

**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2016-01

IN RE: QUI TAM CASES UNDER THE FLORIDA FALSE CLAIMS ACT

WHEREAS, Section 68.083(3), Florida Statutes, provides for the filing of qui tam cases under the Florida False Claims Act only in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida; and

WHEREAS, Section 68.083, Florida Statutes, does not provide explicit guidance to the Leon County Clerk of the Circuit Court and Comptroller ("Clerk") as to how to handle the confidentiality of these cases and/or the documents filed in these cases during the time period before the Florida Attorney General's Office notifies the Court of its intervention decision; and

WHEREAS, Section 68.083, Florida Statutes, does refer to the unsealing of the qui tam action in several places as well as the Florida Attorney General Office's ability to request extensions of the seal period (including through in camera submissions) thus indicating that such qui tam cases are initially filed under seal; and

WHEREAS, administrative orders AOSC14-19 and AOSC15-18 from the Florida Supreme Court do not address how the Clerk shall handle the confidentiality of such cases or filings in them; and

WHEREAS, it is necessary for the proper and efficient operation of the civil division to provide for the proper handling of such qui tam cases, it is therefore

ORDERED that:

1. The Clerk will seal the entire case file for 90 days without any need for an initial motion to seal the case file.
2. The Clerk will provide the Florida Attorney General's Office with a searchable report listing all of the sealed qui tam cases through an agency-specific tab on the Clerk's registered user website.
3. In the event the Florida Attorney General's Office does not request a seal extension within 90 days after the case's filing, the Clerk will make the entire case file public unless the Court has previously entered an order sealing all or part of the case file, consistent with Fla. R. Jud. Admin. 2.420.
4. If the Florida Attorney General's Office has filed a timely motion to extend the seal period, the Clerk will keep the entire file sealed pending the Court's ruling on the motion.




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5. If the Court enters an order extending the seal period, the Clerk will maintain the confidentiality of the qui tam case file according to the terms of that order.

6. Once the Florida Attorney General's Office has notified the Court of its intervention or dismissal decision within the seal period, the Clerk will promptly make the entire qui tam case file public (without any need for a motion to unseal) unless the Court has previously entered an order sealing all or part of the case file as indicated above in paragraph 5.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 26th day of January 2016.



JONATHAN SJOSTROM
Chief Judge

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Courts, Second Judicial Circuit
Court Administration

