

By Senator Farmer

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1 A bill to be entitled
2 An act relating to the Florida False Claims Act;
3 amending s. 68.084, F.S.; authorizing the Attorney
4 General, on behalf of the Department of Legal Affairs,
5 to voluntarily dismiss certain civil actions;
6 providing an exception; providing that the department
7 may not dismiss such actions on behalf of the state at
8 a later date under certain circumstances; amending s.
9 68.087, F.S.; deleting a provision prohibiting a court
10 from having jurisdiction over an action brought by an
11 employee or former employee of state government;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (2) and subsection
17 (3) of section 68.084, Florida Statutes, are amended to read:

18 68.084 Rights of the parties in civil actions.—

19 (2) (a) The department, or the Attorney General, as head of
20 the department, may at any point voluntarily dismiss the action
21 notwithstanding the objections of the person initiating the
22 action, unless the department elected not to proceed with the
23 action and the person who initiated the action proceeds with the
24 action under subsection (3).

25 (3) If the department elects not to proceed with the
26 action, the person who initiated the action has the right to
27 conduct the action. If the Attorney General, as head of the
28 department, or the Chief Financial Officer, as head of the
29 Department of Financial Services, so requests, it shall be

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30 served with copies of all pleadings and motions filed in the
31 action along with copies of all deposition transcripts at the
32 requesting department's expense. When a person proceeds with the
33 action, the court, without limiting the rights of the person
34 initiating the action, may nevertheless permit the department to
35 intervene and take over the action, except to dismiss the
36 action, on behalf of the state at a later date upon showing of
37 good cause.

38 Section 2. Subsection (4) of section 68.087, Florida
39 Statutes, is amended to read:

40 68.087 Exemptions to civil actions.—

41 (4) No court shall have jurisdiction over an action where
42 the person bringing the action under s. 68.083(2) is:

43 ~~(a) acting as an attorney for state government; or~~

44 ~~(b) An employee or former employee of state government,~~ and
45 the action is based, in whole or in part, upon information
46 obtained in the course or scope of government employment.

47 Section 3. This act shall take effect July 1, 2018.