Florida Senate - 2003

SB 2818

By Senator Atwater

1A bill to be entitled2An act relating to public records; amending s.320.055, F.S.; providing an exemption from the4public-records law for documents and reports5connected with an audit or investigation by the6Chief Inspector General or agency inspectors7general until the investigation is no longer8active; providing for future review and repeal;9providing a statement of public necessity;10providing a contingent effective date.11121314Section 1. Paragraph (b) of subsection (5) is amended15161720.055 Agency inspectors general181919191011121314151620.055, Florida Statutes, to read:1720.055 Agency inspectors general1819191919191010111213141515161720.055 Agency inspectors general181919191919191011121314151617181919<		25-1940-03
 20.055, F.S.; providing an exemption from the public-records law for documents and reports connected with an audit or investigation by the Chief Inspector General or agency inspectors general until the investigation is no longer active; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date. Be It Enacted by the Legislature of the State of Florida: active; florida Statutes, to read: 20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications 	1	A bill to be entitled
4 public-records law for documents and reports 5 connected with an audit or investigation by the 6 Chief Inspector General or agency inspectors 7 general until the investigation is no longer 8 active; providing for future review and repeal; 9 providing a statement of public necessity; 10 providing a contingent effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 16 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	2	An act relating to public records; amending s.
<pre>connected with an audit or investigation by the Chief Inspector General or agency inspectors general until the investigation is no longer active; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.</pre> Be It Enacted by the Legislature of the State of Florida: Section 1. Paragraph (b) of subsection (5) is amended and paragraph (f) is added to subsection (6) of section 20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	3	20.055, F.S.; providing an exemption from the
 Chief Inspector General or agency inspectors general until the investigation is no longer active; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Paragraph (b) of subsection (5) is amended and paragraph (f) is added to subsection (6) of section 20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if 	4	public-records law for documents and reports
<pre>7 general until the investigation is no longer 8 active; providing for future review and repeal; 9 providing a statement of public necessity; 10 providing a contingent effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 16 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 33 processing, and performance audits of the agency and prepare 44 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications</pre>	5	connected with an audit or investigation by the
<pre>active; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.</pre> Be It Enacted by the Legislature of the State of Florida: Section 1. Paragraph (b) of subsection (5) is amended and paragraph (f) is added to subsection (6) of section 20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	6	Chief Inspector General or agency inspectors
9 providing a statement of public necessity; 10 providing a contingent effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 16 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	7	general until the investigation is no longer
<pre>10 providing a contingent effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 16 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications</pre>	8	active; providing for future review and repeal;
11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 16 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	9	providing a statement of public necessity;
12Be It Enacted by the Legislature of the State of Florida:1314Section 1. Paragraph (b) of subsection (5) is amended15and paragraph (f) is added to subsection (6) of section1620.055, Florida Statutes, to read:1720.055 Agency inspectors general18(5) In carrying out the auditing duties and19review and evaluate internal controls necessary to ensure the21fiscal accountability of the state agency. The inspector22general shall conduct financial, compliance, electronic data23processing, and performance audits of the agency and prepare24audit reports of his or her findings. The scope and assignment25of the audits shall be determined by the inspector general;26however, the agency head may at any time direct the inspector27general to perform an audit of a special program, function, or28under the direction of the inspector general, except that if30the inspector general does not possess the qualifications	10	providing a contingent effective date.
13 14 Section 1. Paragraph (b) of subsection (5) is amended 15 and paragraph (f) is added to subsection (6) of section 20.055, Florida Statutes, to read: 17 20.055 Agency inspectors general 18 (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	11	
14Section 1. Paragraph (b) of subsection (5) is amended15and paragraph (f) is added to subsection (6) of section1620.055, Florida Statutes, to read:1720.055 Agency inspectors general18(5) In carrying out the auditing duties and19responsibilities of this act, each inspector general shall20review and evaluate internal controls necessary to ensure the21fiscal accountability of the state agency. The inspector22general shall conduct financial, compliance, electronic data23processing, and performance audits of the agency and prepare24audit reports of his or her findings. The scope and assignment25of the audits shall be determined by the inspector general;26however, the agency head may at any time direct the inspector27general to perform an audit of a special program, function, or28organizational unit. The performance of the audit shall be29under the direction of the inspector general, except that if30the inspector general does not possess the qualifications	12	Be It Enacted by the Legislature of the State of Florida:
and paragraph (f) is added to subsection (6) of section 20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	13	
20.055, Florida Statutes, to read: 20.055 Agency inspectors general (5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	14	Section 1. Paragraph (b) of subsection (5) is amended
 17 20.055 Agency inspectors general (5) In carrying out the auditing duties and 19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not posses the qualifications 	15	and paragraph (f) is added to subsection (6) of section
(5) In carrying out the auditing duties and responsibilities of this act, each inspector general shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	16	20.055, Florida Statutes, to read:
19 responsibilities of this act, each inspector general shall 20 review and evaluate internal controls necessary to ensure the 21 fiscal accountability of the state agency. The inspector 22 general shall conduct financial, compliance, electronic data 23 processing, and performance audits of the agency and prepare 24 audit reports of his or her findings. The scope and assignment 25 of the audits shall be determined by the inspector general; 26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	17	20.055 Agency inspectors general
review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	18	(5) In carrying out the auditing duties and
fiscal accountability of the state agency. The inspector general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	19	responsibilities of this act, each inspector general shall
general shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	20	review and evaluate internal controls necessary to ensure the
processing, and performance audits of the agency and prepare audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	21	fiscal accountability of the state agency. The inspector
audit reports of his or her findings. The scope and assignment of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	22	general shall conduct financial, compliance, electronic data
of the audits shall be determined by the inspector general; however, the agency head may at any time direct the inspector general to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the inspector general, except that if the inspector general does not possess the qualifications	23	processing, and performance audits of the agency and prepare
26 however, the agency head may at any time direct the inspector 27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	24	audit reports of his or her findings. The scope and assignment
27 general to perform an audit of a special program, function, or 28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	25	of the audits shall be determined by the inspector general;
28 organizational unit. The performance of the audit shall be 29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	26	however, the agency head may at any time direct the inspector
29 under the direction of the inspector general, except that if 30 the inspector general does not possess the qualifications	27	general to perform an audit of a special program, function, or
30 the inspector general does not possess the qualifications	28	organizational unit. The performance of the audit shall be
	29	under the direction of the inspector general, except that if
31	30	the inspector general does not possess the qualifications
	31	

1

CODING:Words stricken are deletions; words <u>underlined</u> are additions.

1 specified in subsection (4), the director of auditing shall perform the functions listed in this subsection. 2 3 (b) When the audit is complete and the report becomes final, audit workpapers and reports shall be public records to 4 5 the extent that they do not include information which has been 6 made confidential and exempt from the provisions of s. 7 119.07(1) pursuant to law. However, when the inspector general 8 or a member of the staff receives from an individual a complaint or information that falls within the definition 9 provided in s. 112.3187(5), the name or identity of the 10 11 individual shall not be disclosed to anyone else without the written consent of the individual, unless the inspector 12 general determines that such disclosure is unavoidable during 13 the course of the audit or investigation. 14 15 (6) In carrying out the investigative duties and responsibilities specified in this section, each inspector 16 17 general shall initiate, conduct, supervise, and coordinate 18 investigations designed to detect, deter, prevent, and 19 eradicate fraud, waste, mismanagement, misconduct, and other 20 abuses in state government. For these purposes, each state agency shall: 21 22 (f) Documents and reports connected with an investigation conducted under this section are exempt from s. 23 24 119.07(1) and s. 24(a), Art. I of the State Constitution until 25 the investigation is no longer active. This paragraph is subject to the Open Government Sunset Review Act of 1995 in 26 27 accordance with s. 119.15 and shall stand repealed on October 28 2, 2008, unless reviewed and saved from repeal through 29 reenactment by the Legislature. 30 Section 2. The Legislature finds that it is a public 31 necessity to maintain the confidentiality of information

2

CODING: Words stricken are deletions; words underlined are additions.

related to audits and investigations of state agencies which are conducted by agency inspectors general, until the audit or investigation has been completed. Otherwise, the premature release of such information would entail a high risk of making public misleading information that would likely cause undue б damage to the reputations of individuals and organizations identified as the subjects of the inquiry. Section 3. This act shall take effect on the same date that Senate Bill ____ or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof. SENATE SUMMARY Provides an exemption from the public records law for documents and reports connected with an audit or investigation conducted under s. 20.055, F.S., until the investigation is no longer active. Provides a statement of public necessity. Provides for future review and repeal repeal.

CODING: Words stricken are deletions; words underlined are additions.