



260332

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2021	.	
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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



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.

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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.