HB 1651

1	A bill to be entitled				
2	An act relating to attorney fees under the Florida				
3	Motor Vehicle No-Fault Law; amending s. 627.736, F.S.;				
4	providing awards of attorney fees based on judgments				
5	or decrees in lawsuits between insurers and named or				
6	omnibus insureds, or named beneficiaries, under the				
7	Florida Motor Vehicle No-Fault Law; providing an				
8	effective date.				
9					
10	Be It Enacted by the Legislature of the State of Florida:				
11					
12	Section 1. Subsection (8) of section 627.736, Florida				
13	Statutes, is amended to read:				
14	627.736 Required personal injury protection benefits;				
15	exclusions; priority; claims				
16	(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES				
17	<u>(a)</u> With respect to any dispute under the provisions of				
18	ss. 627.730-627.7405 between the insured and the insurer, or				
19	between an assignee of an insured's rights and the insurer, the				
20	provisions of s. 768.79 apply, except as provided in subsections				
21	(10) and (15), and except that any attorney fees recovered must:				
22	1.(a) Comply with prevailing professional standards;				
23	<u>2.(b)</u> Not overstate or inflate the number of hours				
24	reasonably necessary for a case of comparable skill or				
25	complexity; and				

## Page 1 of 3

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2024

HB 1651

49

26 3.(c) Represent legal services that are reasonable and 27 necessary to achieve the result obtained. 28 (b) Upon the rendition of a judgment or decree under ss. 29 627.730-627.7405 against an insurer and in favor of any named or 30 omnibus insured or the named beneficiary under a policy or contract executed by the insurer, the trial court or, in the 31 32 event of an appeal in which the insured or beneficiary prevails, the appellate court shall adjudge or decree against the insurer 33 34 and in favor of the insured or beneficiary a reasonable sum as 35 fees or compensation for the insured's or beneficiary's attorney 36 prosecuting the lawsuit in which the recovery is had. 37 (c) Upon the rendition of a judgment or decree under ss. 627.730-627.7405 against any named or omnibus insured or the 38 39 named beneficiary under a policy or contract executed by the insurer, the trial court or, in the event of an appeal in which 40 41 the insurer prevails, the appellate court shall adjudge or 42 decree against the insured or beneficiary and in favor of the 43 insurer reasonable attorney fees incurred for the insurer's 44 defense of a lawsuit in which no recovery is had. 45 Upon request by either party, a judge must make written 46 47 findings, substantiated by evidence presented at trial or any 48 hearings associated therewith, that any award of attorney fees

50 627.730-627.7405 must be calculated without regard to a

## Page 2 of 3

complies with this subsection. Attorney fees recovered under ss.

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2024

FLORIDA	HOUSE	OF REP	RESENTA	A T I V E S
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HB 1651

51 contingency risk multiplier.
52 Section 2. This act shall take effect July 1, 2024.

Page 3 of 3

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2024