



DAILY BRIEF

For the 2020 Legislative Session

From March 4, 2020

LEGAL & JUDICIAL

HB 7 – Relating to Legal Notices

On Wednesday, March 4, [HB 7](#) by Representative Randy Fine (R-Palm Bay) was read a third time on the House floor and passed with a vote of 71 yeas and 47 nays.

All meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted must be open to the public and notice must be given. All legal notices and publications must be made in a newspaper that meets the following qualifications:

- Published at least once a week;
- At least 25 percent of its words are in English;
- Considered a periodical by the post office;
- For sale to the general public; and
- Contains information of interest or value to the general public in the affected area

The bill would allow a governmental agency the option to deviate from print and publish legally required advertisements and notices on a publicly accessible website.

HB 7 is now in Senate messages.

AIF opposes internet-only public notice, as it eliminates the wide net created by print media and the internet combined. Webpages are present one day and gone the next; the internet is an inherently unreliable platform for critical information.

HB 7071 – Relating to Contingency Risk Multipliers

On Wednesday, March 4, [HB 7071](#), sponsored by the House Judiciary Committee, was read a third time on the House floor and passed with 72 yeas and 46 nays.

In certain situations, after the resolution of a court case, the court may require one party to pay the opposing party's attorney fees. Several Florida and federal statutes, known as "fee-shifting statutes," entitle the prevailing party to a "reasonable" attorney fee as a matter of right. When a fee-shifting statute applies, the court must determine what constitutes a "reasonable" attorney fee.

Florida courts calculate reasonable attorney fees under the "lodestar amount." The lodestar amount, in this context, is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate for the attorney's services on behalf of the insured or beneficiary.

Federal case law states that a contingency fee multiplier may only be used in rare and exceptional circumstances, and that the multiplier is completely unavailable under certain federal statutes.

Contrary to Federal case law, the Florida Supreme Court in 2017 ruled that the contingency fee multiplier in Florida courts is not subject to the "rare and exceptional circumstances" requirement. Thus, there is now a difference between Florida and federal law with respect to this issue.

The bill prohibits a court from using a contingency fee multiplier when calculating an attorney fee award unless an applicable statute expressly allows use of the contingency fee multiplier.

HB 7071 is now in Senate messages.

AIF supports legislative efforts that prevent unscrupulous actors from taking advantage of property insurance disputes which will keep insurance rates low and allow growth in Florida businesses.