

1 A bill to be entitled
 2 An act relating to false claims; amending s. 68.081, F.S.;
 3 providing that the purpose of the Florida False Claims Act
 4 is to prevent the state from paying false and fraudulent
 5 claims; amending s. 68.082, F.S.; redefining the term
 6 "claim" to include claims filed electronically; providing
 7 that a person is liable for a civil penalty if he or she
 8 files a false or fraudulent claim; amending s. 68.083,
 9 F.S.; reducing time limits for false claim proceedings;
 10 amending s. 68.084, F.S.; revising the period in which a
 11 stay to conduct discovery may be granted; amending s.
 12 68.085, F.S.; providing an award to the agency injured by
 13 the false or fraudulent claim; amending s. 68.089, F.S.;
 14 revising the time periods in which a civil action may be
 15 filed under the False Claims Act; providing an effective
 16 date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (2) of section 68.081, Florida
 21 Statutes, is amended to read:

22 68.081 Florida False Claims Act; short title; purpose.--

23 (2) The purpose of the Florida False Claims Act is to
 24 deter persons from knowingly causing or assisting in causing
 25 state government to pay claims that are false or fraudulent, and
 26 to provide remedies for obtaining treble damages and civil
 27 penalties for state government when money is obtained from state
 28 government by reason of a false or fraudulent claim.

29 Section 2. Paragraph (b) of subsection (1) and subsection
 30 (2) of section 68.082, Florida Statutes, are amended to read:

31 68.082 False claims against the state; definitions;
 32 liability.--

33 (1) As used in this section, the term:

34 (b) "Claim" includes any written or electronically
 35 submitted request or demand, under a contract or otherwise, for
 36 money, property, or services, which is made to any employee,
 37 officer, or agent of an agency, or to any contractor, grantee,
 38 or other recipient if the agency provides any portion of the
 39 money or property requested or demanded, or if the agency will
 40 reimburse the contractor, grantee, or other recipient for any
 41 portion of the money or property requested or demanded.

42 (2) Any person who:

43 (a) Knowingly presents or causes to be presented to an
 44 officer or employee of an agency a false or fraudulent claim for
 45 payment or approval;

46 (b) Knowingly makes, uses, or causes to be made or used a
 47 false record or statement to get a false or fraudulent claim
 48 paid or approved by an agency;

49 (c) Conspires to submit a false or fraudulent claim to an
 50 agency or to deceive an agency for the purpose of getting a
 51 false or fraudulent claim allowed or paid;

52 (d) Has possession, custody, or control of property or
 53 money used or to be used by an agency and, intending to deceive
 54 the agency or knowingly conceal the property, delivers or causes
 55 to be delivered less property than the amount for which the
 56 person receives a certificate or receipt;

57 (e) Is authorized to make or deliver a document certifying
 58 receipt of property used or to be used by an agency and,
 59 intending to deceive the agency, makes or delivers the receipt
 60 without knowing that the information on the receipt is true;

61 (f) Knowingly buys or receives, as a pledge of an
 62 obligation or a debt, public property from an officer or
 63 employee of an agency who may not sell or pledge the property
 64 lawfully; or

65 (g) Knowingly makes, uses, or causes to be made or used a
 66 false record or statement to conceal, avoid, or decrease an
 67 obligation to pay or transmit money or property to an agency,
 68
 69 is liable to the state for a civil penalty of not less than
 70 \$5,500 ~~\$5,000~~ and not more than \$11,000 ~~\$10,000~~ and for treble
 71 the amount of damages the agency sustains because of the act or
 72 omission of that person.

73 Section 3. Subsections (3) and (6) of section 68.083,
 74 Florida Statutes, are amended to read:

75 68.083 Civil actions for false claims.--

76 (3) The complaint shall be identified on its face as a qui
 77 tam action and shall be filed in the circuit court of the Second
 78 Judicial Circuit, in and for Leon County. Immediately upon the
 79 filing of the complaint, it becomes automatically sealed, and a
 80 copy of the complaint and written disclosure of substantially
 81 all material evidence and information the person possesses shall
 82 be served on the Attorney General, as head of the department,
 83 and on the Chief Financial Officer, as head of the Department of
 84 Financial Services, by registered mail, return receipt

85 requested. The department, or the Department of Financial
 86 Services under the circumstances specified in subsection (4),
 87 may elect to intervene and proceed with the action, on behalf of
 88 the state, within 60 ~~90~~ days after it receives both the
 89 complaint and the material evidence and information.

90 (6) Before the expiration of the 60-day ~~90-day~~ period or
 91 any extensions obtained under subsection (5), the department
 92 shall:

93 (a) Proceed with the action, in which case the action is
 94 conducted by the department on behalf of the state; or

95 (b) Notify the court that it declines to take over the
 96 action, in which case the person bringing the action has the
 97 right to conduct the action.

98 Section 4. Subsection (4) of section 68.084, Florida
 99 Statutes, is amended to read:

100 68.084 Rights of the parties in civil actions.--

101 (4) Whether or not the department proceeds with the
 102 action, upon a showing by the department that certain actions of
 103 discovery by the person initiating the action would interfere
 104 with an investigation by state government or the prosecution of
 105 a criminal or civil matter arising out of the same facts, the
 106 court may stay such discovery for a period of not more than 60
 107 ~~90~~ days. Such a showing shall be conducted in camera. The court
 108 may extend the 60-day ~~90-day~~ period upon a further showing in
 109 camera by the department that the criminal or civil
 110 investigation or proceeding has been pursued with reasonable
 111 diligence and any proposed discovery in the civil action will
 112 interfere with an ongoing criminal or civil investigation or

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113 proceeding.

114 Section 5. Subsection (4) of section 68.085, Florida
 115 Statutes, is amended to read:

116 68.085 Awards to plaintiffs bringing action.--

117 (4) Following any distributions under subsection (1),
 118 subsection (2), or subsection (3), the agency injured by the
 119 submission of a false or fraudulent claim shall be awarded an
 120 amount not to exceed its compensatory damages. Any remaining
 121 proceeds, including civil penalties awarded under s. 68.082,
 122 shall be deposited in the General Revenue Fund.

123 Section 6. Section 68.089, Florida Statutes, is amended to
 124 read:

125 68.089 Limitation of actions.--A civil action under this
 126 act may not be brought:

127 (1) More than 6 ~~5~~ years after the date on which the
 128 violation of s. 68.082 is committed; or

129 (2) More than 3 ~~2~~ years after the date when facts material
 130 to the right of action are known or reasonably should have been
 131 known by the state official charged with responsibility to act
 132 in the circumstances, but in no event more than 10 ~~7~~ years after
 133 the date on which the violation is committed, whichever occurs
 134 last.

135 Section 7. This act shall take effect July 1, 2007.