

Bond Case Briefs

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PENSIONS - FLORIDA

Parker v. Board of Trustees of City Pension Fund for Firefighters & Police Officers in City of Tampa

Supreme Court of Florida - October 23, 2014 - So.3d - 2014 WL 5365843

Retired firefighter, as class representative, brought action challenging city pension fund's board of trustees' decision not to issue supplemental benefit checks. Following settlement, firefighter sought attorney fees on behalf of himself and the class. The Circuit Court awarded fees with a contingency fee multiplier of 2.0. The board appealed. The District Court of Appeal affirmed in part and reversed in part and certified question of great public importance.

The Supreme Court of Florida held that:

- Firefighters were entitled to award of statutory prevailing party attorney fees, and
- Firefighters pleaded claim for attorney fees with sufficient specificity.

Prevailing party attorney fees provisions of statutes governing municipal firefighter and police pensions permitted firefighters to recover attorney fees in action brought to obtain benefits under firefighter pension plan established by local law, where, although the pension plan at issue was a local law plan created by special act of the legislature, that plan existed within and was subject to framework for local plans established by statutes governing municipal firefighter and police pension plans.

Firefighters were not required to specify under which statutory provision or provisions attorney fees were sought, and therefore firefighters pleaded claim for attorney fees with sufficient specificity in class action to obtain benefits under local law firefighter pension plan. Merely pleading a claim for attorney's fees was sufficient to notify opposing party and allow it to consider claim in decision on whether to proceed.