

Amendment No. a1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Reform
 2 Subcommittee

3 Representative Beltran offered the following:

4
 5 **Amendment to Amendment (489301) by Representative Beltran**

6 Remove lines 57-91 of the amendment and insert:

7 (e) This subsection does not prohibit the use of an
 8 automated telephone dialing system with live messages or text
 9 messages if the call or message is made solely in response to an
 10 inquiry initiated by the called party. However, only two such
 11 calls or messages may be made in response to each inquiry.

12 (11) (a) In any civil litigation resulting from a
 13 ~~transaction involving a~~ violation of this section, the
 14 prevailing party, after judgment in the trial court and
 15 exhaustion of all appeals, if any, shall receive his or her
 16 reasonable attorney ~~attorney's~~ fees and costs from the

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17 nonprevailing party.

18 (b) The attorney for the prevailing party shall submit a
19 sworn affidavit of his or her time spent on the case and his or
20 her costs incurred for all the motions, hearings, and appeals to
21 the trial judge who presided over the civil case.

22 (c) The trial judge shall award the prevailing party the
23 sum of reasonable costs incurred in the action plus a reasonable
24 legal fee for the hours actually spent on the case as sworn to
25 in an affidavit.

26 (d) Any award of attorney ~~attorney's~~ fees or costs shall
27 become a part of the judgment and subject to execution as the
28 law allows.

29 (e) In any civil litigation initiated by the department or
30 the Department of Legal Affairs, the court may award to the
31 prevailing party reasonable attorney ~~attorney's~~ fees and costs
32 if the court finds that there was a complete absence of a
33 justiciable issue of either law or fact raised by the losing
34 party or if the court finds bad faith on the part of the losing
35 party.

36 Section 2. The amendments made by this act to section
37 501.059, Florida Statutes, are remedial in nature and apply
38 retroactively to July 1, 2021, and to any proceeding pending or
39 commenced on or after July 1, 2021.