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GO.GO.03307

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to public records and public meetings;
creating s. 624.36, F.S.; creating a public-records
exemption for specified information held by the
Medicaid and Public Assistance Fraud Strike Force;
creating a public-meetings exemption for meetings of
the Medicaid and Public Assistance Fraud Strike Force
at which specified information is discussed; providing
for future legislative review and repeal of the
exemptions under the Open Government Sunset Review
Act; providing a statement of public necessity;
providing an effective date.

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

Section 1. Section 624.36, Florida Statutes, is created to
read:

624.36 Public-records and public-meetings exemptions;
Medicaid and Public Assistance Fraud Strike Force.—

(1) (a) That portion of a meeting of the Medicaid and Public
Assistance Fraud Strike Force at which the strike force will
hear or discuss active criminal investigative information or
active criminal intelligence information as defined in s.
119.011 is exempt from s. 286.011 and s. 24(b), Art. I of the
State Constitution, if:

1. The chair of the strike force announces at a public
meeting that, in connection with the performance of the strike



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28 force's duties, it is necessary that active criminal
29 investigative information or active criminal intelligence
30 information be discussed.

31 2. The chair declares the specific reasons that it is
32 necessary to close the meeting, or portion thereof, in a
33 document that is a public record and filed with the official
34 records of the strike force.

35 3. The entire closed meeting is recorded. The recording
36 must include the times of commencement and termination of the
37 closed meeting or portion thereof, all discussion and
38 proceedings, and the names of the persons present. No portion of
39 the closed meeting shall be off the record. The recording shall
40 be maintained by the strike force.

41 (b) An audio or video recording of, and any minutes and
42 notes generated during, a closed meeting of the strike force or
43 closed portion of a meeting of the strike force are exempt from
44 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
45 until such time as the criminal investigative information or
46 criminal intelligence information heard or discussed at the
47 closed meeting ceases to be active. Such audio or video
48 recording and minutes and notes shall be retained pursuant to
49 the requirements of s. 119.021.

50 (2) Only members of the strike force, staff supporting the
51 strike force's functions, and other persons whose presence has
52 been authorized by the chair of the strike force shall be
53 allowed to attend the exempted portions of strike force
54 meetings. The strike force shall ensure that any closure of its
55 meetings as authorized by this section is limited so that the
56 policy of this state in favor of public meetings is maintained.



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57 (3) This section is subject to the Open Government Sunset
58 Review Act in accordance with s. 119.15, and shall stand
59 repealed on October 2, 2015, unless reviewed and saved from
60 repeal through reenactment by the Legislature.

61 Section 2. The Legislature finds that it is a public
62 necessity that any meeting or portion of a meeting of the
63 Medicaid and Public Assistance Fraud Strike Force at which
64 criminal investigative information or criminal intelligence
65 information is discussed be held exempt from s. 286.011, Florida
66 Statutes, and s. 24(b), Article I of the State Constitution. The
67 Legislature also finds that it is a public necessity that an
68 audio or video recording of, and any minutes and notes generated
69 during, a closed meeting or closed portion of a meeting of the
70 Medicaid and Public Assistance Fraud Strike Force be held exempt
71 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
72 the State Constitution until such time as the criminal
73 investigative information or criminal intelligence information
74 heard or discussed at such meeting ceases to be active. The
75 strike force reviews information of a highly sensitive nature
76 involving criminal investigations of Medicaid and public
77 assistance fraud. This information is exempt from public
78 disclosure pursuant to s. 119.071, Florida Statutes, and if the
79 meetings at which this exempt information is discussed were open
80 to the public, the purpose of the exemption would be defeated.
81 The strike force must be able to hear and discuss this exempt
82 information in full in order to make sound recommendations to
83 the Chief Financial Officer regarding activities to combat
84 Medicaid and public assistance fraud.

85 Section 3. This act shall take effect January 1, 2011, if



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86 Senate Bill 8 or substantially similar legislation is adopted in
87 the same legislative session or an extension thereof and becomes
88 a law.