

By Senator Brandes

24-01110-20

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A bill to be entitled
An act relating to property insurance; amending s.
627.428, F.S.; providing that, for certain attorney
fees awarded for claims arising under property
insurance policies, the maximum fee a court may award
is a lodestar fee; prohibiting the court from
considering contingency risk or using a contingency
risk multiplier; amending s. 627.736, F.S.; conforming
a provision to changes made by the act; providing an
effective date.

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

Section 1. Subsection (4) is added to section 627.428,
Florida Statutes, to read:

627.428 Attorney fees.—

(4) In awarding attorney fees under this section for a
claim arising under a property insurance policy, the maximum fee
a court may award is a lodestar fee. A court may not consider
contingency risk in determining the lodestar fee or use a
contingency risk multiplier to increase the lodestar fee.

Section 2. Subsection (8) of section 627.736, Florida
Statutes, is amended to read:

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

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY 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

24-01110-20

2020914__

of ss. 627.428 and 768.79 apply, except as provided in subsections (10) and (15), and except that any attorney fees recovered must:

(a) Comply with prevailing professional standards;

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

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

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

Section 3. This act shall take effect July 1, 2020.