

By the Committee on Governmental Oversight and Accountability;  
and Senators Ring and Negron

585-04252-10

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1 A bill to be entitled  
2 An act relating to public records and public meetings;  
3 creating s. 624.36, F.S.; creating a public-records  
4 exemption for specified information held by the  
5 Medicaid and Public Assistance Fraud Strike Force;  
6 creating a public-meetings exemption for meetings of  
7 the Medicaid and Public Assistance Fraud Strike Force  
8 at which specified information is discussed; providing  
9 for future legislative review and repeal of the  
10 exemptions under the Open Government Sunset Review  
11 Act; providing a statement of public necessity;  
12 providing a contingent effective date.  
13

14 Be It Enacted by the Legislature of the State of Florida:  
15

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

18 624.36 Public-records and public-meetings exemptions;  
19 Medicaid and Public Assistance Fraud Strike Force.—

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

26 1. The chair of the strike force announces at a public  
27 meeting that, in connection with the performance of the strike  
28 force's duties, it is necessary that active criminal  
29 investigative information or active criminal intelligence

585-04252-10

20101296c1

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.

57 (3) This section is subject to the Open Government Sunset  
58 Review Act in accordance with s. 119.15, and shall stand

585-04252-10

20101296c1

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

585-04252-10

20101296c1

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a law.