

By the Committee on Civil Justice & Claims and Representatives Bainter, Argenziano, Dockery, Putnam, Boyd, Crady, Minton, Sembler, Maygarden, Bronson, Kelly, King, Spratt, Andrews, Feeney, Jones, Valdes, Culp and Wiles

1 A bill to be entitled
 2 An act relating to private attorney services;
 3 amending s. 287.059, F.S.; providing that
 4 private attorney services procured by the Board
 5 of Trustees of the Florida School for the Deaf
 6 and the Blind are not required to have been
 7 approved in writing by the Attorney General;
 8 providing for disclosure by private attorneys
 9 contracting with the state with respect to
 10 clients suing or being sued by a state entity;
 11 requiring written waiver of potential conflict
 12 of interest to be obtained by the contracting
 13 attorney, under specified circumstances;
 14 providing that failure to make such disclosure
 15 or obtain waiver as required is a breach of the
 16 contract precluding entitlement to payment;
 17 requiring the Comptroller to refuse such
 18 payment, under specified circumstances;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsections (2) and (10) of section
 24 287.059, Florida Statutes, are amended to read:

25 287.059 Private attorney services.--

26 (2) No agency shall contract for private attorney
 27 services without the prior written approval of the Attorney
 28 General, except that such written approval is not required for
 29 private attorney services:

30
 31

1 (a) Procured by the Executive Office of the Governor
2 or any department under the exclusive jurisdiction of a single
3 Cabinet officer.

4 (b) Provided by legal services organizations to
5 indigent clients.

6 (c) Necessary to represent the state in litigation
7 involving the Florida Casualty Insurance Risk Management Trust
8 Fund pursuant to part II of chapter 284.

9 (d) Procured by the Board of Regents and the
10 universities of the State University System.

11 (e) Procured by community and junior colleges and
12 multicounty special districts.

13 (f) Procured by the Board of Trustees for the Florida
14 School for the Deaf and the Blind.

15 (10) The Attorney General shall develop a standard
16 addendum to every contract for attorney services that must be
17 used by all agencies, ~~unless waived by the Attorney General,~~
18 describing in detail what is expected of both the contracted
19 private attorney and the contracting agency. The contracting
20 private attorney shall disclose to the contracting agency any
21 representation by the private attorney, or the attorney's
22 firm, of a client who is suing or being sued by a state
23 entity. Such disclosure, which shall be a material condition
24 of the contract, shall include sufficient information to allow
25 the contracting agency to determine whether such
26 representation creates any conflict of interest. When the
27 contracting attorney discloses such representation, the
28 contracting attorney shall obtain from the contracting agency
29 a written waiver by the agency head of any potential conflict
30 of interest, prior to undertaking the agency's representation.
31 Failure to make such disclosure or to obtain a waiver after

1 such disclosure shall be a breach of the contract which shall
2 preclude entitlement to payment under the contract. Without
3 such waiver, the Comptroller shall refuse payment to the
4 contracting private attorney.

5 Section 2. This act shall take effect July 1, 1997.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31