

By Senator Hays

11-00982-15

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1 A bill to be entitled

2 An act relating to attorney fees in certain lawsuits
3 decided against insurers; amending s. 627.428, F.S.;
4 providing that the statutory requirements for attorney
5 fee awards for certain judgments or decrees against
6 insurers do not apply if the suit is brought by or on
7 behalf of a third party to the insurance policy or
8 contract or if the proceeds of a judgment or decree
9 are awarded to such third party; making technical
10 changes; reenacting ss. 624.123(4), 624.488(4),
11 627.062(3)(b), 627.351(6)(s), 627.401(3), (4), and
12 (5), 627.7074(15)(b), 627.727(8), 627.736(8),
13 627.756(1), 628.6016(4), 631.70, 631.926, and
14 632.638(11), F.S., to incorporate the amendment made
15 to s. 627.428, F.S., in references thereto; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 627.428, Florida Statutes, is amended to
21 read:

22 627.428 Attorney fees ~~Attorney's fee~~.—

23 (1) Upon the rendition of a judgment or decree by any of
24 the courts of this state against an insurer and in favor of any
25 named or omnibus insured or the named beneficiary under a policy
26 or contract executed by the insurer, the trial court or, in the
27 event of an appeal in which the insured or beneficiary prevails,
28 the appellate court shall adjudge or decree against the insurer
29 and in favor of the insured or beneficiary a reasonable sum as

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30 fees or compensation for the insured's or beneficiary's attorney
31 prosecuting the suit in which the recovery is had.

32 (2) As to suits based on claims arising under life
33 insurance policies or annuity contracts, an attorney ~~no such~~
34 ~~attorney's~~ fee shall not be allowed if the ~~such~~ suit was
35 commenced prior to the expiration of 60 days after proof of the
36 claim was duly filed with the insurer.

37 (3) When ~~so~~ awarded, compensation or fees of the attorney
38 shall be included in the judgment or decree rendered in the
39 case.

40 (4) This section does not apply to a third party to the
41 insurance policy or contract if the suit against the insurer is
42 brought by or on behalf of the third party or if the proceeds of
43 a judgment or decree against the insurer are awarded to the
44 third party.

45 Section 2. Subsection (4) of s. 624.123, subsection (4) of
46 s. 624.488, paragraph (b) of subsection (3) of s. 627.062,
47 paragraph (s) of subsection (6) of s. 627.351, subsections (3),
48 (4), and (5) of s. 627.401, paragraph (b) of subsection (15) of
49 s. 627.7074, subsection (8) of s. 627.727, subsection (8) of s.
50 627.736, subsection (1) of s. 627.756, subsection (4) of s.
51 628.6016, s. 631.70, s. 631.926, and subsection (11) of s.
52 632.638, Florida Statutes, are reenacted for the purpose of
53 incorporating the amendment made by this act to s. 627.428,
54 Florida Statutes, in references thereto.

55 Section 3. This act shall take effect July 1, 2015.