

By Senator Baxley

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1                   A bill to be entitled  
2       An act relating to public records; amending s. 20.055,  
3       F.S.; providing an exemption from public records  
4       requirements for audit workpapers, records, reports,  
5       or other documentation obtained or created during or  
6       in relation to an active audit or investigation by an  
7       agency inspector general until completion of such  
8       audit or investigation or issuance of a final report;  
9       providing for future legislative review and repeal of  
10      the exemption; providing a statement of public  
11      necessity; providing a contingent effective date.

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

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15       Section 1. Paragraph (b) of subsection (6) of section  
16       20.055, Florida Statutes, is amended to read:

17       20.055 Agency inspectors general.—

18       (6) 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 general  
22       shall conduct financial, compliance, electronic data processing,  
23       and performance audits of the agency and prepare audit reports  
24       of his or her findings. The scope and assignment of the audits  
25       shall be determined by the inspector general; however, the  
26       agency head may at any time request the inspector general to  
27       perform an audit of a special program, function, or  
28       organizational unit. The performance of the audit shall be under  
29       the direction of the inspector general, except that if the

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30 inspector general does not possess the qualifications specified  
31 in subsection (4), the director of auditing shall perform the  
32 functions listed in this subsection.

33 (b) Any audit workpapers, records, reports, or other  
34 documentation obtained or created during or in relation to an  
35 active audit or investigation conducted pursuant to this section  
36 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
37 I of the State Constitution until completion of such audit or  
38 investigation or issuance of a final report. Upon completion of  
39 an audit or investigation or issuance of a final report, such  
40 audit workpapers, records, ~~and~~ reports, or other documentation  
41 shall be public records to the extent that they do not include  
42 information which has been made confidential and exempt from ~~the~~  
43 ~~provisions of s. 119.07(1) pursuant to law. However,~~ When the  
44 inspector general or a member of the staff receives from an  
45 individual a complaint or information that falls within the  
46 definition provided in s. 112.3187(5), the name or identity of  
47 the individual may not be disclosed to anyone else without the  
48 written consent of the individual, unless the inspector general  
49 determines that such disclosure is unavoidable during the course  
50 of an active ~~the~~ audit or investigation. This paragraph is  
51 subject to the Open Government Sunset Review Act in accordance  
52 with s. 119.15 and shall stand repealed on October 2, 2022,  
53 unless reviewed and saved from repeal through reenactment by the  
54 Legislature.

55 Section 2. The Legislature finds that it is a public  
56 necessity that any audit workpapers, records, reports, or other  
57 documentation obtained or created during or in relation to an  
58 active audit or investigation conducted by an agency inspector

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59 general be made confidential and exempt from s. 119.07(1),  
60 Florida Statutes, and s. 24(a), Article I of the State  
61 Constitution. The Legislature further finds that the public  
62 release of such audit workpapers, records, reports, or other  
63 documentation during an active audit or investigation could  
64 jeopardize the overall integrity of such audit or investigation  
65 and any subsequent findings and recommendations issued by an  
66 agency inspector general. The exemption from public records  
67 requirements is necessary to ensure that agency inspectors  
68 general are able to reasonably and effectively conduct  
69 independent and complete audits or investigations as necessary  
70 to fulfill their duties and responsibilities specified in s.  
71 20.055, Florida Statutes.

72 Section 3. This act shall take effect on the same date that  
73 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
74 is adopted in the same legislative session or an extension  
75 thereof and becomes law.