A bill to be entitled
An act relating to attorney fee awards under insurance
policies and contracts; amending ss. 626.9373 and
627.428, F.S.; revising certain attorney fee
provisions in the Florida Insurance Code to specify
that an insured or beneficiary entitled, under certain
circumstances, to attorney fees under an insurance
policy or contract must be a named insured or named
beneficiary; providing that such right to attorney
fees may not be assigned or extended by agreement,
except to certain persons; making technical changes;
providing an effective date.

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

Section 1. Section 626.9373, Florida Statutes, is amended
to read:

626.9373 Attorney’s fees.—
(1) Upon the rendition of a judgment or decree by any court
of this state against a surplus lines insurer in favor of any
named or omnibus insured or the named beneficiary under a policy
or contract executed by the insurer on or after the effective
date of this act, the trial court or, if the named insured or
named beneficiary prevails on appeal, the appellate court shall
adjudge or decree against the insurer in favor of the named
insured or named beneficiary a reasonable sum as fees or
compensation for the named insured’s or named beneficiary’s
attorney prosecuting the lawsuit for which recovery is awarded.
The right to attorney fees under this section may not be
assigned or extended by contract or other agreement to any 
person other than another named insured, named beneficiary, or 
omnibus insured.

(2) If awarded, attorney attorney’s fees or compensation 
must shall be included in the judgment or decree rendered in the 

Section 2. Section 627.428, Florida Statutes, is amended to 
read:

627.428 Attorney fees Attorney’s fee.—

(1) Upon the rendition of a judgment or decree by any court of the courts of this state 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 named insured or named beneficiary prevails, the appellate court shall adjudge or decree against the insurer and in favor of the named insured or named beneficiary a reasonable sum as fees or compensation for the named insured’s or named beneficiary’s attorney prosecuting the suit in which the recovery is awarded had. The right to attorney fees under this section may not be assigned or extended by contract or other agreement to any person other than another named insured, named beneficiary, or omnibus insured.

(2) As to suits based on claims arising under life insurance policies or annuity contracts, no such attorney fees may not attorney’s fee shall be allowed if such suit was commenced prior to expiration of 60 days after proof of the claim was duly filed with the insurer.

(3) When so awarded, compensation or fees of the attorney must shall be included in the judgment or decree rendered in the
case.

Section 3. This act shall take effect July 1, 2019.