

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Rivera offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 15-107 and insert:

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6 Section 1. Paragraph (w) of subsection (3) of section
7 119.07, Florida Statutes, is amended to read:

8 119.07 Inspection, examination, and duplication of
9 records; exemptions.--

10 (3)

11 (w)1. Workpapers and reports of audits conducted pursuant
12 to s. 20.055 are confidential and ~~If certified pursuant to~~
13 ~~subparagraph 2., an investigatory record of the Chief Inspector~~
14 ~~General within the Executive Office of the Governor or of the~~
15 ~~employee designated by an agency head as the agency inspector~~
16 ~~general under s. 112.3189 is exempt from the provisions of~~

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17 subsection (1) and s. 24(a), Art. I of the State Constitution
18 until the audit is complete and the report becomes final, to the
19 extent that such workpapers and reports do not include
20 information which has otherwise been made confidential and
21 exempt investigation ceases to be active, or a report detailing
22 the investigation is provided to the Governor or the agency
23 head, or 60 days from the inception of the investigation for
24 which the record was made or received, whichever first occurs.
25 ~~Investigatory records are those records which are related to the~~
26 ~~investigation of an alleged, specific act or omission or other~~
27 ~~wrongdoing, with respect to an identifiable person or group of~~
28 ~~persons, based on information compiled by the Chief Inspector~~
29 ~~General or by an agency inspector general, as named under the~~
30 ~~provisions of s. 112.3189, in the course of an investigation. An~~
31 ~~investigation is active if it is continuing with a reasonable,~~
32 ~~good faith anticipation of resolution and with reasonable~~
33 ~~dispatch.~~

34 2. Workpapers and reports of investigations conducted
35 pursuant to s. 20.055 are confidential and exempt from the
36 provisions of subsection (1) and s. 24(a), Art. I of the State
37 Constitution until the investigation is completed or ceases to
38 be active, to the extent that such workpapers and reports do not
39 include information which has otherwise been made confidential
40 and exempt; except that, upon request, the subject of a
41 complaint shall be provided with a copy of the written complaint
42 and supporting documents, if any, which contain the specific
43 allegations made against him or her and extrinsic evidence
44 received to the date of the request, except for information

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45 which has otherwise been made confidential and exempt. However,
46 when the inspector general or a member of the staff receives
47 from an individual a complaint or information as defined in s.
48 112.3187(5), the name or identity of the individual shall not be
49 disclosed to anyone without the express written consent of that
50 individual, unless the inspector general determines that such
51 disclosure is unavoidable during the course of the
52 investigation. For purposes of this paragraph, an investigation
53 shall be considered "active" so long as the agency inspector
54 general is proceeding with reasonable dispatch and has a
55 reasonable good faith belief that the investigation may lead to
56 the filing of an administrative, civil, or criminal proceeding
57 ~~The Governor, in the case of the Chief Inspector General, or~~
58 ~~agency head, in the case of an employee designated as the agency~~
59 ~~inspector general under s. 112.3189, may certify such~~
60 ~~investigatory records require an exemption to protect the~~
61 ~~integrity of the investigation or avoid unwarranted damage to an~~
62 ~~individual's good name or reputation. The certification shall~~
63 ~~specify the nature and purpose of the investigation and shall be~~
64 ~~kept with the exempt records and made public when the records~~
65 ~~are made public.~~

66 3. The provisions of this paragraph do not apply to
67 whistle-blower investigations conducted pursuant to the
68 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

69 4. This paragraph is subject to the Open Government Sunset
70 Review Act of 1995 in accordance with s. 119.15 and shall stand
71 repealed on October 2, 2009, unless reviewed and saved from
72 repeal through reenactment by the Legislature.

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73 Section 2. The Legislature finds that it is a public
74 necessity to exempt audit and investigative workpapers and
75 reports of agency inspectors general until an audit or
76 investigation is complete and the report final, or until the
77 investigation ceases to be active. Such exempt information is,
78 by its nature, incomplete and could be misleading. Release of
79 inaccurate or incomplete information could be detrimental to the
80 agencies audited or investigated. Inspectors general need
81 privacy of work product until the audit or investigation is
82 complete and the report is final, or until the investigation
83 ceases to be active. Premature

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86 ===== T I T L E A M E N D M E N T =====

87 Remove lines 3-9 and insert:

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89 119.07, F.S.; creating a public records exemption for audit
90 workpapers and reports of an agency inspector general; providing
91 for expiration of the exemption; creating a public records
92 exemption for investigative workpapers and reports of an agency
93 inspector general; providing for expiration of the exemption;
94 providing for the disclosure of certain documents to the subject
95 of a complaint; providing for future review and repeal;