1 A bill to be entitled 2 An act relating to legal representation contracts; 3 creating s. 16.0156, F.S.; defining terms; prohibiting 4 the Department of Legal Affairs from entering into 5 certain contracts until the Attorney General makes a 6 specified written determination; requiring that the 7 determination include certain findings; requiring the 8 Attorney General to request proposals from private 9 attorneys after making such determination; providing that the written determination does not constitute a 10 11 final agency action that is subject to review; 12 providing that the request for proposals and the 13 contract award are not subject to challenge under the 14 Administrative Procedure Act; requiring contracted 15 private attorneys to maintain certain records and to 16 provide records to the department at specified 17 intervals; requiring the department to post and 18 maintain specified information on its website; 19 requiring the department to submit an annual report to the Legislature; providing requirements for the 20 21 report; providing an effective date. 22 23 Be It Enacted by the Legislature of the State of Florida: 24 Section 16.0156, Florida Statutes, is created 25 Section 1. Page 1 of 5

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26	to read:								
27	16.0156 Legal representation contracts								
28	(1) As used in this section, the term:								
29	(a) "Department" means the Department of Legal Affairs.								
30	(b) "Legal representation contract" means any contract for								
31	legal services, other than a contingency fee agreement, entered								
32	into by the department with a private attorney.								
33	(c) "Private attorney" includes a law firm.								
34	(2) The department may not enter into a legal								
35	representation contract until the Attorney General makes a								
36	written determination that such representation is both cost-								
37	effective and in the public interest. The determination must								
38	include specific findings regarding each of the following								
39	factors:								
40	(a) Whether sufficient and appropriate legal and financial								
41	resources are available within the department to support the								
42	contract and whether requests for proposals for legal								
43	representation are feasible given the specific circumstances of								
44	the case.								
45	(b) The time, labor, and legal skill level required of the								
46	contracted attorney and the novelty, complexity, and difficulty								
47	of the questions involved in the case.								
48	(c) The geographic area where the attorney services are to								
49	be provided.								
50	(d) The amount of experience required for the particular								
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51	legal services to be provided and the nature of the contracted
52	attorney's experience with similar issues or cases.
53	(3) Notwithstanding the exemption provided in s.
54	287.057(3)(e)4., after the Attorney General makes a
55	determination under subsection (2), he or she shall request
56	proposals from private attorneys to represent the department.
57	The written determination does not constitute a final agency
58	action subject to review pursuant to s. 120.569 or s. 120.57.
59	For purposes of this subsection only, the department is exempt
60	from the requirements imposed by s. 120.57(3), and neither the
61	request for proposals nor the contract award is subject to
62	challenge pursuant to s. 120.569 or s. 120.57.
63	(4) In addition to the requirements set forth in s.
64	287.059(16), any contracted attorney shall maintain detailed
65	contemporaneous time records for the attorneys and paralegals
66	working on the matter in increments not exceeding 1/10 of an
67	hour and shall provide such records to the department biweekly.
68	(5) The department shall post and maintain the records on
69	the department's website for public inspection for the duration
70	of the representation. The department shall update the expenses
71	posted on the website monthly.
72	(6) Copies of any executed legal representation contract
73	and the written determination made under subsection (2) must be
74	posted on the department's website for public inspection within
75	5 business days after the date the contract is executed for the
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76	duration of the representation contract, including any								
77	extensions or amendments thereto. Any payment of fees to the								
78	contracted attorney made pursuant to the contract must be posted								
79	on the department's website within 15 days after payment and								
80	must remain posted on the website for at least 365 days								
81	thereafter.								
82	(7) By February 1 of each year, the Attorney General shall								
83	submit a report to the President of the Senate and the Speaker								
84	of the House of Representatives describing the use of legal								
85	representation contracts under this section in the preceding								
86	calendar year. At a minimum, the report must:								
87	(a) Identify all legal representation contracts entered								
88	into under this section during that year and all such contracts								
89	previously executed which remain current during any part of that								
90	year. The report must identify all of the following for each								
91	such contract:								
92	1. The name of the private attorney with whom the								
93	department has contracted, including the name of the attorney's								
94	law firm.								
95	2. The nature and status of the legal matter.								
96	3. The name of the parties to the legal matter.								
97	4. The amount of any recovery.								
98	5. The amount of any fee paid.								
99	(b) Include copies of any written determinations made								
100	under subsection (2) during that year.								

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FLORIDA	HOUSE	OF REPI	RESENTA	A T I V E S
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HB 1389

101	Section	2.	This	act	shall	take	effect	July	1,	2023.	
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