

By Senator Sanderson

31-422A-02

1                                   A bill to be entitled  
2           An act relating to attorney's fees; amending s.  
3           287.059, F.S.; providing specific limitations  
4           on the payment, negotiation, or collection of  
5           attorney's fees by private counsel for work  
6           performed on behalf of the state or any agency  
7           thereof; prohibiting a contract or settlement  
8           agreement that authorizes or permits payment,  
9           negotiation, or collection by private counsel  
10          in excess of a specified amount for work  
11          performed in a single case on behalf of the  
12          state or an agency thereof; authorizing the  
13          Governor, a Cabinet member, or the Attorney  
14          General to approve a higher maximum fee under  
15          certain circumstances; requiring that a higher  
16          maximum fee is subject to certain requirements  
17          for notice, review, and objection; providing an  
18          effective date.

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

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22           Section 1. Present subsections (7) through (16) of  
23           section 287.059, Florida Statutes, are redesignated as  
24           subsections (9) through (18), respectively, and new  
25           subsections (7) and (8) are added to that section, to read:

26           287.059 Private attorney services.--

27           (7) A contract, court order, or settlement agreement  
28           may not authorize or permit the payment, negotiation, or  
29           collection by private counsel of any attorney's fees for work  
30           performed on behalf of the state or any agency thereof in  
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1 excess of the limitations provided in this section. Fees may  
2 not exceed the lesser of:  
3 (a) A commercially reasonable amount;  
4 (b) An amount calculated in accordance with the  
5 lodestar process approved by the Florida Supreme Court, which  
6 attorney's fees shall be set by determining the number of  
7 hours reasonably expended on the matter and the reasonable  
8 hourly rate for the services provided by the private attorney  
9 or, under a contingency fee contract, the lodestar figure  
10 calculated may include a contingency risk multiplier not  
11 greater than three; or  
12 (c) Except under a contingency fee contract, \$1,000  
13 per hour actually expended on the matter by licensed  
14 attorneys, plus reasonable expenses actually incurred for  
15 costs or services other than those of licensed attorneys.  
16 (8) A contract or settlement agreement may not  
17 authorize or permit payment, negotiation, or collection by  
18 private counsel of any attorney's fees for work performed on  
19 behalf of the state or any agency thereof in a single case or  
20 legal matter in excess of \$1 million, excluding reimbursement  
21 for expenses, but including legal services provided by  
22 subcontractors, unless a specified higher maximum is approved  
23 for the particular case by the Governor for an office or  
24 agency under the direction of the Governor or approved by the  
25 Cabinet member for a department under the direction of a  
26 designated Cabinet member. Specific approval for a higher  
27 maximum fee for an agency or a department under the direction  
28 of the Governor and Cabinet must be approved by the Attorney  
29 General. Each approval of a higher maximum fee pursuant to  
30 this subsection is subject to the procedures for notice,  
31 review, and objection provided in s. 216.177.

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Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Provides limitations on the amount authorized for attorney's fees for work performed on behalf of the state or a state agency by private counsel. Prohibits payment in excess of \$1 million for attorney's fees in a single case, excluding expenses. Authorizes the Governor, a designated Cabinet member, or the Attorney General to approve a fee greater than \$1 million under certain circumstances. (See bill for details.)