



111368

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/30/2009 09:17 AM

.

.

---

Senator Baker moved the following:

**Senate Amendment (with title amendment)**

Delete line 28

and 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



111368

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.

21 Section 4. Section 408.8065, Florida Statutes, is created

22  
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 line 6

27 and insert:

28  
29 purposes; amending s. 68.086, F.S.; authorizing rather  
30 than requiring a court to award attorney's fees and  
31 expenses to a prevailing defendant under certain  
32 circumstances; providing applicability; creating s.  
33 408.8065, F.S.; providing