

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  
 6           applicability; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 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 upon becoming law  
 23           and shall apply to any pending or future action brought under  
 24           the Florida False Claims Act or any action pending on appeal on  
 25           or after the effective date of this act.