



714324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2013	.	
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The Committee on Judiciary (Thrasher) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (8) is added to section 68.083,  
Florida Statutes, to read:

68.083 Civil actions for false claims.-

(8) (a) Except as otherwise provided in this subsection, the  
complaint and other information held by the department pursuant  
to an investigation of a violation of s. 68.082 is confidential  
and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
Constitution. This paragraph is subject to the Open Government  
Sunset Review Act in accordance with s. 119.15 and shall stand



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14 repealed on October 2, 2018, unless reviewed and saved from  
15 repeal through reenactment by the Legislature.

16 (b) Information made confidential and exempt under  
17 paragraph (a) may be disclosed by the department to a law  
18 enforcement agency or another administrative agency in the  
19 performance of its official duties and responsibilities.

20 (c) Information made confidential and exempt under  
21 paragraph (a) is no longer confidential and exempt once the  
22 investigation is completed, unless the information is otherwise  
23 protected by law.

24 (d) For purposes of this subsection, an investigation is  
25 completed:

26 1. Under subsection (1) once the department files its own  
27 action or closes its investigation without filing an action.

28 2. Under subsection (2) upon the unsealing of the qui tam  
29 action or upon the voluntary dismissal of the qui tam action  
30 prior to the unsealing.

31 Section 2. The Legislature finds that it is a public  
32 necessity that the complaint and information held by the  
33 Department of Legal Affairs pursuant to an investigation of a  
34 violation of s. 68.082, Florida Statutes, relating to false  
35 claims against the state, be held confidential and exempt from  
36 public records requirements. Because a false claims  
37 investigation conducted by the Department of Legal Affairs may  
38 lead to the filing of an administrative or civil proceeding, the  
39 premature release of the complaint or other information held by  
40 the department could frustrate or thwart the investigation and  
41 impair the ability of the department to effectively and  
42 efficiently administer its duties under the Florida False Claims



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43 Act, ss. 68.081-68.092, Florida Statutes. This exemption also  
44 protects the reputation of the named defendant in the event the  
45 allegations of the qui tam complaint ultimately prove to be  
46 unfounded. Without this exemption, a plaintiff can subject a  
47 defendant to serious fraud allegations in the name of the state  
48 merely by filing a qui tam complaint. Additionally, given the  
49 department's subpoena powers for all qui tam investigations,  
50 this exemption, which mirrors the existing statutory exemption  
51 in s. 409.913(12), Florida Statutes, for information obtained  
52 during investigations of Medicaid fraud and abuse claims, is  
53 especially appropriate. Therefore, the Legislature finds that it  
54 is a public necessity that the complaint and information held by  
55 the Department of Legal Affairs pursuant to an investigation of  
56 a violation of s. 68.082, Florida Statutes, relating to false  
57 claims against the state, be held confidential and exempt from  
58 public records requirements.

59 Section 3. This act shall take effect on the same date that  
60 SB 1494 or similar legislation takes effect, if such legislation  
61 is adopted in the same legislative session or an extension  
62 thereof and becomes a law.

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete everything before the enacting clause  
67 and insert:

68 A bill to be entitled  
69 An act relating to public records; amending s. 68.083,  
70 F.S.; providing an exemption from public records  
71 requirements for the complaint and information held by



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72 the Department of Legal Affairs pursuant to an  
73 investigation of a violation of s. 68.082, F.S.,  
74 relating to false claims against the state; providing  
75 for future legislative review and repeal of the  
76 exemption under the Open Government Sunset Review Act;  
77 providing for specified disclosure; specifying  
78 duration of the exemption; specifying conditions under  
79 which an investigation is considered completed;  
80 providing a statement of public necessity; providing a  
81 contingent effective date.