

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

1
 2 An act relating to civil remedies; amending s. 57.104,
 3 F.S.; creating a rebuttable presumption that a
 4 lodestar fee is a sufficient and reasonable attorney
 5 fee in most civil actions; providing an exception;
 6 creating s. 86.121, F.S.; authorizing a court to award
 7 attorney fees in certain declaratory actions;
 8 prohibiting the transfer, assignment, or acquisition
 9 of the right to such attorney fees except by specified
 10 persons; providing applicability; amending s. 95.11,
 11 F.S.; reducing the statute of limitations for
 12 negligence actions; providing applicability of certain
 13 provisions to actions involving servicemembers;
 14 amending s. 624.155, F.S.; providing standards for bad
 15 faith actions; providing for the distribution of
 16 proceeds when two or more third-party claims arising
 17 out of a single occurrence exceed policy limits;
 18 creating s. 624.1552, F.S.; providing for
 19 applicability of specified offer of judgement
 20 provisions to civil actions involving insurance
 21 contracts; creating s. 768.0427, F.S.; providing
 22 definitions; providing standards for the admissibility
 23 of evidence to prove the cost of damages for medical
 24 expenses in certain civil actions; requiring certain
 25 disclosures with respect to claims for medical

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

26 expenses for treatment rendered under letters of
 27 protection; specifying the damages that may be
 28 recovered by a claimant for the reasonable and
 29 necessary cost of medical care; creating s. 768.0701,
 30 F.S.; requiring the trier of fact to consider the
 31 fault of certain persons who contribute to an injury;
 32 creating s. 768.0706, F.S.; providing definitions;
 33 providing that the owner or principal operator of a
 34 multifamily residential property which substantially
 35 implements specified security measures on that
 36 property has a presumption against liability for
 37 negligence in connection with certain criminal acts
 38 that occur on the premises; requiring the Florida
 39 Crime Prevention Training Institute of the Department
 40 of Legal Affairs to develop a proposed curriculum or
 41 best practices for owners or principal operators;
 42 providing construction; amending s. 768.81, F.S.;
 43 providing that a party in a negligence action who is
 44 at fault by a specified amount may not recover damages
 45 under a comparative negligence action; providing
 46 applicability; repealing ss. 626.9373 and 627.428,
 47 F.S., relating to attorney fees awarded against
 48 surplus lines insurers and insurers, respectively;
 49 amending s. 627.756, F.S.; providing for the award of
 50 costs and attorney fees in certain actions; amending

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

51 ss. 475.01, 475.611, 517.191, 624.123, 624.488,
 52 627.062, 627.401, 627.441, 627.727, 627.736, and
 53 628.6016, F.S.; conforming provisions to changes made
 54 by the act; repealing ss. 631.70 and 631.926, F.S.,
 55 relating to attorney fees; amending s. 632.638, F.S.;
 56 conforming provisions to changes made by the act;
 57 providing a directive to the Division of Law Revision;
 58 providing applicability and construction; providing an
 59 effective date.

60

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

62

63 Section 1. Section 57.104, Florida Statutes, is amended to
 64 read:

65 57.104 Computation of attorney ~~attorneys'~~ fees.—

66 (1) In any action in which attorney ~~attorneys'~~ fees are to
 67 be determined or awarded by the court, the court shall consider,
 68 among other things, time and labor of any legal assistants who
 69 contributed nonclerical, meaningful legal support to the matter
 70 involved and who are working under the supervision of an
 71 attorney. For purposes of this section "legal assistant" means a
 72 person, who under the supervision and direction of a licensed
 73 attorney engages in legal research, and case development or
 74 planning in relation to modifications or initial proceedings,
 75 services, processes, or applications; or who prepares or

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

76 | interprets legal documents or selects, compiles, and uses
 77 | technical information from references such as digests,
 78 | encyclopedias, or practice manuals and analyzes and follows
 79 | procedural problems that involve independent decisions.

80 | (2) In any action in which attorney fees are determined or
 81 | awarded by the court, there is a strong presumption that a
 82 | lodestar fee is sufficient and reasonable. This presumption may
 83 | be overcome only in a rare and exceptional circumstance with
 84 | evidence that competent counsel could not otherwise be retained.

85 | Section 2. Section 86.121, Florida Statutes, is created to
 86 | read:

87 | 86.121 Attorney fees; actions for declaratory relief to
 88 | determine insurance coverage after total coverage denial of
 89 | claim.—

90 | (1) In an action brought for declaratory relief in state
 91 | or federal court to determine insurance coverage after the
 92 | insurer has made a total coverage denial of a claim:

93 | (a) Either party is entitled to the summary procedure
 94 | provided in s. 51.011, and the court shall advance the cause on
 95 | the calendar.

96 | (b) The court shall award reasonable attorney fees to the
 97 | named insured, omnibus insured, or named beneficiary under a
 98 | policy issued by the insurer upon rendition of a declaratory
 99 | judgment in favor of the named insured, omnibus insured, or
 100 | named beneficiary. This right may not be transferred to,

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

101 assigned to, or acquired in any other manner by anyone other
 102 than a named or omnibus insured or a named beneficiary. A
 103 defense offered by an insurer pursuant to a reservation of
 104 rights does not constitute a coverage denial of a claim. Such
 105 fees are limited to those incurred in the action brought under
 106 this chapter for declaratory relief to determine coverage of
 107 insurance issued under the Florida Insurance Code.

108 (2) This section does not apply to any action arising
 109 under a residential or commercial property insurance policy.

110 Section 3. Subsections (3), (4), and (10) of section
 111 95.11, Florida Statutes, are amended, and subsection (12) is
 112 added to that section, to read:

113 95.11 Limitations other than for the recovery of real
 114 property.—Actions other than for recovery of real property shall
 115 be commenced as follows:

116 (3) WITHIN FOUR YEARS.—

117 ~~(a) An action founded on negligence.~~

118 (a)-(b) An action relating to the determination of
 119 paternity, with the time running from the date the child reaches
 120 the age of majority.

121 (b)-(e) An action founded on the design, planning, or
 122 construction of an improvement to real property, with the time
 123 running from the date of actual possession by the owner, the
 124 date of the issuance of a certificate of occupancy, the date of
 125 abandonment of construction if not completed, or the date of

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

126 completion of the contract or termination of the contract
127 between the professional engineer, registered architect, or
128 licensed contractor and his or her employer, whichever date is
129 latest; except that, when the action involves a latent defect,
130 the time runs from the time the defect is discovered or should
131 have been discovered with the exercise of due diligence. In any
132 event, the action must be commenced within 10 years after the
133 date of actual possession by the owner, the date of the issuance
134 of a certificate of occupancy, the date of abandonment of
135 construction if not completed, or the date of completion of the
136 contract or termination of the contract between the professional
137 engineer, registered architect, or licensed contractor and his
138 or her employer, whichever date is latest. However,
139 counterclaims, cross-claims, and third-party claims that arise
140 out of the conduct, transaction, or occurrence set out or
141 attempted to be set out in a pleading may be commenced up to 1
142 year after the pleading to which such claims relate is served,
143 even if such claims would otherwise be time barred. With respect
144 to actions founded on the design, planning, or construction of
145 an improvement to real property, if such construction is
146 performed pursuant to a duly issued building permit and if a
147 local enforcement agency, state enforcement agency, or special
148 inspector, as those terms are defined in s. 553.71, has issued a
149 final certificate of occupancy or certificate of completion,
150 then as to the construction which is within the scope of such

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

151 building permit and certificate, the correction of defects to
 152 completed work or repair of completed work, whether performed
 153 under warranty or otherwise, does not extend the period of time
 154 within which an action must be commenced. Completion of the
 155 contract means the later of the date of final performance of all
 156 the contracted services or the date that final payment for such
 157 services becomes due without regard to the date final payment is
 158 made.

159 (c)~~(d)~~ An action to recover public money or property held
 160 by a public officer or employee, or former public officer or
 161 employee, and obtained during, or as a result of, his or her
 162 public office or employment.

163 (d)~~(e)~~ An action for injury to a person founded on the
 164 design, manufacture, distribution, or sale of personal property
 165 that is not permanently incorporated in an improvement to real
 166 property, including fixtures.

167 (e)~~(f)~~ An action founded on a statutory liability.

168 (f)~~(g)~~ An action for trespass on real property.

169 (g)~~(h)~~ An action for taking, detaining, or injuring
 170 personal property.

171 (h)~~(i)~~ An action to recover specific personal property.

172 (i)~~(j)~~ A legal or equitable action founded on fraud.

173 (j)~~(k)~~ A legal or equitable action on a contract,
 174 obligation, or liability not founded on a written instrument,
 175 including an action for the sale and delivery of goods, wares,

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

176 and merchandise, and on store accounts.

177 (k)~~(l)~~ An action to rescind a contract.

178 (l)~~(m)~~ An action for money paid to any governmental

179 authority by mistake or inadvertence.

180 (m)~~(n)~~ An action for a statutory penalty or forfeiture.

181 (n)~~(o)~~ An action for assault, battery, false arrest,

182 malicious prosecution, malicious interference, false

183 imprisonment, or any other intentional tort, except as provided

184 in subsections (4), (5), and (7).

185 (o)~~(p)~~ Any action not specifically provided for in these

186 statutes.

187 (p)~~(q)~~ An action alleging a violation, other than a

188 willful violation, of s. 448.110.

189 (4) WITHIN TWO YEARS.—

190 (a) An action founded on negligence.

191 (b)~~(a)~~ An action for professional malpractice, other than

192 medical malpractice, whether founded on contract or tort;

193 provided that the period of limitations shall run from the time

194 the cause of action is discovered or should have been discovered

195 with the exercise of due diligence. However, the limitation of

196 actions herein for professional malpractice shall be limited to

197 persons in privity with the professional.

198 (c)~~(b)~~ An action for medical malpractice shall be

199 commenced within 2 years from the time the incident giving rise

200 to the action occurred or within 2 years from the time the

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

201 incident is discovered, or should have been discovered with the
202 exercise of due diligence; however, in no event shall the action
203 be commenced later than 4 years from the date of the incident or
204 occurrence out of which the cause of action accrued, except that
205 this 4-year period shall not bar an action brought on behalf of
206 a minor on or before the child's eighth birthday. An "action for
207 medical malpractice" is defined as a claim in tort or in
208 contract for damages because of the death, injury, or monetary
209 loss to any person arising out of any medical, dental, or
210 surgical diagnosis, treatment, or care by any provider of health
211 care. The limitation of actions within this subsection shall be
212 limited to the health care provider and persons in privity with
213 the provider of health care. In those actions covered by this
214 paragraph in which it can be shown that fraud, concealment, or
215 intentional misrepresentation of fact prevented the discovery of
216 the injury the period of limitations is extended forward 2 years
217 from the time that the injury is discovered or should have been
218 discovered with the exercise of due diligence, but in no event
219 to exceed 7 years from the date the incident giving rise to the
220 injury occurred, except that this 7-year period shall not bar an
221 action brought on behalf of a minor on or before the child's
222 eighth birthday. This paragraph shall not apply to actions for
223 which ss. 766.301-766.316 provide the exclusive remedy.

224 (d)~~(e)~~ An action to recover wages or overtime or damages
225 or penalties concerning payment of wages and overtime.

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

226 (e)~~(d)~~ An action for wrongful death.

227 (f)~~(e)~~ An action founded upon a violation of any provision

228 of chapter 517, with the period running from the time the facts

229 giving rise to the cause of action were discovered or should

230 have been discovered with the exercise of due diligence, but not

231 more than 5 years from the date such violation occurred.

232 (g)~~(f)~~ An action for personal injury caused by contact

233 with or exposure to phenoxy herbicides while serving either as a

234 civilian or as a member of the Armed Forces of the United States

235 during the period January 1, 1962, through May 7, 1975; the

236 period of limitations shall run from the time the cause of

237 action is discovered or should have been discovered with the

238 exercise of due diligence.

239 (h)~~(g)~~ An action for libel or slander.

240 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS

241 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph

242 (4)(e) ~~(4)(d)~~, an action for wrongful death seeking damages

243 authorized under s. 768.21 brought against a natural person for

244 an intentional tort resulting in death from acts described in s.

245 782.04 or s. 782.07 may be commenced at any time. This

246 subsection shall not be construed to require an arrest, the

247 filing of formal criminal charges, or a conviction for a

248 violation of s. 782.04 or s. 782.07 as a condition for filing a

249 civil action.

250 (12) FOR ACTIONS INVOLVING SERVICEMEMBERS.—Any action

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

251 involving a servicemember as defined in s. 250.01, in which the
 252 servicemember is a party, is subject to s. 250.5201 and part IV
 253 of chapter 250, which includes the Servicemembers Civil Relief
 254 Act, 50 U.S.C. ss. 501 et seq., providing for protections to
 255 members of the United States Armed Forces, the United States
 256 Reserve Forces, or the National Guard during terms of federal or
 257 state active duty which materially affect the servicemember's
 258 ability to appear.

259 Section 4. Section 624.155, Florida Statutes, is amended
 260 to read:

261 624.155 Civil remedy.—

262 (1) Any person may bring a civil action against an insurer
 263 when such person is damaged:

264 (a) By a violation of any of the following provisions by
 265 the insurer:

- 266 1. Section 626.9541(1)(i), (o), or (x);
- 267 2. Section 626.9551;
- 268 3. Section 626.9705;
- 269 4. Section 626.9706;
- 270 5. Section 626.9707; or
- 271 6. Section 627.7283.

272 (b) By the commission of any of the following acts by the
 273 insurer:

- 274 1. Not attempting in good faith to settle claims when,
 275 under all the circumstances, it could and should have done so,

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

276 had it acted fairly and honestly toward its insured and with due
 277 regard for her or his interests;

278 2. Making claims payments to insureds or beneficiaries not
 279 accompanied by a statement setting forth the coverage under
 280 which payments are being made; or

281 3. Except as to liability coverages, failing to promptly
 282 settle claims, when the obligation to settle a claim has become
 283 reasonably clear, under one portion of the insurance policy
 284 coverage in order to influence settlements under other portions
 285 of the insurance policy coverage.

286
 287 Notwithstanding the provisions of the above to the contrary, a
 288 person pursuing a remedy under this section need not prove that
 289 such act was committed or performed with such frequency as to
 290 indicate a general business practice.

291 (2) Any party may bring a civil action against an
 292 unauthorized insurer if such party is damaged by a violation of
 293 s. 624.401 by the unauthorized insurer.

294 (3)(a) As a condition precedent to bringing an action
 295 under this section, the department and the authorized insurer
 296 must have been given 60 days' written notice of the violation.
 297 Notice to the authorized insurer must be provided by the
 298 department to the e-mail address designated by the insurer under
 299 s. 624.422.

300 (b) The notice shall be on a form provided by the

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

301 department and shall state with specificity the following
 302 information, and such other information as the department may
 303 require:

304 1. The statutory provision, including the specific
 305 language of the statute, which the authorized insurer allegedly
 306 violated.

307 2. The facts and circumstances giving rise to the
 308 violation.

309 3. The name of any individual involved in the violation.

310 4. Reference to specific policy language that is relevant
 311 to the violation, if any. If the person bringing the civil
 312 action is a third party claimant, she or he shall not be
 313 required to reference the specific policy language if the
 314 authorized insurer has not provided a copy of the policy to the
 315 third party claimant pursuant to written request.

316 5. A statement that the notice is given in order to
 317 perfect the right to pursue the civil remedy authorized by this
 318 section.

319 (c) No action shall lie if, within 60 days after the
 320 insurer receives notice from the department in accordance with
 321 this subsection, the damages are paid or the circumstances
 322 giving rise to the violation are corrected.

323 (d) The authorized insurer that is the recipient of a
 324 notice filed pursuant to this section shall report to the
 325 department on the disposition of the alleged violation.

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

326 (e) The applicable statute of limitations for an action
 327 under this section shall be tolled for a period of:

328 1. Sixty days after the insurer receives from the
 329 department the notice required by this subsection.

330 2. Sixty days after the date appraisal is invoked pursuant
 331 to paragraph (f).

332 (f) A notice required under this subsection may not be
 333 filed within 60 days after appraisal is invoked by any party in
 334 a residential property insurance claim.

335 (4)(a) An action for bad faith involving a liability
 336 insurance claim, including any such action brought under the
 337 common law, shall not lie if the insurer tenders the lesser of
 338 the policy limits or the amount demanded by the claimant within
 339 90 days after receiving actual notice of a claim which is
 340 accompanied by sufficient evidence to support the amount of the
 341 claim.

342 (b) If an insurer does not tender the lesser of the policy
 343 limits or the amount demanded by the claimant within the 90-day
 344 period provided in paragraph (a), the existence of the 90-day
 345 period and that no bad faith action could lie had the insurer
 346 tendered the lesser of policy limits or the amount demanded by
 347 the claimant pursuant to paragraph (a) is inadmissible in any
 348 action seeking to establish bad faith on the part of the
 349 insurer.

350 (c) If the insurer fails to tender pursuant to paragraph

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

351 (a) within the 90-day period, any applicable statute of
 352 limitations is extended for an additional 90 days.

353 (5) In any bad faith action, whether such action is
 354 brought under this section or is based on the common-law remedy
 355 for bad faith:

356 (a) Mere negligence alone is insufficient to constitute
 357 bad faith.

358 (b)1. The insured, claimant, and representative of the
 359 insured or claimant have a duty to act in good faith in
 360 furnishing information regarding the claim, in making demands of
 361 the insurer, in setting deadlines, and in attempting to settle
 362 the claim. This duty does not create a separate cause of action,
 363 but may only be considered pursuant to subparagraph 2.

364 2. In any action for bad faith against an insurer, the
 365 trier of fact may consider whether the insured, claimant, or
 366 representative of the insured or claimant did not act in good
 367 faith pursuant to this paragraph, in which case the trier of
 368 fact may reasonably reduce the amount of damages awarded against
 369 the insurer.

370 (6) If two or more third-party claimants have competing
 371 claims arising out of a single occurrence, which in total may
 372 exceed the available policy limits of one or more of the insured
 373 parties who may be liable to the third-party claimants, an
 374 insurer is not liable beyond the available policy limits for
 375 failure to pay all or any portion of the available policy limits

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

376 to one or more of the third-party claimants if, within 90 days
377 after receiving notice of the competing claims in excess of the
378 available policy limits, the insurer complies with either
379 paragraph (a) or paragraph (b).

380 (a) The insurer files an interpleader action under the
381 Florida Rules of Civil Procedure. If the claims of the competing
382 third-party claimants are found to be in excess of the policy
383 limits, the third-party claimants are entitled to a prorated
384 share of the policy limits as determined by the trier of fact.
385 An insurer's interpleader action does not alter or amend the
386 insurer's obligation to defend its insured.

387 (b) Pursuant to binding arbitration that has been agreed
388 to by the insurer and the third-party claimants, the insurer
389 makes the entire amount of the policy limits available for
390 payment to the competing third-party claimants before a
391 qualified arbitrator agreed to by the insurer and such third-
392 party claimants at the expense of the insurer. The third-party
393 claimants are entitled to a prorated share of the policy limits
394 as determined by the arbitrator, who must consider the
395 comparative fault, if any, of each third-party claimant, and the
396 total likely outcome at trial based upon the total of the
397 economic and noneconomic damages submitted to the arbitrator for
398 consideration. A third-party claimant whose claim is resolved by
399 the arbitrator must execute and deliver a general release to the
400 insured party whose claim is resolved by the proceeding.

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

401 (7)~~(4)~~ Upon adverse adjudication at trial or upon appeal,
 402 the authorized insurer shall be liable for damages, together
 403 with court costs and reasonable attorney ~~attorney's~~ fees
 404 incurred by the plaintiff.

405 (8)~~(5)~~ ~~No~~ Punitive damages may not ~~shall~~ be awarded under
 406 this section unless the acts giving rise to the violation occur
 407 with such frequency as to indicate a general business practice
 408 and these acts are:

409 (a) Willful, wanton, and malicious;

410 (b) In reckless disregard for the rights of any insured;
 411 or

412 (c) In reckless disregard for the rights of a beneficiary
 413 under a life insurance contract.

414
 415 Any person who pursues a claim under this subsection shall post
 416 in advance the costs of discovery. Such costs shall be awarded
 417 to the authorized insurer if no punitive damages are awarded to
 418 the plaintiff.

419 (9)~~(6)~~ This section does ~~shall~~ not ~~be construed to~~
 420 authorize a class action suit against an authorized insurer or a
 421 civil action against the commission, the office, or the
 422 department or any of their employees, or to create a cause of
 423 action when an authorized health insurer refuses to pay a claim
 424 for reimbursement on the ground that the charge for a service
 425 was unreasonably high or that the service provided was not

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

426 medically necessary.

427 (10)~~(7)~~ In the absence of expressed language to the
 428 contrary, this section shall not be construed to authorize a
 429 civil action or create a cause of action against an authorized
 430 insurer or its employees who, in good faith, release information
 431 about an insured or an insurance policy to a law enforcement
 432 agency in furtherance of an investigation of a criminal or
 433 fraudulent act relating to a motor vehicle theft or a motor
 434 vehicle insurance claim.

435 (11)~~(8)~~ The civil remedy specified in this section does
 436 not preempt any other remedy or cause of action provided for
 437 pursuant to any other statute or pursuant to the common law of
 438 this state. Any person may obtain a judgment under either the
 439 common-law remedy of bad faith or this statutory remedy, but is
 440 ~~shall~~ not be entitled to a judgment under both remedies. This
 441 section does ~~shall~~ not be construed to create a common-law cause
 442 of action. The damages recoverable pursuant to this section
 443 shall include those damages which are a reasonably foreseeable
 444 result of a specified violation of this section by the
 445 authorized insurer and may include an award or judgment in an
 446 amount that exceeds the policy limits.

447 (12)~~(9)~~ A surety issuing a payment or performance bond on
 448 the construction or maintenance of a building or roadway project
 449 is not an insurer for purposes of subsection (1).

450 Section 5. Section 624.1552, Florida Statutes, is created

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

451 to read:

452 624.1552 Civil actions involving an insurance contract;
 453 applicability of offer of judgment provisions.—The provisions of
 454 s. 768.79 apply to any civil action involving an insurance
 455 contract.

456 Section 6. Section 768.0427, Florida Statutes, is created
 457 to read:

458 768.0427 Admissibility of evidence to prove medical
 459 expenses in personal injury or wrongful death actions;
 460 disclosure of letters of protection; recovery of past and future
 461 medical expenses damages.—

462 (1) DEFINITIONS.—As used in this section, the term:

463 (a) "Factoring company" means a person who purchases a
 464 health care provider's accounts receivable at a discount below
 465 the invoice value of such accounts.

466 (b) "Health care coverage" means any third-party health
 467 care or disability services financing arrangement, including,
 468 but not limited to, arrangements with entities certified or
 469 authorized under federal law or under the Florida Insurance
 470 Code; state or federal health care benefit programs; workers'
 471 compensation; and personal injury protection.

472 (c) "Health care provider" means any of the following
 473 professionals and entities, and professionals and entities
 474 similarly licensed in another jurisdiction:

475 1. A provider as defined in s. 408.803.

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

476 2. A clinical laboratory providing services in this state
 477 or services to health care providers in this state, if the
 478 clinical laboratory is certified by the Centers for Medicare and
 479 Medicaid Services under the federal Clinical Laboratory
 480 Improvement Amendments and the federal rules adopted thereunder.

481 3. A federally qualified health center as defined in 42
 482 U.S.C. s. 1396d(1)(2)(B), as that definition existed on the
 483 effective date of this act.

484 4. A health care practitioner as defined in s. 456.001.

485 5. A health care professional licensed under part IV of
 486 chapter 468.

487 6. A home health aide as defined in s. 400.462.

488 7. A provider licensed under chapter 394 or chapter 397
 489 and its clinical and nonclinical staff providing inpatient or
 490 outpatient services.

491 8. A continuing care facility licensed under chapter 651.

492 9. A pharmacy permitted under chapter 465.

493 (d) "Letter of protection" means any arrangement by which
 494 a health care provider renders treatment in exchange for a
 495 promise of payment for the claimant's medical expenses from any
 496 judgment or settlement of a personal injury or wrongful death
 497 action. The term includes any such arrangement, regardless of
 498 whether referred to as a letter of protection.

499 (2) ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE
 500 EXPENSES.—Evidence offered to prove the amount of damages for

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

501 past or future medical treatment or services in a personal
 502 injury or wrongful death action is admissible as provided in
 503 this subsection.

504 (a) Evidence offered to prove the amount of damages for
 505 past medical treatment or services that have been satisfied is
 506 limited to evidence of the amount actually paid, regardless of
 507 the source of payment.

508 (b) Evidence offered to prove the amount necessary to
 509 satisfy unpaid charges for incurred medical treatment or
 510 services shall include, but is not limited to, evidence as
 511 provided in this paragraph.

512 1. If the claimant has health care coverage other than
 513 Medicare or Medicaid, evidence of the amount which such health
 514 care coverage is obligated to pay the health care provider to
 515 satisfy the charges for the claimant's incurred medical
 516 treatment or services, plus the claimant's share of medical
 517 expenses under the insurance contract or regulation.

518 2. If the claimant has health care coverage but obtains
 519 treatment under a letter of protection or otherwise does not
 520 submit charges for any health care provider's medical treatment
 521 or services to health care coverage, evidence of the amount the
 522 claimant's health care coverage would pay the health care
 523 provider to satisfy the past unpaid medical charges under the
 524 insurance contract or regulation, plus the claimant's share of
 525 medical expenses under the insurance contract or regulation, had

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

526 the claimant obtained medical services or treatment pursuant to
 527 the health care coverage.

528 3. If the claimant does not have health care coverage or
 529 has health care coverage through Medicare or Medicaid, evidence
 530 of 120 percent of the Medicare reimbursement rate in effect on
 531 the date of the claimant's incurred medical treatment or
 532 services, or, if there is no applicable Medicare rate for a
 533 service, 170 percent of the applicable state Medicaid rate.

534 4. If the claimant obtains medical treatment or services
 535 under a letter of protection and the health care provider
 536 subsequently transfers the right to receive payment under the
 537 letter of protection to a third party, evidence of the amount
 538 the third party paid or agreed to pay the health care provider
 539 in exchange for the right to receive payment pursuant to the
 540 letter of protection.

541 5. Any evidence of reasonable amounts billed to the
 542 claimant for medically necessary treatment or medically
 543 necessary services provided to the claimant.

544 (c) Evidence offered to prove the amount of damages for
 545 any future medical treatment or services the claimant will
 546 receive shall include, but is not limited to, evidence as
 547 provided in this paragraph.

548 1. If the claimant has health care coverage other than
 549 Medicare or Medicaid, or is eligible for any such health care
 550 coverage, evidence of the amount for which the future charges of

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

551 health care providers could be satisfied if submitted to such
 552 health care coverage, plus the claimant's share of medical
 553 expenses under the insurance contract or regulation.

554 2. If the claimant does not have health care coverage or
 555 has health care coverage through Medicare or Medicaid, or is
 556 eligible for such health care coverage, evidence of 120 percent
 557 of the Medicare reimbursement rate in effect at the time of
 558 trial for the medical treatment or services the claimant will
 559 receive, or, if there is no applicable Medicare rate for a
 560 service, 170 percent of the applicable state Medicaid rate.

561 3. Any evidence of reasonable future amounts to be billed
 562 to the claimant for medically necessary treatment or medically
 563 necessary services.

564 (d) This subsection does not impose an affirmative duty
 565 upon any party to seek a reduction in billed charges to which
 566 the party is not contractually entitled.

567 (e) Individual contracts between providers and authorized
 568 commercial insurers or authorized health maintenance
 569 organizations are not subject to discovery or disclosure and are
 570 not admissible into evidence.

571 (3) LETTERS OF PROTECTION; REQUIRED DISCLOSURES.—In a
 572 personal injury or wrongful death action, as a condition
 573 precedent to asserting any claim for medical expenses for
 574 treatment rendered under a letter of protection, the claimant
 575 must disclose:

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

576 (a) A copy of the letter of protection.
 577 (b) All billings for the claimant's medical expenses,
 578 which must be itemized and, to the extent applicable, coded
 579 according to:
 580 1. For health care providers billing at the provider
 581 level, the American Medical Association's Current Procedural
 582 Terminology (CPT), or the Healthcare Common Procedure Coding
 583 System (HCPCS), in effect on the date the services were
 584 rendered.
 585 2. For health care providers billing at the facility level
 586 for expenses incurred in a clinical or outpatient setting,
 587 including when billing through an Ambulatory Payment
 588 Classification (APC) or Enhanced Ambulatory Patient Grouping
 589 (EAPG), the International Classification of Diseases (ICD)
 590 diagnosis code and, if applicable, the American Medical
 591 Association's Current Procedural Terminology (CPT), in effect on
 592 the date the services were rendered.
 593 3. For health care providers billing at the facility level
 594 for expenses incurred in an inpatient setting, including when
 595 billing through a Diagnosis Related Group (DRG), the
 596 International Classification of Diseases (ICD) diagnosis and
 597 procedure codes in effect on the date in which the claimant is
 598 discharged.
 599 (c) If the health care provider sells the accounts
 600 receivable for the claimant's medical expenses to a factoring

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

601 company or other third party:

602 1. The name of the factoring company or other third party
 603 who purchased such accounts.

604 2. The dollar amount for which the factoring company or
 605 other third party purchased such accounts, including any
 606 discount provided below the invoice amount.

607 (d) Whether the claimant, at the time medical treatment
 608 was rendered, had health care coverage and, if so, the identity
 609 of such coverage.

610 (e) Whether the claimant was referred for treatment under
 611 a letter of protection and, if so, the identity of the person
 612 who made the referral. If the referral is made by the claimant's
 613 attorney, disclosure of the referral is permitted, and evidence
 614 of such referral is admissible notwithstanding s. 90.502.
 615 Moreover, in such situation, the financial relationship between
 616 a law firm and a medical provider, including the number of
 617 referrals, frequency, and financial benefit obtained, is
 618 relevant to the issue of the bias of a testifying medical
 619 provider.

620 (4) DAMAGES RECOVERABLE FOR MEDICAL TREATMENT OR SERVICE
 621 EXPENSES.—The damages that may be recovered by a claimant in a
 622 personal injury or wrongful death action for the reasonable and
 623 necessary cost or value of medical care rendered may not include
 624 any amount in excess of the evidence of medical treatment and
 625 services expenses admitted pursuant to subsection (2), and also

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

626 may not exceed the sum of the following:

627 (a) Amounts actually paid by or on behalf of the claimant
 628 to a health care provider who rendered medical treatment or
 629 services;

630 (b) Amounts necessary to satisfy charges for medical
 631 treatment or services that are due and owing but at the time of
 632 trial are not yet satisfied; and

633 (c) Amounts necessary to provide for any reasonable and
 634 necessary medical treatment or services the claimant will
 635 receive in the future.

636 Section 7. Section 768.0701, Florida Statutes, is created
 637 to read:

638 768.0701 Premises liability for criminal acts of third
 639 parties.—Notwithstanding s. 768.81(4), in an action for damages
 640 against the owner, lessor, operator, or manager of commercial or
 641 real property brought by a person lawfully on the property who
 642 was injured by the criminal act of a third party, the trier of
 643 fact must consider the fault of all persons who contributed to
 644 the injury.

645 Section 8. Section 768.0706, Florida Statutes, is created
 646 to read:

647 768.0706 Multifamily residential property safety and
 648 security; presumption against liability.—

649 (1) As used in this section, the term:

650 (a) "Crime prevention through environmental design" has

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

651 the same meaning as in s. 163.503(6).

652 (b) "Multifamily residential property" means a residential
 653 building, or group of residential buildings, such as apartments,
 654 townhouses, or condominiums, consisting of at least five
 655 dwelling units on a particular parcel.

656 (c) "Parcel" means real property for which a distinct
 657 parcel identification number is assigned to the property by the
 658 property appraiser for the county in which the property is
 659 located.

660 (2) The owner or principal operator of a multifamily
 661 residential property which substantially implements the
 662 following security measures on that property has a presumption
 663 against liability in connection with criminal acts that occur on
 664 the premises which are committed by third parties who are not
 665 employees or agents of the owner or operator:

666 (a)1. A security camera system at points of entry and exit
 667 which records, and maintains as retrievable for at least 30
 668 days, video footage to assist in offender identification and
 669 apprehension.

670 2. A lighted parking lot illuminated at an intensity of at
 671 least an average of 1.8 foot-candles per square foot at 18
 672 inches above the surface from dusk until dawn or controlled by
 673 photocell or any similar electronic device that provides light
 674 from dusk until dawn.

675 3. Lighting in walkways, laundry rooms, common areas, and

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

676 porches. Such lighting must be illuminated from dusk until dawn
677 or controlled by photocell or any similar electronic device that
678 provides light from dusk until dawn.

679 4. At least a 1-inch deadbolt in each dwelling unit door.

680 5. A locking device on each window, each exterior sliding
681 door, and any other doors not used for community purposes.

682 6. Locked gates with key or fob access along pool fence
683 areas.

684 7. A peephole or door viewer on each dwelling unit door
685 that does not include a window or that does not have a window
686 next to the door.

687 (b) By January 1, 2025, the owner or principal operator of
688 a multifamily residential property has a crime prevention
689 through environmental design assessment that is no more than 3
690 years old completed for the property. Such assessment must be
691 performed by a law enforcement agency or a Florida Crime
692 Prevention Through Environmental Design Practitioner designated
693 by the Florida Crime Prevention Training Institute of the
694 Department of Legal Affairs. The owner or principal operator
695 must remain in substantial compliance with the assessment for
696 purposes of this paragraph.

697 (c)1. By January 1, 2025, the owner or principal operator
698 of a multifamily residential property provides proper crime
699 deterrence and safety training to its current employees. After
700 January 1, 2025, the owner or principal operator must provide

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

701 such training to an employee within 60 days after his or her
 702 hire date for purposes of this paragraph.

703 2. For purposes of this paragraph, "proper crime
 704 deterrence and safety training" means training which trains and
 705 familiarizes employees with the security principles, devices,
 706 measures, and standards set forth under paragraph (a), and which
 707 is reviewed at least every 3 years and updated as necessary. The
 708 owner or principal operator may request a law enforcement agency
 709 or the Florida Crime Prevention Through Environmental Design
 710 Practitioner performing the assessment under paragraph (b) to
 711 review the training curriculum.

712 (3) For purposes of establishing the presumption against
 713 liability under subsection (2), the burden of proof is on the
 714 owner or principal operator to demonstrate that the owner or
 715 principal operator has substantially implemented the security
 716 measures specified in subsection (2).

717 (4) The Florida Crime Prevention Training Institute of the
 718 Department of Legal Affairs shall develop a proposed curriculum
 719 or best practices for owners or principal operators to implement
 720 such training. The state has no liability in connection with
 721 providing a proposed training curriculum under this subsection.

722 (5) This section does not establish a private cause of
 723 action.

724 Section 9. Subsection (2) of section 768.81, Florida
 725 Statutes, is amended, and subsection (6) is added to that

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

726 section, to read:

727 768.81 Comparative fault.—

728 (2) EFFECT OF CONTRIBUTORY FAULT.—In a negligence action,
 729 contributory fault chargeable to the claimant diminishes
 730 proportionately the amount awarded as economic and noneconomic
 731 damages for an injury attributable to the claimant's
 732 contributory fault, but does not bar recovery, subject to
 733 subsection (6).

734 (6) GREATER PERCENTAGE OF FAULT.—In a negligence action to
 735 which this section applies, any party found to be greater than
 736 50 percent at fault for his or her own harm may not recover any
 737 damages. This subsection does not apply to an action for damages
 738 for personal injury or wrongful death arising out of medical
 739 negligence pursuant to chapter 766.

740 Section 10. Section 626.9373, Florida Statutes, is
 741 repealed.

742 Section 11. Section 627.428, Florida Statutes, is
 743 repealed.

744 Section 12. Subsection (1) of section 627.756, Florida
 745 Statutes, is amended to read:

746 627.756 Bonds for construction contracts; attorney fees in
 747 case of suit.—

748 (1) In a suit ~~Section 627.428 applies to suits~~ brought by
 749 an owner, a contractor, a subcontractor, a laborer, or a
 750 materialman ~~owners, contractors, subcontractors, laborers, and~~

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

751 ~~materialmen~~ against a surety insurer under payment or
 752 performance bonds written by the insurer under the laws of this
 753 state to indemnify against pecuniary loss by breach of a
 754 building or construction contract, upon the rendition of a
 755 judgment or decree by any of the courts of this state against
 756 the surety insurer and in favor of the owner, contractor,
 757 subcontractor, laborer, or materialman, the trial court or, in
 758 the event of an appeal in which the owner, contractor,
 759 subcontractor, laborer, or materialman prevails, the appellate
 760 court, shall adjudge or decree against the surety insurer and in
 761 favor of the owner, contractor, subcontractor, laborer, or
 762 materialman a reasonable sum as fees or compensation for the
 763 attorney prosecuting the suit in which the recovery is had.
 764 ~~Owners, contractors, subcontractors, laborers, and materialmen~~
 765 ~~shall be deemed to be insureds or beneficiaries for the purposes~~
 766 ~~of this section.~~

767 Section 13. Paragraphs (a) and (j) of subsection (1) of
 768 section 475.01, Florida Statutes, are amended to read:

769 475.01 Definitions.—

770 (1) As used in this part:

771 (a) "Broker" means a person who, for another, and for a
 772 compensation or valuable consideration directly or indirectly
 773 paid or promised, expressly or impliedly, or with an intent to
 774 collect or receive a compensation or valuable consideration
 775 therefor, appraises, auctions, sells, exchanges, buys, rents, or

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

776 offers, attempts or agrees to appraise, auction, or negotiate
 777 the sale, exchange, purchase, or rental of business enterprises
 778 or business opportunities or any real property or any interest
 779 in or concerning the same, including mineral rights or leases,
 780 or who advertises or holds out to the public by any oral or
 781 printed solicitation or representation that she or he is engaged
 782 in the business of appraising, auctioning, buying, selling,
 783 exchanging, leasing, or renting business enterprises or business
 784 opportunities or real property of others or interests therein,
 785 including mineral rights, or who takes any part in the procuring
 786 of sellers, purchasers, lessors, or lessees of business
 787 enterprises or business opportunities or the real property of
 788 another, or leases, or interest therein, including mineral
 789 rights, or who directs or assists in the procuring of prospects
 790 or in the negotiation or closing of any transaction which does,
 791 or is calculated to, result in a sale, exchange, or leasing
 792 thereof, and who receives, expects, or is promised any
 793 compensation or valuable consideration, directly or indirectly
 794 therefor; and all persons who advertise rental property
 795 information or lists. A broker renders a professional service
 796 and is a professional within the meaning of s. 95.11(4)(b) ~~s.~~
 797 ~~95.11(4)(a)~~. Where the term "appraise" or "appraising" appears
 798 in the definition of the term "broker," it specifically excludes
 799 those appraisal services which must be performed only by a
 800 state-licensed or state-certified appraiser, and those appraisal

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

801 services which may be performed by a registered trainee
 802 appraiser as defined in part II. The term "broker" also includes
 803 any person who is a general partner, officer, or director of a
 804 partnership or corporation which acts as a broker. The term
 805 "broker" also includes any person or entity who undertakes to
 806 list or sell one or more timeshare periods per year in one or
 807 more timeshare plans on behalf of any number of persons, except
 808 as provided in ss. 475.011 and 721.20.

809 (j) "Sales associate" means a person who performs any act
 810 specified in the definition of "broker," but who performs such
 811 act under the direction, control, or management of another
 812 person. A sales associate renders a professional service and is
 813 a professional within the meaning of s. 95.11(4)(b) ~~s.~~
 814 ~~95.11(4)(a)~~.

815 Section 14. Paragraph (h) of subsection (1) of section
 816 475.611, Florida Statutes, is amended to read:

817 475.611 Definitions.—

818 (1) As used in this part, the term:

819 (h) "Appraiser" means any person who is a registered
 820 trainee real estate appraiser, a licensed real estate appraiser,
 821 or a certified real estate appraiser. An appraiser renders a
 822 professional service and is a professional within the meaning of
 823 s. 95.11(4)(b) ~~s. 95.11(4)(a)~~.

824 Section 15. Subsection (7) of section 517.191, Florida
 825 Statutes, is amended to read:

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

826 517.191 Injunction to restrain violations; civil
827 penalties; enforcement by Attorney General.—

828 (7) Notwithstanding s. 95.11(4)(f) ~~s. 95.11(4)(e)~~, an
829 enforcement action brought under this section based on a
830 violation of any provision of this chapter or any rule or order
831 issued under this chapter shall be brought within 6 years after
832 the facts giving rise to the cause of action were discovered or
833 should have been discovered with the exercise of due diligence,
834 but not more than 8 years after the date such violation
835 occurred.

836 Section 16. Subsection (4) of section 624.123, Florida
837 Statutes, is amended to read:

838 624.123 Certain international health insurance policies;
839 exemption from code.—

840 (4) Any international health insurance policy or
841 application solicited, provided, entered into, issued, or
842 delivered pursuant to this subsection is exempt from all
843 provisions of the insurance code, except that such policy,
844 contract, or agreement is subject to the provisions of ss.
845 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521,
846 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591,
847 626.9601, 627.413, 627.4145, ~~627.428~~, and 627.6043.

848 Section 17. Subsection (4) of section 624.488, Florida
849 Statutes, is amended to read:

850 624.488 Applicability of related laws.—In addition to

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

851 other provisions of the code cited in ss. 624.460-624.488:

852 (4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418,
 853 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428,~~
 854 627.702, and 627.706; part XI of chapter 627; ss. 627.912,
 855 627.913, and 627.918;

856
 857 apply to self-insurance funds. Only those sections of the code
 858 that are expressly and specifically cited in ss. 624.460-624.489
 859 apply to self-insurance funds.

860 Section 18. Paragraph (b) of subsection (3) of section
 861 627.062, Florida Statutes, is amended to read:

862 627.062 Rate standards.—

863 (3)

864 (b) Individual risk rates and modifications to existing
 865 approved forms are not subject to this part or part II, except
 866 for paragraph (a) and ss. 627.402, 627.403, 627.4035, 627.404,
 867 627.405, 627.406, 627.407, 627.4085, 627.409, 627.4132,
 868 627.4133, 627.415, 627.416, 627.417, 627.419, 627.425, 627.426,
 869 627.4265, and 627.427, ~~and 627.428,~~ but are subject to all other
 870 applicable provisions of this code and rules adopted thereunder.

871 Section 19. Subsections (3), (4), and (5) of section
 872 627.401, Florida Statutes, are amended to read:

873 627.401 Scope of this part.—No provision of this part of
 874 this chapter applies to:

875 (3) Wet marine and transportation insurance, except ss.

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

876 | 627.409 and, ~~627.420, and 627.428.~~

877 | (4) Title insurance, except ss. 627.406, 627.415, 627.416,
878 | 627.419, and ~~627.427, and 627.428.~~

879 | (5) Credit life or credit disability insurance, except s.
880 | 627.419(5) ~~ss. 627.419(5) and 627.428.~~

881 | Section 20. Subsection (2) of section 627.441, Florida
882 | Statutes, is amended to read:

883 | 627.441 Commercial general liability policies; coverage to
884 | contractors for completed operations.—

885 | (2) A liability insurer must offer coverage at an
886 | appropriate additional premium for liability arising out of
887 | current or completed operations under an owner-controlled
888 | insurance program for any period beyond the period for which the
889 | program provides liability coverage, as specified in s.

890 | 255.0517(2)(b). The period of such coverage must be sufficient
891 | to protect against liability arising out of an action brought
892 | within the time limits provided in s. 95.11(3)(b) ~~s.~~
893 | ~~95.11(3)(c).~~

894 | Section 21. Subsection (8) of section 627.727, Florida
895 | Statutes, is amended to read:

896 | 627.727 Motor vehicle insurance; uninsured and
897 | underinsured vehicle coverage; insolvent insurer protection.—

898 | ~~(8) The provisions of s. 627.428 do not apply to any~~
899 | ~~action brought pursuant to this section against the uninsured~~
900 | ~~motorist insurer unless there is a dispute over whether the~~

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

901 ~~policy provides coverage for an uninsured motorist proven to be~~
 902 ~~liable for the accident.~~

903 Section 22. Subsection (8) of section 627.736, Florida
 904 Statutes, is amended to read:

905 627.736 Required personal injury protection benefits;
 906 exclusions; priority; claims.—

907 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—
 908 With respect to any dispute under the provisions of ss. 627.730–
 909 627.7405 between the insured and the insurer, or between an
 910 assignee of an insured's rights and the insurer, the provisions
 911 of s. 768.79 ~~ss. 627.428 and 768.79~~ apply, except as provided in
 912 subsections (10) and (15), and except that any attorney fees
 913 recovered must:

914 (a) Comply with prevailing professional standards;

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

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

920
 921 Upon request by either party, a judge must make written
 922 findings, substantiated by evidence presented at trial or any
 923 hearings associated therewith, that any award of attorney fees
 924 complies with this subsection. ~~Notwithstanding s. 627.428,~~
 925 Attorney fees recovered under ss. 627.730–627.7405 must be

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

926 | calculated without regard to a contingency risk multiplier.

927 | Section 23. Subsection (4) of section 628.6016, Florida
928 | Statutes, is amended to read:

929 | 628.6016 Applicability of related laws.—In addition to
930 | other provisions of the code cited in ss. 628.6011–628.6018:

931 | (4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418,
932 | 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428,~~
933 | 627.702, and 627.706; part XI of chapter 627; ss. 627.912,
934 | 627.913, and 627.918; and

935 |
936 | apply to assessable mutual insurers; however, ss. 628.255,
937 | 628.411, and 628.421 do not apply. No section of the code not
938 | expressly and specifically cited in ss. 628.6011–628.6018
939 | applies to assessable mutual insurers. The term "assessable
940 | mutual insurer" shall be substituted for the term "commercial
941 | self-insurer" as appropriate.

942 | Section 24. Section 631.70, Florida Statutes, is repealed.

943 | Section 25. Section 631.926, Florida Statutes, is
944 | repealed.

945 | Section 26. Subsection (11) of section 632.638, Florida
946 | Statutes, is amended to read:

947 | 632.638 Applicability of other code provisions.—In
948 | addition to other provisions contained or referred to in this
949 | chapter, the following chapters and provisions of this code
950 | apply to fraternal benefit societies, to the extent applicable

ENROLLED

CS/CS/HB 837, Engrossed 1

2023 Legislature

951 and not in conflict with the express provisions of this chapter
 952 and the reasonable implications thereof:

953 ~~(11) Section 627.428;~~

954 Section 27. The Division of Law Revision is directed to
 955 replace the phrase "the effective date of this act" wherever it
 956 occurs in this act with the date this act becomes a law.

957 Section 28. The amendments made by this act to s. 95.11,
 958 Florida Statutes, apply to causes of action accruing after the
 959 effective date of this act.

960 Section 29. This act shall not be construed to impair any
 961 right under an insurance contract in effect on or before the
 962 effective date of this act. To the extent that this act affects
 963 a right under an insurance contract, this act applies to an
 964 insurance contract issued or renewed after the effective date of
 965 this act.

966 Section 30. Except as otherwise expressly provided in this
 967 act, this act shall apply to causes of action filed after the
 968 effective date of this act.

969 Section 31. This act shall take effect upon becoming a
 970 law.