

By Senator Atwater

25-1940-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 20.055, F.S.; providing an exemption from the
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.

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12 Be It Enacted by the Legislature of the State of Florida:

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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

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1 specified in subsection (4), the director of auditing shall
2 perform the functions listed in this subsection.

3 (b) When the audit is complete and the report becomes
4 final, audit workpapers and reports shall be public records to
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
9 complaint or information that falls within the definition
10 provided in s. 112.3187(5), the name or identity of the
11 individual shall not be disclosed to anyone else without the
12 written consent of the individual, unless the inspector
13 general determines that such disclosure is unavoidable during
14 the course of the audit or investigation.

15 (6) In carrying out the investigative duties and
16 responsibilities specified in this section, each inspector
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
21 agency shall:

22 (f) Documents and reports connected with an
23 investigation conducted under this section are exempt from s.
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
26 subject to the Open Government Sunset Review Act of 1995 in
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

1 related to audits and investigations of state agencies which
2 are conducted by agency inspectors general, until the audit or
3 investigation has been completed. Otherwise, the premature
4 release of such information would entail a high risk of making
5 public misleading information that would likely cause undue
6 damage to the reputations of individuals and organizations
7 identified as the subjects of the inquiry.

8 Section 3. This act shall take effect on the same date
9 that Senate Bill ___ or similar legislation takes effect, if
10 such legislation is enacted in the same legislative session or
11 an extension thereof.

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14 SENATE SUMMARY

15 Provides an exemption from the public records law for
16 documents and reports connected with an audit or
17 investigation conducted under s. 20.055, F.S., until the
18 investigation is no longer active. Provides a statement
19 of public necessity. Provides for future review and
20 repeal.
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