

By the Committee on Banking and Insurance; and Senator Richter

597-04388-11

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A bill to be entitled

An act relating to motor vehicle personal injury protection insurance; amending s. 627.736, F.S.; limiting attorney's fees based on the disputed amount; limiting attorney's fees in class actions; providing that attorney's fees are calculated without regard to a contingency risk multiplier; providing an effective date.

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

Section 1. Subsection (8) of section 627.736, Florida Statutes, is amended, and subsections (17) and (18) are added to that section, to read:

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

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY'S 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 of s. 627.428 ~~shall~~ apply, except as provided in subsections (10) and (15), and except that any attorney's fees recovered are limited to the lesser of \$200 per billable hour or:—

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

(b) For a disputed amount of \$500 or more and less than \$5,000, 10 times the disputed amount recovered by the attorney 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.