

2B-1.0045 Award of Attorney's Fees.

(1) To claim costs and attorney's fees, the respondent shall file a petition with the Commission clerk no later than 30 days following disposition of the complaint. The petition shall state with particularity the facts and grounds that demonstrate that the respondent is entitled to an award of costs and attorney's fees from the complainant. The Commission clerk shall forward a copy of the petition to the complainant at the most recent address on file with the Commission.

(2) At its next regularly scheduled meeting, the Commission shall determine whether the petition states a prima facie case for costs and attorney's fees. If the Commission finds that the petition does not state a prima facie case for costs and attorney's fees, the Commission shall dismiss the petition. If the Commission finds that the petition states a prima facie case for costs and attorney's fees, the Commission shall enter an order setting the petition for a hearing involving disputed issues of material fact be held before the Commission or before one or more Commissioners appointed by the Chairman, or before the Division of Administrative Hearings for the entry of a recommended order determining whether respondent is entitled to an award of attorney's fees and costs and, if so, what amount is due. The Commission shall enter a final order after reviewing the recommended order and the parties' exceptions, if any.

Rulemaking Authority 106.24(5), 106.26 FS. Law Implemented 106.265(6) FS. History--New 4-24-05, Amended 8-13-14, 3-4-15.