

By Senator Farmer

34-01519-17

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1                   A bill to be entitled  
2           An act relating to the Florida False Claims Act;  
3           amending s. 68.084, F.S.; providing conditions for the  
4           Department of Legal Affairs or the Attorney General to  
5           voluntarily dismiss certain actions; providing that  
6           the department may not dismiss such actions on behalf  
7           of the state at a later date under certain  
8           circumstances; amending s. 68.087, F.S.; deleting a  
9           provision prohibiting a court to have jurisdiction  
10          over an action brought by an employee or former  
11          employee of the state; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (a) of subsection (2) and subsection  
16           (3) of section 68.084, Florida Statutes, are amended to read:

17           68.084 Rights of the parties in civil actions.—

18           (2) (a) The department, or the Attorney General, as head of  
19 the department, may at any point voluntarily dismiss the action  
20 notwithstanding the objections of the person initiating the  
21 action, unless the department elected not to proceed with the  
22 action and the person who initiated the action proceeds with the  
23 action under subsection (3).

24           (3) If the department elects not to proceed with the  
25 action, the person who initiated the action has the right to  
26 conduct the action. If the Attorney General, as head of the  
27 department, or the Chief Financial Officer, as head of the  
28 Department of Financial Services, so requests, it shall be  
29 served with copies of all pleadings and motions filed in the

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30 action along with copies of all deposition transcripts at the  
31 requesting department's expense. When a person proceeds with the  
32 action, the court, without limiting the rights of the person  
33 initiating the action, may nevertheless permit the department to  
34 intervene and take over the action, except to dismiss the  
35 action, on behalf of the state at a later date upon showing of  
36 good cause.

37 Section 2. Subsection (4) of section 68.087, Florida  
38 Statutes, is amended to read:

39 68.087 Exemptions to civil actions.—

40 (4) No court shall have jurisdiction over an action where  
41 the person bringing the action under s. 68.083(2) is:

42 ~~(a) acting as an attorney for state government; or~~

43 ~~(b) An employee or former employee of state government,~~ and  
44 the action is based, in whole or in part, upon information  
45 obtained in the course or scope of government employment.

46 Section 3. This act shall take effect July 1, 2017.