Board of County Commissioners
Leon County, Florida

Policy No. 03-02

Title:	Reimbursement of Attorneys Fees and Costs
Date Adopted:	June 24, 2003
Effective Date:	June 24, 2003
Reference:	Section 111.07, Florida Statutes
Policy Superseded:	Amending Policy No. 03-02, "Reimbursement of Attorneys Fees and Costs," adopted January 14, 2003; Policy No. 93-50, "Reimbursement of Attorneys Fees and Costs," adopted November 23, 1993

Policy No.03-02, "Reimbursement of Attorneys Fees and Costs," adopted by the Leon County Board of County Commissioners on January 14, 2003, is hereby amended to read as follows:

It shall be the policy of the Board of County Commissioners of Leon County, that:

Section 1.
INTENT: As used in the balance of this policy, the words "successfully defend" or "prevail" shall apply to individual counts, charges and/or allegations, and shall mean the dismissal, the finding of not guilty, or a verdict in favor of the person covered herein as set forth in Section 3, below. A failure to successfully defend or prevail against one or more counts, charges or allegations shall not necessarily affect the application of the policy to other counts, charges and/or allegations which were successfully defended or against which the officer or employee prevailed.

Section 2.
DEFINITIONS: "Reasonable attorney's fees" shall mean fees earned by an attorney and/or attorneys licensed to practice law in the State of Florida, based on the customary per hour rate charged in Leon County, Florida, for similar work performed by attorneys within the County, but in no event to exceed $175 per hour.

Section 3.
Subject to Section 7, the Board of County Commissioners of Leon County shall, pursuant to the procedures set forth herein, reimburse present and former County Commissioners and County public officers, and their present and former employees and agents, including appointees of the Board or such officers, for the reasonable attorney's fees and costs that such persons have incurred when they successfully defend or prevail in civil, criminal, and/or ethical investigations and/or actions that arise out of and in connection with their scope of County employment or County function, while acting in their official capacity, and while serving a public purpose. The Board of County Commissioners shall determine if the attorney's fees and costs shall be reimbursed, and if so, in what amount.

Section 4.
Any person who believes that he or she is allowed or entitled to payment for reasonable attorney's fees and costs pursuant to the provisions of this policy shall as a condition precedent to entitlement to such reimbursement, notify the County through its County Attorney, in writing within 10 days of the retention of a private attorney. Such notification shall include the reason for retention of a private attorney and recitation of the fee agreement. Thereafter, at anytime should fees and costs exceed $5,000, such person shall immediately notify the County Attorney, in writing, that such threshold amount has been expended and establish good cause why the threshold amount should be exceeded.

Subsequently, any person who believes he or she is entitled to reimbursement of attorneys fees and costs pursuant to this policy shall file, within 30 days of conclusion of the matter, a written request for such fees and costs with the County Attorney, which request shall at the minimum state:

a. the name and current address of the person making the request;
b. a description of the entity conducting the investigation or proceeding;
c. the case number or file number of the investigation or proceeding, if known;
d. a description of each count, charge and/or allegation made or being investigated;
e. the date(s) that the alleged wrongful incidents are alleged to have occurred;
f. the person's office or position of employment with the County on the dates described in (e.) above;
g. a narration of the reasons why such person believes that the request meets the criteria set forth in this policy and that his or her attorney's fees and costs should be reimbursed by the County;
h. the name(s), address, and telephone number of the attorney(s) representing such person against the counts, charges, and/or allegations described in (d.) above;
i. a description of the fee arrangement or agreement between the person and his or her attorney(s); the amount of attorney's fees and costs paid to the date of the written request for attorney's fees and costs for defense against the counts, charges, and/or allegations described in (d.) above; and the total balance due, if any, of all attorney's fees and costs that have been incurred in defense against the counts, charges, and/or allegations described in (d.) above; and
j. such other information as the Board of County Commissioners and/or the County Attorney's Office may reasonably require.

Section 5.
Within a reasonable time following receipt of the written request for payment of attorney's fees and costs, the County Attorney shall prepare and present an agenda item for consideration by the Board. In the agenda item for the Board's consideration, the County Attorney shall include a recommendation on the applicability of this policy to the request for payment of attorney's fees and costs. The Board may: (1) request additional relevant information from the applicant; (2) continue the request to a date and time certain; or (3) take action upon the written request and determine if the attorney's fees and costs shall be reimbursed, and if so, in what amount.

Section 6.
Upon receipt of the written request, the County Attorney shall also communicate with the County's "insurance" providers to determine and advise the Board whether such "insurance" providers will indemnify the County for any attorney's fees and costs incurred by the applicant in defense against such counts, charges, or allegations.

Section 7.
Notwithstanding anything to the contrary stated or implied herein, this policy does not address or pertain to recall proceedings or to employee discipline or termination proceedings. In the event such recall, discipline or termination proceedings occur concurrently with the issues and/or proceedings described above, such recall, discipline or termination proceedings shall not affect the application of this policy to the above described non-recall, non-discipline or non-termination issues or proceedings.

Section 8.
This Policy shall become effective upon adoption and shall apply to all requests for reimbursement of attorneys fees and costs.