

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Sorensen offered the following:

**Amendment (with title amendment)**

Between lines 1835 and 1836, insert:

Section 38. Section 766.2015, Florida Statutes, is created to read:

766.2015 Frivolous claims.--

(1) In any civil litigation resulting from a medical malpractice claim, the prevailing party, after judgment in the trial court and exhaustion of all appeals, if any, may receive his or her reasonable attorney's fees and costs from the nonprevailing party if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party or if the court finds bad faith on the part of the losing party.

(2) The attorney for the prevailing party shall submit to the trial judge who presided over the civil case a sworn

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28 affidavit of his or her time spent on the case and the costs  
29 incurred by the prevailing party for all the motions, hearings,  
30 and appeals.

31 (3) The trial judge may award the prevailing party the sum  
32 of reasonable costs incurred in the action plus a reasonable  
33 attorney's fee for the hours actually spent on the case as sworn  
34 to in an affidavit.

35 (4) Any award of attorney's fees or costs shall become a  
36 part of the judgment and shall be subject to execution as  
37 provided by law.

38  
39 ===== T I T L E A M E N D M E N T =====

40 Remove line 152, and insert:  
41 negligence; creating s. 766.2015, F.S.; providing for the award  
42 of prevailing party attorney's fees and costs for frivolous  
43 claims; amending s. 766.202, F.S.; redefining the