



611520

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/30/2009 09:19 AM

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Senator Baker moved the following:

Senate Amendment (with title amendment)

Between lines 26 and 27

insert:

Section 2. Subsection (3) of section 68.086, Florida Statutes, is amended to read:

68.086 Expenses; attorney's fees and costs.—

(3) If the department does not proceed with an action under this act and the person bringing the action conducts the action as provided in s. 68.083(6)(b) defendant is the prevailing party, the court may shall award to the defendant his or her reasonable attorney's fees and expenses if the defendant



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13 prevails in costs against the person bringing the action and the
14 court finds that the claim of the person bringing the action is
15 clearly frivolous or vexatious or was brought primarily for
16 purposes of harassment.

17 Section 3. Section 2 of this act shall take effect upon
18 becoming law and shall apply to any pending or future action
19 brought under the Florida False Claims Act or any action pending
20 on appeal on or after July 1, 2009.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25

26 Delete lines 2 - 5

27 and insert:

28 An act relating to fraud and abuse in state-funded
29 programs; designating Miami-Dade County as a health
30 care fraud area of special concern for certain
31 purposes; amending s. 68.086, F.S.; authorizing rather
32 than requiring a court to award attorney's fees and
33 expenses to a prevailing defendant in an action
34 brought under the Florida False Claims Act under
35 certain circumstances; providing applicability;
36 creating s.