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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

03/06/2012 03:44 PM

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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) Be commensurate, and reasonably related to, the amount  
19 recovered by the claimant.

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. 627.730-627.405 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;