HB 1651 2024

A bill to be entitled

An act relating to attorney fees under the Florida

Motor Vehicle No-Fault Law; amending s. 627.736, F.S.;

providing awards of attorney fees based on judgments

or decrees in lawsuits between insurers and named or

omnibus insureds, or named beneficiaries, under the

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

Florida Motor Vehicle No-Fault Law; providing an

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Section 1. Subsection (8) of section 627.736, Florida Statutes, is amended to read:

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

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(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.-

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(a) 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. 768.79 apply, except as provided in subsections

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(10) and (15), and except that any attorney fees recovered must:

1.(a) Comply with prevailing professional standards;

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

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Page 1 of 3

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HB 1651 2024

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

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

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. Attorney fees recovered under ss. 627.730-627.7405 must be calculated without regard to a

Page 2 of 3

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HB 1651 2024

51	contingency risk	multipli	Ler.					
52	Section 2.	This act	shall	take	effect	July	1,	2024.

Page 3 of 3

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