

1 A bill to be entitled
2 An act relating to public records; amending ss. 14.32
3 and 20.055, F.S.; providing exemptions from public
4 records requirements for audit or investigative
5 workpapers, records, reports, reviews, inquiries, or
6 other documentation obtained or created during or in
7 relation to an active audit or investigation by the
8 Chief Inspector General or an agency inspector general
9 until such audit or investigation is no longer active;
10 providing for future legislative review and repeal of
11 the exemptions; providing a statement of public
12 necessity; providing a contingent effective date.

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

15
16 Section 1. Subsection (6) is added to section 14.32,
17 Florida Statutes, to read:

18 14.32 Office of Chief Inspector General.—

19 (6) Any audit or investigative workpapers, records,
20 reports, reviews, inquiries, or other documentation obtained or
21 created during or in relation to an active audit or
22 investigation conducted pursuant to this section are
23 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
24 of the State Constitution until such audit or investigation is
25 no longer active. When the audit or investigation is no longer

26 | active, such audit or investigative workpapers, records,
27 | reports, reviews, inquiries, or other documentation shall be
28 | public records to the extent that they do not include
29 | information that has been made confidential and exempt from s.
30 | 119.07(1) by another exemption. This subsection is subject to
31 | the Open Government Sunset Review Act in accordance with s.
32 | 119.15 and shall stand repealed on October 2, 2022, unless
33 | reviewed and saved from repeal through reenactment by the
34 | Legislature.

35 | Section 2. Paragraph (b) of subsection (6) and subsection
36 | (7) of section 20.055, Florida Statutes, are amended to read:

37 | 20.055 Agency inspectors general.—

38 | (6) In carrying out the auditing duties and
39 | responsibilities of this act, each inspector general shall
40 | review and evaluate internal controls necessary to ensure the
41 | fiscal accountability of the state agency. The inspector general
42 | shall conduct financial, compliance, electronic data processing,
43 | and performance audits of the agency and prepare audit reports
44 | of his or her findings. The scope and assignment of the audits
45 | shall be determined by the inspector general; however, the
46 | agency head may at any time request the inspector general to
47 | perform an audit of a special program, function, or
48 | organizational unit. The performance of the audit shall be under
49 | the direction of the inspector general, except that if the
50 | inspector general does not possess the qualifications specified

51 in subsection (4), the director of auditing shall perform the
52 functions listed in this subsection.

53 (b) Any audit workpapers, records, reports, reviews,
54 inquiries, or other documentation obtained or created during or
55 in relation to an active audit conducted pursuant to this
56 section are confidential and exempt from s. 119.07(1) and s.
57 24(a), Art. I of the State Constitution until such audit is no
58 longer active. When the audit is no longer active, such audit
59 workpapers, records, and reports, reviews, inquiries, or other
60 documentation shall be public records to the extent that they do
61 not include information that ~~which~~ has been made confidential
62 and exempt from the provisions of s. 119.07(1) by another
63 exemption pursuant to law. However, When the inspector general
64 or a member of the staff receives from an individual a complaint
65 or information that falls within the definition provided in s.
66 112.3187(5), the name or identity of the individual may not be
67 disclosed to anyone else without the written consent of the
68 individual, unless the inspector general determines that such
69 disclosure is unavoidable during the course of the audit or
70 investigation. This paragraph is subject to the Open Government
71 Sunset Review Act in accordance with s. 119.15 and shall stand
72 repealed on October 2, 2022, unless reviewed and saved from
73 repeal through reenactment by the Legislature.

74 (7)(a) In carrying out the investigative duties and
75 responsibilities specified in this section, each inspector

76 | general shall initiate, conduct, supervise, and coordinate
77 | investigations designed to detect, deter, prevent, and eradicate
78 | fraud, waste, mismanagement, misconduct, and other abuses in
79 | state government. For these purposes, each inspector general
80 | shall:

81 | 1.~~(a)~~ Receive complaints and coordinate all activities of
82 | the agency as required by the Whistle-blower's Act pursuant to
83 | ss. 112.3187-112.31895.

84 | 2.~~(b)~~ Receive and consider the complaints which do not
85 | meet the criteria for an investigation under the Whistle-
86 | blower's Act and conduct, supervise, or coordinate such
87 | inquiries, investigations, or reviews as the inspector general
88 | deems appropriate.

89 | 3.~~(c)~~ Report expeditiously to the Department of Law
90 | Enforcement or other law enforcement agencies, as appropriate,
91 | whenever the inspector general has reasonable grounds to believe
92 | there has been a violation of criminal law.

93 | 4.~~(d)~~ Conduct investigations and other inquiries free of
94 | actual or perceived impairment to the independence of the
95 | inspector general or the inspector general's office. This shall
96 | include freedom from any interference with investigations and
97 | timely access to records and other sources of information.

98 | 5.~~(e)~~ At the conclusion of each investigation in which the
99 | subject of the investigation is a specific entity contracting
100 | with the state or an individual substantially affected as

101 defined by this section, and if the investigation is not
102 confidential or otherwise exempt from disclosure by law, the
103 inspector general shall, consistent with s. 119.07(1), submit
104 findings to the subject that is a specific entity contracting
105 with the state or an individual substantially affected, who
106 shall be advised in writing that they may submit a written
107 response within 20 working days after receipt of the findings.
108 Such response and the inspector general's rebuttal to the
109 response, if any, shall be included in the final investigative
110 report.

111 ~~6.(f)~~ Submit in a timely fashion final reports on
112 investigations conducted by the inspector general to the agency
113 head, except for whistle-blower's investigations, which shall be
114 conducted and reported pursuant to s. 112.3189.

115 (b) Any investigative workpapers, records, reports,
116 reviews, inquiries, or other documentation obtained or created
117 during or in relation to an active investigation conducted
118 pursuant to this section are confidential and exempt from s.
119 119.07(1) and s. 24(a), Art. I of the State Constitution until
120 such investigation is no longer active. When the investigation
121 is no longer active, such investigative workpapers, records,
122 reports, reviews, inquiries, or other documentation shall be
123 public records to the extent that they do not include
124 information that has been made confidential and exempt from s.
125 119.07(1) by another exemption. This paragraph is subject to the

126 Open Government Sunset Review Act in accordance with s. 119.15
127 and shall stand repealed on October 2, 2022, unless reviewed and
128 saved from repeal through reenactment by the Legislature.

129 Section 3. The Legislature finds that it is a public
130 necessity that any audit or investigative workpapers, records,
131 reports, reviews, inquiries, or other documentation obtained or
132 created during or in relation to an active audit or
133 investigation conducted by the Chief Inspector General or an
134 agency inspector general be made confidential and exempt from s.
135 119.07(1), Florida Statutes, and s. 24(a), Article I of the
136 State Constitution. The Legislature further finds that the
137 public release of such audit or investigative workpapers,
138 records, reports, reviews, inquiries, or other documentation
139 during an active audit or investigation could jeopardize the
140 overall integrity of such audit or investigation and any
141 subsequent findings and recommendations issued by the Chief
142 Inspector General or an agency inspector general. The exemptions
143 from public records requirements are necessary to ensure that
144 the Chief Inspector General and agency inspectors general are
145 able to reasonably and effectively conduct independent and
146 complete audits or investigations as necessary to fulfill their
147 duties and responsibilities specified in ss. 14.32 and 20.055,
148 Florida Statutes, respectively.

149 Section 4. This act shall take effect on the same date
150 that CS/HB 1283 or similar legislation takes effect, if such

151 | legislation is adopted in the same legislative session or an
152 | extension thereof and becomes law.