



123280

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/30/2009 11:29 AM

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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~~



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13 ~~party~~, the court may shall award to the defendant his or her
14 reasonable attorney's fees and expenses if the defendant
15 prevails in costs against the person bringing the action and the
16 court finds that the claim of the person bringing the action is
17 clearly frivolous or vexatious or was brought primarily for
18 purposes of harassment.

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

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

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27
28 Delete lines 2 - 6
29 and insert:

30
31 An act relating to fraud and abuse in state-funded
32 programs; designating Miami-Dade County as a health care fraud
33 area of special concern for certain purposes; amending s.
34 68.086, F.S.; authorizing rather than requiring a court to award
35 attorney's fees and expenses to a prevailing defendant in an
36 action brought under the Florida False Claims Act under certain
37 circumstances; providing applicability; creating s. 408.8065,
38 F.S.; providing