



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **May 19, 2021, beginning at 10:30 AM.**

General Public Comments: members of the public that wish to provide comments in writing may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, May 18, 2021 at 5:00 pm**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

Public Hearing Comments (Pre-Registration): interested parties that wish to speak on the Public Hearing item(s) **ONLY**, must register by **Tuesday, May 18, 2021 at 5:00 pm** via this link: <https://attendee.gotowebinar.com/register/8692485354599901197>

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2021-15

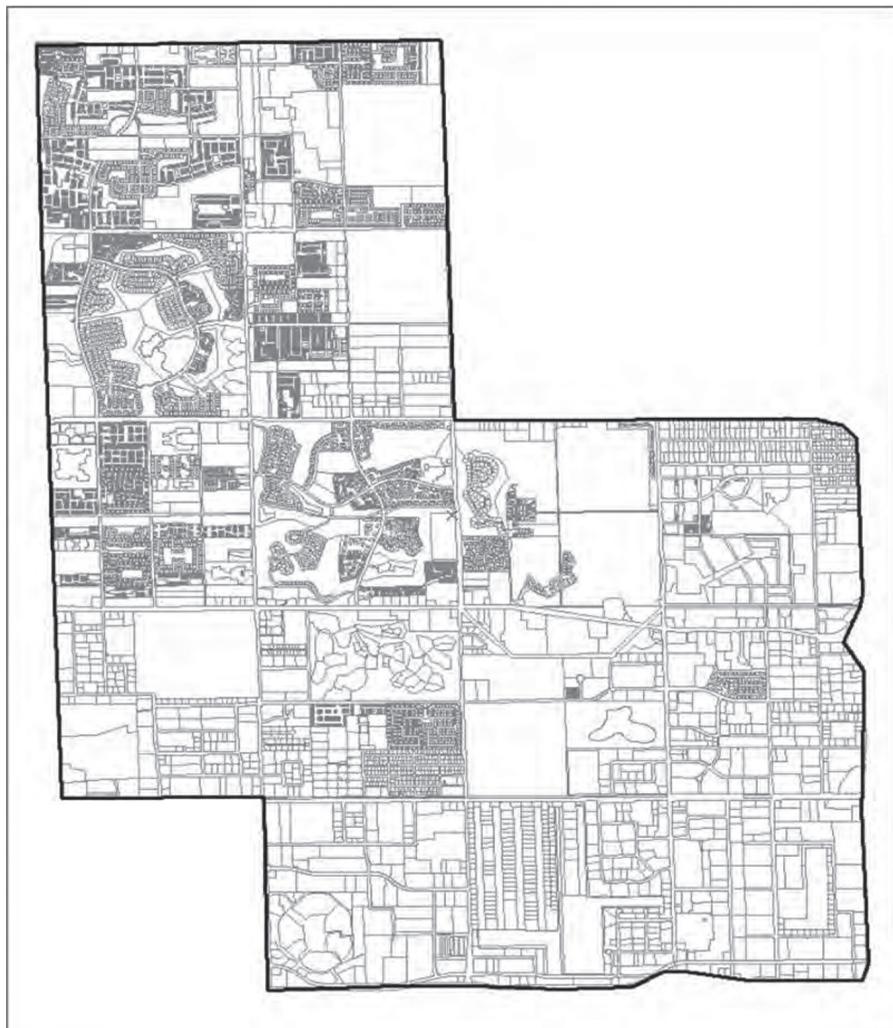
AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A TEXT AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 71, "LANDSCAPING AND BUFFERS," ARTICLE II, "MINIMUM STANDARDS," DIVISION 7, "ARTIFICIAL TURF," MODIFYING EXISTING REGULATIONS OF ARTIFICIAL TURF; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-05-DOR-05

APPLICANT: City of Doral

REQUEST: The City of Doral Staff is requesting Mayor and City Council approval of a text amendment to the City of Doral Land Development Code, Chapter 71, Article II, Division 7, "Artificial Turf," to modify existing regulations of artificial turf.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral City of Doral
5/5

21-04/0000527342M

APPELLATE LAW

Appellate Brief: When Expert Testimony Is Required to Obtain an Award of Attorney Fees



SHUTTERSTOCK

Commentary by Jonathan Mann



Mann

Whether a party seeking an award of attorney fees needs an expert witness to testify in support of the reasonableness of the fees requested has been the subject of much discussion and many written legal opinions in Florida. The answer depends on the type of case, against whom fees are being sought, and in what area of the state the case is proceeding.

The general rule is that a party seeking an award of attorney fees from the other party to litigation must introduce the testimony of an expert witness in support of the request. Family law proceedings under Chapter 61 are a notable exception, as the statute expressly provides that expert testimony of a fee witness is unnecessary to seek an award of attorney's fees from the other side in proceedings under that chapter. The general rule requiring expert testimony appears to hold true when seeking fees in the same proceeding pursuant to a charging lien. See, *Roshkind v. Machiela*, 45 So.3d 480 (Fla. 4th DCA 2010). But things are more uncertain when an attorney seeks unpaid attorney fees from the attorney's own client or former client.

The Fourth DCA held in *Valentin Rodriguez v. Altomare*, 261 So. 3d 590 (Fla. 4th DCA 2018) that expert fee witness testimony was unnecessary in a separate breach of contract suit by an attorney against his former client. The attorney sued his former client for unpaid legal fees under a flat fee contract in a criminal case. Notably, the case involved a flat fee arrangement. The former client did not dispute the amount of the fee, and had even acknowledged the debt by executing a promissory note for the unpaid balance.

The Fourth DCA recently reaffirmed and clarified its position on the issue of the necessity of expert fee witness testimony in separate breach of contract actions in *Ramblewood East Condominium Association v. Kaye Bender Rembaum*, 294 So. 3d 923 (Fla. 4th DCA 2020). Robin Bresky assisted in presenting oral argument for the appellee before the Fourth DCA in the *Ramblewood* appeal, and the appellee successfully defended the award of attorney fees. In that case, the Fourth DCA relied upon *Rodriguez* in affirming an award of attorney fees for a law firm that filed a separate breach of

contract action to collect unpaid attorney fees even though the firm did not present expert testimony as to the reasonableness of fees. The fee agreement at issue in *Ramblewood* was not a flat fee like the one in *Rodriguez*.

The Third DCA also recently followed *Rodriguez* in *Law Offices of Granoff & Kessler v. Glass*, 305 So. 3d 345 (Fla. 3d DCA 2020). In *Granoff*, a law firm sued its former client for unpaid attorney fees incurred in a dissolution of marriage proceeding by bringing a separate breach of contract claim against the former client under the attorney-client fee agreement. The Third DCA held that expert fee witness testimony is not necessary when an attorney files a separate breach of contract suit as long as the attorney testifies regarding the fees and submits the billing invoices into evidence. The court noted that in such a case, the fees are sought from a former client who agreed to pay them rather than an adverse party who did not.

In so ruling, the Third DCA certified conflict with *Snow v. Harlan Bakeries*, 932 So. 2d 411 (Fla. 2d DCA 2006) and the case went to the Florida Supreme Court. The *Granoff & Kessler* case was fully briefed and awaiting disposition in the Florida Supreme Court until March 26. However, on that date the Supreme Court entered an order determining that it should decline to exercise jurisdiction.

As a result, the apparent split that currently exists among Florida DCAs on the issue of whether an attorney pursuing fees from a former client in a separate proceeding must introduce the testimony of an expert fee witness remains. Thus, whether a party seeking attorney fees requires diligent attention to the facts and circumstances of the particular situation. For now, it appears that expert fee witness testimony is unnecessary to pursue attorney fees in a separate action in the circuit courts within the Third and Fourth Districts, whereas the opposite is true in the Second and Fifth Districts. The answer is unclear in the First District, but the cautious practitioner would always be wise to introduce such testimony in support of the request for attorney fees to avoid any possibility of a challenge on such grounds on appeal.

Jonathan Mann is a senior associate at Bresky Law. Prior to joining the firm, Mann worked as a judicial staff attorney to Judge George A. Shahood at Florida's Fourth District Court of Appeal. In this role, Mann managed civil and criminal appeals and gained extensive experience in the appellate process and procedural rules.

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