

Committee on Judiciary

CS/CS/HB 935 — Florida False Claims Act

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Young (CS/CS/SB 1494 by Rules Committee; Judiciary Committee; and Senator Thrasher)

The bill conforms the Florida False Claims Act (FFCA) to the Federal False Claims Act. Specifically, the bill:

- Expands the authority of the Department of Legal Affairs to issue subpoenas to investigate false claims against the state. However, this authority is contingent upon a public records exemption in House Bill 1297 (Senate Bill 1496) or similar legislation becoming law.
- Removes the statement of purpose for the FFCA.
- Revises the definitions under the FFCA to conform to the Federal False Claims Act.
- Revises the violations under the FFCA.
- Revises procedures for the Department of Legal Affairs to intervene in a case under the FFCA.
- Expands the authority of the Attorney General's Office to prosecute false claims allegedly made by certain governmental officials which are not acted upon by other state officials having authority to act.
- Revises provisions relating to the burden of proof in actions under the FFCA. Under the revised provisions, a defendant in a *qui tam* action may not deny facts which were the basis of a criminal proceeding in which the defendant was found guilty, pled guilty or pled nolo contendere. A "*qui tam* action" is an action brought under a statute that allows a private person to sue for a penalty, part of which the government or some specified public institution will receive.

If approved by the Governor, except as otherwise provided in this act, these provisions take effect July 1, 2013.

Vote: Senate 35-0; House 117-0