

By Representative Kallinger

1 A bill to be entitled
 2 An act relating to attorney fees; creating the
 3 "Reasonable Attorney Fees for Taxpayers Act";
 4 providing a definition; requiring state
 5 agencies retaining an attorney for legal
 6 services to do so by competitive bid; providing
 7 a separate procedure for contracts for legal
 8 services exceeding a certain amount; providing
 9 a limitation on the payment of per-hour fees by
 10 state agencies; providing an effective date.

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

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 14 Section 1. Reasonable attorney fees for taxpayers.--

15 (1) This section may be cited as the "Reasonable
 16 Attorney Fees for Taxpayers Act."

17 (2) For the purposes of this section, a contract in
 18 excess of \$1 million is one in which the fee paid to an
 19 attorney or group of attorneys, either in the form of a flat,
 20 hourly, or contingent fee, and their expenses, exceeds or can
 21 be reasonably expected to exceed \$1 million.

22 (3) Any state agency or state agent that wishes to
 23 retain a lawyer or law firm to perform legal services on
 24 behalf of this state shall not do so until an open and
 25 competitive bidding process has been undertaken.

26 (4) No state agency or state agent shall enter into a
 27 contract for legal services exceeding \$1 million without the
 28 opportunity for at least one hearing in the Legislature on the
 29 terms of the legal contract in accordance with subsection (5).

30 (5)(a) Any state agency or state agent entering into a
 31 contract for legal services in excess of \$1 million shall file

1 a copy of said proposed contract with the Clerk of the House
2 of Representatives, who, with the approval of the President of
3 the Senate and the Speaker of the House of Representatives,
4 shall refer such contract to the appropriate committee.

5 (b) Within 30 days after such referral, said committee
6 may hold a public hearing on said proposed contract and shall
7 issue a report to the referring state agency or state agent.
8 Said report shall include any proposed changes to the proposed
9 contract voted upon by the committee. The state agency or
10 state agent shall review said report and adopt a final
11 contract as deemed appropriate in view of said report and
12 shall file with the Clerk of the House of Representatives its
13 final contract.

14 (c) If the proposed contract does not contain the
15 changes proposed by said committee, the referring state agency
16 or state agent shall send a letter to said clerk accompanying
17 the final contract stating the reasons why such proposed
18 changes were not adopted. Said clerk shall refer such letter
19 and final regulations to the appropriate committee. Not
20 earlier than 45 days after the filing of such letter and final
21 contract with said committee, the state agency or state agent
22 shall enter into the final contract.

23 (d) If no proposed changes to the proposed contract
24 are made to the state agency or state agent within 60 days
25 after the initial filing of the proposed regulation or any
26 amendment or repeal of such regulation with the Clerk of the
27 House of Representatives, the state agency or state agent may
28 enter into the contract.

29 (e) Nothing in this act shall be construed to expand
30 the authority of any state agency or state agent to enter into
31 contracts where no such authority previously existed.

1 (f) In the event that the Legislature is not in
2 session and the Attorney General wishes to execute a contract
3 for legal services, the Governor, with the unanimous consent
4 of the Speaker of the House of Representatives and the
5 President of the Senate, may establish a five-member interim
6 committee consisting of five state legislators, one each to be
7 appointed by the Governor, the Speaker of the House of
8 Representatives, the President of the Senate, and the minority
9 leader in each house of the Legislature to execute the
10 oversight duties as set forth in paragraphs (b)-(e) of this
11 section. Identical deadlines and reporting responsibilities
12 shall apply to the Attorney General and this interim committee
13 as would apply to a standing committee of the Legislature
14 executing its duties set forth in paragraphs (b)-(e).

15 (6)(a) At the conclusion of any legal proceeding for
16 which a state agency or state agent retained outside counsel
17 on a contingent fee basis, the state shall receive from
18 counsel a statement of the hours worked on the case, expenses
19 incurred, the aggregate fee amount, and a breakdown as to the
20 hourly rate, based on hours worked divided into fee recovered,
21 less expenses.

22 (b) In no case shall the state incur fees and expenses
23 in excess of \$1,000 per hour for legal services. In cases
24 where a disclosure submitted in accordance with paragraph (a)
25 of this section indicates an hourly rate in excess of \$1,000
26 per hour, the fee amount shall be reduced to an amount
27 equivalent to \$1,000 per hour.

28 Section 2. This act shall take effect July 1, 2001.
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HOUSE SUMMARY

Creates the "Reasonable Attorney Fees for Taxpayers Act."
Provides for competitive bids for retention of legal
services by state agencies. Provides a separate procedure
for contracts for legal services valued at over \$1
million. See bill for details.