

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 completion of such audit or investigation or
 10 issuance of a final report; providing for future
 11 legislative review and repeal of the exemptions;
 12 providing a statement of public necessity; providing a
 13 contingent effective date.

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

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

19 14.32 Office of Chief Inspector General.—

20 (6) Any audit or investigative workpapers, records,
 21 reports, reviews, inquiries, or other documentation obtained or
 22 created during or in relation to an active audit or
 23 investigation conducted pursuant to this section are
 24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 25 of the State Constitution until completion of such audit or

26 | investigation or issuance of a final report. Upon completion of
27 | an audit or investigation or issuance of a final report, such
28 | audit or investigative workpapers, records, reports, reviews,
29 | inquiries, or other documentation shall be public records to the
30 | extent that they do not include information that has been made
31 | confidential and exempt from s. 119.07(1). When the Chief
32 | Inspector General or a member of the staff receives from an
33 | individual a complaint or information that falls within the
34 | definition provided in s. 112.3187(5), the name or identity of
35 | the individual may not be disclosed to anyone else without the
36 | written consent of the individual, unless the Chief Inspector
37 | General determines that such disclosure is unavoidable during
38 | the course of an active audit or investigation. This subsection
39 | is subject to the Open Government Sunset Review Act in
40 | accordance with s. 119.15 and shall stand repealed on October 2,
41 | 2022, unless reviewed and saved from repeal through reenactment
42 | by the Legislature.

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

45 | 20.055 Agency inspectors general.—

46 | (6) In carrying out the auditing duties and
47 | responsibilities of this act, each inspector general shall
48 | review and evaluate internal controls necessary to ensure the
49 | fiscal accountability of the state agency. The inspector general
50 | shall conduct financial, compliance, electronic data processing,

51 and performance audits of the agency and prepare audit reports
52 of his or her findings. The scope and assignment of the audits
53 shall be determined by the inspector general; however, the
54 agency head may at any time request the inspector general to
55 perform an audit of a special program, function, or
56 organizational unit. The performance of the audit shall be under
57 the direction of the inspector general, except that if the
58 inspector general does not possess the qualifications specified
59 in subsection (4), the director of auditing shall perform the
60 functions listed in this subsection.

61 (b) Any audit workpapers, records, reports, reviews,
62 inquiries, or other documentation obtained or created during or
63 in relation to an active audit conducted pursuant to this
64 section are confidential and exempt from s. 119.07(1) and s.
65 24(a), Art. I of the State Constitution until completion of such
66 audit or issuance of a final report. Upon completion of an audit
67 or issuance of a final report, such audit workpapers, records,
68 and reports, reviews, inquiries, or other documentation shall be
69 public records to the extent that they do not include
70 information that ~~which~~ has been made confidential and exempt
71 from ~~the provisions of~~ s. 119.07(1) ~~pursuant to law. However,~~
72 When the inspector general or a member of the staff receives
73 from an individual a complaint or information that falls within
74 the definition provided in s. 112.3187(5), the name or identity
75 of the individual may not be disclosed to anyone else without

76 the written consent of the individual, unless the inspector
77 general determines that such disclosure is unavoidable during
78 the course of an active ~~the audit or investigation~~. This
79 paragraph is subject to the Open Government Sunset Review Act in
80 accordance with s. 119.15 and shall stand repealed on October 2,
81 2022, unless reviewed and saved from repeal through reenactment
82 by the Legislature.

83 (7) (a) In carrying out the investigative duties and
84 responsibilities specified in this section, each inspector
85 general shall initiate, conduct, supervise, and coordinate
86 investigations designed to detect, deter, prevent, and eradicate
87 fraud, waste, mismanagement, misconduct, and other abuses in
88 state government. For these purposes, each inspector general
89 shall:

90 1.(a) Receive complaints and coordinate all activities of
91 the agency as required by the Whistle-blower's Act pursuant to
92 ss. 112.3187-112.31895.

93 2.(b) Receive and consider the complaints which do not
94 meet the criteria for an investigation under the Whistle-
95 blower's Act and conduct, supervise, or coordinate such
96 inquiries, investigations, or reviews as the inspector general
97 deems appropriate.

98 3.(e) Report expeditiously to the Department of Law
99 Enforcement or other law enforcement agencies, as appropriate,
100 whenever the inspector general has reasonable grounds to believe

101 there has been a violation of criminal law.

102 ~~4.(d)~~ Conduct investigations and other inquiries free of
103 actual or perceived impairment to the independence of the
104 inspector general or the inspector general's office. This shall
105 include freedom from any interference with investigations and
106 timely access to records and other sources of information.

107 ~~5.(e)~~ At the conclusion of each investigation in which the
108 subject of the investigation is a specific entity contracting
109 with the state or an individual substantially affected as
110 defined by this section, and if the investigation is not
111 confidential or otherwise exempt from disclosure by law, the
112 inspector general shall, consistent with s. 119.07(1), submit
113 findings to the subject that is a specific entity contracting
114 with the state or an individual substantially affected, who
115 shall be advised in writing that they may submit a written
116 response within 20 working days after receipt of the findings.
117 Such response and the inspector general's rebuttal to the
118 response, if any, shall be included in the final investigative
119 report.

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

124 (b) Any investigative workpapers, records, reports,
125 reviews, inquiries, or other documentation obtained or created

126 during or in relation to an active investigation conducted
127 pursuant to this section are confidential and exempt from s.
128 119.07(1) and s. 24(a), Art. I of the State Constitution until
129 completion of such investigation or issuance of a final report.
130 Upon completion of an investigation or issuance of a final
131 report, such investigative workpapers, records, reports,
132 reviews, inquiries, or other documentation shall be public
133 records to the extent that they do not include information that
134 has been made confidential and exempt from s. 119.07(1). When
135 the inspector general or a member of the staff receives from an
136 individual a complaint or information that falls within the
137 definition provided in s. 112.3187(5), the name or identity of
138 the individual may not be disclosed to anyone else without the
139 written consent of the individual, unless the inspector general
140 determines that such disclosure is unavoidable during the course
141 of an active investigation. This paragraph is subject to the
142 Open Government Sunset Review Act in accordance with s. 119.15
143 and shall stand repealed on October 2, 2022, unless reviewed and
144 saved from repeal through reenactment by the Legislature.

145 Section 3. The Legislature finds that it is a public
146 necessity that any audit or investigative workpapers, records,
147 reports, reviews, inquiries, or other documentation obtained or
148 created during or in relation to an active audit or
149 investigation conducted by the Chief Inspector General or an
150 agency inspector general be made confidential and exempt from s.

151 119.07(1), Florida Statutes, and s. 24(a), Article I of the
152 State Constitution. The Legislature further finds that the
153 public release of such audit or investigative workpapers,
154 records, reports, reviews, inquiries, or other documentation
155 during an active audit or investigation could jeopardize the
156 overall integrity of such audit or investigation and any
157 subsequent findings and recommendations issued by the Chief
158 Inspector General or an agency inspector general. The exemptions
159 from public records requirements are necessary to ensure that
160 the Chief Inspector General and agency inspectors general are
161 able to reasonably and effectively conduct independent and
162 complete audits or investigations as necessary to fulfill their
163 duties and responsibilities specified in ss. 14.32 and 20.055,
164 Florida Statutes, respectively.

165 Section 4. This act shall take effect on the same date
166 that HB 1283 or similar legislation takes effect, if such
167 legislation is adopted in the same legislative session or an
168 extension thereof and becomes law.