



260332

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 16.65, Florida Statutes, is created to
read:

16.65 Matters of great governmental concern.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Several events have led to extensive litigation by
multiple governmental entities in this state arising from the



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11 same facts, circumstances, or conduct or similar causes of
12 action. This litigation has been difficult to resolve in a
13 timely and expeditious manner because of the number and
14 different types of governmental entities involved.

15 (b) It is in the interest of this state that a single
16 official represent governmental entities in civil proceedings in
17 matters of great governmental concern to maximize recoveries and
18 minimize costs.

19 (c) The Attorney General is the state's chief legal officer
20 and is the official who should be responsible for the
21 prosecution, management, and coordination of any civil
22 proceedings brought by governmental entities in matters of great
23 governmental concern.

24 (d) The failure to have a single official responsible in
25 matters of great governmental concern undermines fairness and
26 efficiency and risks inconsistent or incongruent results, which
27 will delay recovery and undermine governmental entities' ability
28 to respond to such matters of great governmental concern.

29 (2) DEFINITIONS.—As used in this section, unless the
30 context otherwise requires, the term:

31 (a) "Governmental entity" means the state and any
32 department, agency, political subdivision, unit of government,
33 or school district thereof.

34 (b) "Matter of great governmental concern" means any fact,
35 circumstance, or conduct that has caused substantial economic
36 loss or other harm of a similar nature to governmental entities
37 in 15 or more counties in this state.

38 (3) AUTHORITY.—

39 (a) The Legislature by concurrent resolution may declare a



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40 matter to be a matter of great governmental concern. Upon such
41 declaration, the Attorney General has the sole authority to file
42 a civil proceeding on behalf of the affected governmental
43 entities in this state until the Legislature by concurrent
44 resolution invalidates, rescinds, or amends that declaration.

45 (b) The Attorney General may investigate a matter before
46 and after the Legislature declares that the matter is a matter
47 of great governmental concern. In any investigation and civil
48 proceeding commenced pursuant to this section, it is the duty of
49 all public officers and their deputies, assistants, clerks,
50 subordinates, and employees to render and furnish to the
51 Attorney General, when so requested, assistance and all
52 information available in their official capacity.

53 (c) The Attorney General may institute or intervene in any
54 civil proceeding in state or federal court, including any
55 pending appeal, on behalf of a governmental entity to seek any
56 relief afforded at law or in equity, under state or federal law,
57 pertaining to a matter of great governmental concern.

58 (d) The Attorney General may consolidate, dismiss, release,
59 settle, or take action that he or she believes to be in the
60 public interest in any civil proceeding in state or federal
61 court pertaining to a matter of great governmental concern,
62 provided that such action is not inconsistent with the terms or
63 provisions of the Legislature's resolution declaring the matter
64 to be a matter of great governmental concern.

65 (e) Any award for damages or monetary payment arising from
66 a civil proceeding, compromise, or settlement of any claim or
67 litigation pertaining to a matter of great governmental concern,
68 excluding attorney fees described in subsection (4), is subject



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69 to full appropriation by the Legislature and may not be
70 appropriated, expended, or encumbered by the Attorney General or
71 the terms or provisions of any settlement agreement.

72 (f) A declaration by the Legislature that a matter is a
73 matter of great governmental concern operates to abate or stay
74 any civil proceeding in state or federal court pertaining to the
75 matter of great governmental concern filed by a governmental
76 entity until the Attorney General takes an action in such
77 proceeding.

78 (g) Any statute of limitations under the laws of this state
79 affecting a claim by a governmental entity is tolled for the
80 pendency of a declaration that a matter is a matter of great
81 governmental concern or for 1 year, whichever is earlier.

82 (h) Upon learning of a declaration that a matter is a
83 matter of great governmental concern, all governmental entities
84 then a party to any affected civil proceeding shall provide
85 notice to the Attorney General of the existence of any such
86 civil proceeding, including the style of the action, the case
87 number, and the court where such proceeding is pending. Any
88 settlement or resolution of the civil proceeding by a
89 governmental entity taken after a declaration without the
90 consent of the Attorney General is void.

91 (i) For purposes of this subsection, the Department of
92 Legal Affairs is exempt from s. 120.57(3).

93 (4) ATTORNEY FEES.—

94 (a) If a governmental entity retains attorneys to represent
95 it before a matter is declared to be a matter of great
96 governmental concern, the governmental entity or its attorneys
97 may apply to the court where the civil proceeding is being



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98 prosecuted by the Attorney General or, if no such proceeding
99 exists, in the circuit court in and for Leon County to receive
100 from any recovery its reasonable attorney fees and costs
101 incurred in connection with such representation.

102 (b) In calculating the amount of any reasonable attorney
103 fees, the court shall consider all of the following factors:

104 1. The time and labor required, the novelty and difficulty
105 of the question involved, and the skill requisite to perform the
106 legal service properly.

107 2. The likelihood, if apparent, that the acceptance of the
108 particular employment will preclude other employment by the
109 attorney.

110 3. The fee customarily charged in the locality for similar
111 legal services.

112 4. The amount involved and the results obtained.

113 5. The time limitation imposed by the governmental entity
114 or the circumstances.

115 6. The nature and length of the professional relationship
116 with the governmental entity.

117 7. The experience, reputation, and ability of the attorney
118 performing the legal services.

119 8. Whether the fee is fixed or contingent.

120 Section 2. This act shall take effect upon becoming a law.

121
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete everything before the enacting clause
125 and insert:

126 A bill to be entitled



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127 An act relating to matters of great governmental
128 concern; creating s. 16.65, F.S.; providing
129 legislative findings; defining terms; authorizing the
130 Legislature to declare, by concurrent resolution, that
131 a circumstance or conduct that has caused substantial
132 economic loss or other similar harm to governmental
133 entities in at least a specified number of counties is
134 a matter of great governmental concern; providing that
135 the Attorney General has the sole authority to file
136 certain civil proceedings; authorizing the Attorney
137 General to investigate certain matters; authorizing
138 the Attorney General to institute or intervene in
139 certain civil proceedings; authorizing the Attorney
140 General to take certain actions in certain civil
141 proceedings; providing that any award, excluding
142 attorney fees, are subject to full appropriation by
143 the Legislature; prohibiting such award to be
144 appropriated, expended, or encumbered by the Attorney
145 General or any settlement agreement; providing that a
146 declaration by the Legislature that a matter is a
147 matter of great governmental concern abates or stays
148 certain civil proceedings; providing for the tolling
149 of certain statutes of limitations; requiring certain
150 entities to provide notice to the Attorney General;
151 providing that certain settlements and resolutions are
152 void; providing that the Department of Legal Affairs
153 is exempt from certain requirements related to
154 protests to contract solicitation or award;
155 authorizing a governmental entity or its attorneys to



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156 apply to a court for recovery of attorney fees and
157 costs; requiring a court to consider certain factors
158 in calculating the amount of attorney fees; providing
159 an effective date.