

1 A bill to be entitled
 2 An act relating to the Florida False Claims Act; amending
 3 s. 68.086; amending provisions relating to the award of
 4 attorney's fees to a prevailing defendant; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (3) of section 68.086, Florida
 10 Statutes, is amended to read:

11 68.086 Expenses; attorney's fees and costs.--

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

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