

By the Committee on State Administration and  
 Representative Kallinger

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; providing that no contract or  
 8           settlement agreement shall authorize or permit  
 9           payment, negotiation, or collection by a  
 10          private counsel firm of attorney's fees in  
 11          excess of a certain amount; requiring specific  
 12          approval by the Governor for a higher maximum  
 13          fee for his or her office or agencies;  
 14          requiring specific approval by each of the  
 15          respective Cabinet members for a higher maximum  
 16          fee for his or her department; requiring  
 17          specific approval by the Attorney General for a  
 18          higher maximum fee for a department under the  
 19          Governor and Cabinet; requiring approval for a  
 20          higher maximum fee to be subject to s. 216.177,  
 21          F.S.; providing an effective date.

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

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 25           Section 1. Subsections (17) and (18) are added to  
 26 section 287.059, Florida Statutes, to read:

27           287.059 Private attorney services.--

28           (17) No contract, court order, or settlement agreement  
 29 shall authorize or permit the payment, negotiation, or  
 30 collection by private counsel of any attorney's fee for work  
 31 performed on behalf of the state or any agency thereof in

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 fee shall be set by the determination of the number  
7 of hours reasonably expended on the matter and the reasonable  
8 hourly rate for the services provided by the private attorney;  
9 under a contingency fee contract, the lodestar figure  
10 calculated may include a contingency risk multiplier not  
11 greater than 3; or  
12       (c) Except under a contingency fee contract, \$1,000  
13 per hour actually expended by each licensed attorney on the  
14 matter plus reasonable expenses actually incurred for costs or  
15 services other than those of licensed attorneys.  
16       (18) No contract or settlement agreement shall  
17 authorize or permit payment, negotiation, or collection by a  
18 private counsel firm of any attorney's fee for work performed  
19 on behalf of the state or any agency thereof in a single case  
20 or legal matter in excess of \$1 million, excluding  
21 reimbursement for expenses but including legal services  
22 provided by subcontractors, unless a specified higher maximum  
23 fee is approved for the particular case by the Governor for  
24 his or her office or agencies, or by each of the respective  
25 Cabinet members for his or her department. Specific approval  
26 for a higher maximum fee for a department under the Governor  
27 and Cabinet shall require approval by the Attorney General.  
28 Each approval of a higher maximum fee pursuant to this  
29 subsection shall be subject to the notice, review, and  
30 objection procedures in s. 216.177.  
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1           Section 2. This act shall take effect upon becoming a  
2 law.  
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