

By Senator Martin

33-00156A-24

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1 A bill to be entitled
2 An act relating to the judicial system; amending s.
3 40.24, F.S.; revising the base rate and timeframes for
4 juror compensation; authorizing judges to increase the
5 juror compensation rate for certain jurors; amending
6 s. 40.32, F.S.; specifying that the juror compensation
7 rate is funded by specified court costs; conforming
8 provisions to changes made by the act; creating s.
9 57.042, F.S.; requiring the losing party in civil
10 actions to reimburse the court for specified juror
11 compensation costs; amending s. 627.736, F.S.;
12 providing for the award of costs and attorney fees in
13 certain actions; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (3) and (4) of section 40.24,
18 Florida Statutes, are amended to read:

19 40.24 Compensation and reimbursement policy.—

20 (3) (a) Jurors who are regularly employed and who continue
21 to receive regular wages while serving as a juror are not
22 entitled to receive compensation from the clerk of the circuit
23 court for the first 10 ~~3~~ days of juror service.

24 (b) Jurors who are not regularly employed or who do not
25 continue to receive regular wages while serving as a juror are
26 entitled to receive \$50 ~~\$15~~ per day for the first 10 ~~3~~ days of
27 juror service.

28 (4) If approved by the judge of record, each juror who
29 serves more than 10 ~~3~~ days is entitled to be paid by the clerk

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30 of the circuit court for the 11th ~~fourth~~ day of service and each
31 day thereafter at the rate of \$60 ~~\$30~~ per day of service.

32 Section 2. Subsection (2) of section 40.32, Florida
33 Statutes, is amended to read:

34 40.32 Clerks to disburse money; payments to jurors and
35 witnesses.—

36 (2) (a) The payment of jurors pursuant to s. 40.24(3) and
37 (4) is a court-related function that the clerk of the court
38 shall fund from court costs collected pursuant to s. 57.042.

39 (b) The payment of jurors and the payment of expenses for
40 meals and lodging for jurors under the provisions of this
41 chapter is a are court-related function functions that the clerk
42 of the court shall fund from filing fees, service charges, court
43 costs, and fines.

44 Section 3. Section 57.042, Florida Statutes, is created to
45 read:

46 57.042 Costs; juror compensation by losing party.—In a
47 civil action, the losing party shall reimburse the court for the
48 costs of juror compensation under s. 40.24(3) and (4).

49 Section 4. Subsection (8) of section 627.736, Florida
50 Statutes, is amended to read:

51 627.736 Required personal injury protection benefits;
52 exclusions; priority; claims.—

53 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—

54 (a) Upon the rendition of a judgment or decree under ss.
55 627.730-627.7405 against an insurer and in favor of any named or
56 omnibus insured or the named beneficiary under a policy or
57 contract executed by the insurer, the trial court or, in the
58 event of an appeal in which the insured or beneficiary prevails,

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59 the appellate court shall adjudge or decree against the insurer
60 and in favor of the insured or beneficiary a reasonable sum as
61 fees or compensation for the insured's or beneficiary's attorney
62 prosecuting the suit in which the recovery is had.

63 (b) Upon the rendition of a judgment or decree under ss.
64 627.730-627.7405 against any named or omnibus insured or the
65 named beneficiary under a policy or contract executed by the
66 insurer, the trial court or, in the event of an appeal in which
67 the insurer prevails, the appellate court shall adjudge or
68 decree against the insured or beneficiary and in favor of the
69 insurer reasonable attorney fees incurred for the insurer's
70 defense of a lawsuit in which no recovery is had.

71 (c) With respect to any dispute under ~~the provisions of~~ ss.
72 627.730-627.7405 between the insured and the insurer, or between
73 an assignee of an insured's rights and the insurer, the
74 provisions of s. 768.79 apply, except as provided in subsections
75 (10) and (15), and except that any attorney fees recovered must:

76 1.~~(a)~~ Comply with prevailing professional standards;

77 2.~~(b)~~ Not overstate or inflate the number of hours
78 reasonably necessary for a case of comparable skill or
79 complexity; and

80 3.~~(c)~~ Represent legal services that are reasonable and
81 necessary to achieve the result obtained.

82
83 Upon request by either party, a judge must make written
84 findings, substantiated by evidence presented at trial or any
85 hearings associated therewith, that any award of attorney fees
86 complies with this subsection. Attorney fees recovered under ss.
87 627.730-627.7405 must be calculated without regard to a

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88 contingency risk multiplier.

89 Section 5. This act shall take effect July 1, 2024.