

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on State Administration offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsections (7) and (8) are added to
section 287.059, Florida Statutes, to read:

(7) No contract, court order, or settlement agreement shall authorize or permit the payment, negotiation, or collection by private counsel of any attorney's fee for work performed on behalf of the state or any agency thereof in excess of the limitations provided in this section. Fees may not exceed the lesser of:

(a) A commercially reasonable amount;

(b) An amount calculated in accordance with the lodestar process approved by the Florida Supreme Court, which attorney's fee shall be set by the determination of the number of hours reasonably expended on the matter and the reasonable hourly rate for the services provided by the private attorney; under a contingency fee contract, the lodestar figure

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1 calculated may include a contingency risk multiplier not
2 greater than three (3); or
3 (c) Except under a contingency fee contract, \$1,000
4 per hour actually expended on the matter by licensed attorneys
5 plus reasonable expenses actually incurred for costs or
6 services other than those of licensed attorneys.
7 (8) No contract or settlement agreement shall
8 authorize or permit payment, negotiation, or collection by a
9 private counsel firm of any attorney's fee for work performed
10 on behalf of the state or any agency thereof in a single case
11 or legal matter in excess of \$1,000,000, excluding
12 reimbursement for expenses but including legal services
13 provided by subcontractors, unless a specified higher maximum
14 is approved for the particular case by the Governor for his or
15 her office or agencies, or by each of the respective Cabinet
16 members for his or her department. Specific approval for a
17 higher maximum for a department under the Governor and Cabinet
18 shall require approval by the Attorney General. Each approval
19 of a higher maximum fee pursuant to this paragraph shall be
20 subject to the notice, review, and objection procedures in s.
21 216.177.

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23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 2 through 10,
27 remove from the title of the bill: all of said lines
28
29 and insert in lieu thereof:

30 An act relating to attorney fees; amending s.
31 287.059, F.S.; providing specific limitations

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1 on the payment, negotiation, or collection of
2 attorney's fee by a private counsel for work
3 performed on behalf of the state or any agency
4 thereof; providing that no contract or
5 settlement agreement shall authorize or permit
6 payment, negotiation, or collection by a
7 private counsel in excess of a certain amount;
8 requiring specific approval by the Governor for
9 a higher maximum for his or her office or
10 agencies; requiring specific approval by each
11 of the respective Cabinet members for a higher
12 maximum for his or her department; requiring
13 specific approval by the Attorney General for a
14 higher maximum for a department under the
15 Governor and Cabinet; providing approval for a
16 higher maximum fee to be subject to s. 216.177,
17 F.S.; providing an effective date.

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