

By the Committee on Banking and Insurance; and Senator Richter

597-04388-11

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1 A bill to be entitled

2 An act relating to motor vehicle personal injury  
3 protection insurance; amending s. 627.736, F.S.;  
4 limiting attorney's fees based on the disputed amount;  
5 limiting attorney's fees in class actions; providing  
6 that attorney's fees are calculated without regard to  
7 a contingency risk multiplier; providing an effective  
8 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, and subsections (17) and (18) are added to  
14 that section, to read:

15 627.736 Required personal injury protection benefits;  
16 exclusions; priority; claims.—

17 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S FEES.—  
18 With respect to any dispute under the provisions of ss. 627.730-  
19 627.7405 between the insured and the insurer, or between an  
20 assignee of an insured's rights and the insurer, the provisions  
21 of s. 627.428 ~~shall~~ apply, except as provided in subsections  
22 (10) and (15), and except that any attorney's fees recovered are  
23 limited to the lesser of \$200 per billable hour or:—

24 (a) For a disputed amount less than \$500, 15 times the  
25 disputed amount recovered by the attorney under ss. 627.730-  
26 627.7407, up to a total of \$5,000.

27 (b) For a disputed amount of \$500 or more and less than  
28 \$5,000, 10 times the disputed amount recovered by the attorney  
29 under ss. 627.730-627.7407, up to a total of \$10,000.

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30       (c) For a disputed amount of \$5,000 or more and up to  
31 \$10,000, five times the disputed amount recovered by the  
32 attorney under ss. 627.730-627.7407, up to a total of \$15,000.

33       (17) CLASS ACTIONS.—Attorney's fees in a class action under  
34 ss. 627.730-627.7407 are limited to the lesser of \$50,000 or  
35 three times the total of the disputed amount recovered in the  
36 class action proceeding.

37       (18) ATTORNEY'S FEES.—Notwithstanding s. 627.428, the  
38 attorney's fees recovered under ss. 627.730-627.7407 shall be  
39 calculated without regard to any contingency risk multiplier.

40       Section 2. This act shall take effect July 1, 2011.