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LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Brandes) recommended the following:

1 **Senate Amendment to Amendment (449152) (with title**
2 **amendment)**

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4 Between lines 1236 and 1237
5 insert:

6 Section 17. Subsection (1) of section 627.756, Florida
7 Statutes, is amended to read:

8 627.756 Bonds for construction contracts; attorney fees in
9 case of suit.—

10 (1) Section 627.428 applies to suits brought by owners,



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11 contractors, subcontractors, laborers, and materialmen against a
12 surety insurer under payment or performance bonds written by the
13 insurer under the laws of this state to indemnify against
14 pecuniary loss by breach of a building or construction contract.
15 Owners, contractors, subcontractors, laborers, and materialmen
16 are ~~shall be~~ deemed to be insureds or beneficiaries for the
17 purposes of this section.

18 Section 18. For the purpose of incorporating the amendment
19 made by this act to section 627.756, Florida Statutes, in a
20 reference thereto, section 627.428, Florida Statutes, is
21 reenacted to read:

22 627.428 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
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, no such attorney's fee
34 shall be allowed if such suit was commenced prior to expiration
35 of 60 days after proof of the claim was duly filed with the
36 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.



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40 Section 19. The amendment made by this act to s. 627.756,
41 Florida Statutes, applies only to payment or performance bonds
42 issued on or after October 1, 2018.

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44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete line 1314

47 and insert:

48 persons; amending s. 627.756, F.S.; providing that
49 certain attorney fee provisions apply to suits brought
50 by contractors against surety insurers under payment
51 or performance bonds for building or construction
52 contracts; providing that contractors are deemed to be
53 insureds or beneficiaries for the purposes of such
54 provisions; reenacting s. 627.428, F.S., relating to
55 attorney fees, to incorporate the amendment made to s.
56 627.756, F.S., in a reference thereto; providing
57 applicability; providing an effective date.