b) Appropriately discount the attorney fees for work



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14 performed, or capable of being performed, by a paralegal or
15 legal assistant;

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

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

20
21 Upon request by either party, a judge must make written
22 findings, substantiated by evidence presented at trial or any
23 hearings associated therewith, that any award of attorney fees
24 complies with this subsection. Notwithstanding s. 627.428, the
25 attorney fees recovered under ss. 627.730-627.7405 must be
26 calculated without regard to a contingency risk multiplier.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Between lines 75 and 76

31 insert:

32 providing criteria for the award of attorney fees;

33 prohibiting the use of a contingency risk multiplier;