

HB 7081

2009

1 A bill to be entitled
 2 An act relating to the Florida False Claims Act; amending
 3 s. 68.086, F.S.; authorizing rather than requiring a court
 4 to award attorney's fees and expenses to a prevailing
 5 defendant under certain circumstances; providing an
 6 effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Subsection (3) of section 68.086, Florida
 11 Statutes, is amended to read:

12 68.086 Expenses; attorney's fees and costs.--

13 (3) If the department does not proceed with an action
 14 under this act and the person bringing the action conducts the
 15 action as provided in s. 68.083(6)(b) defendant is the
 16 ~~prevailing party~~, the court may shall award to the defendant his
 17 or her reasonable attorney's fees and expenses if the defendant
 18 prevails in costs against the person bringing the action and the
 19 court finds that the claim of the person bringing the action is
 20 clearly frivolous or vexatious or was brought primarily for
 21 purposes of harassment.

22 Section 2. This act shall take effect July 1, 2009.