

By the Committee on Governmental Oversight and Accountability;
and Senator Baxley

585-03975-17

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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 any audit or investigation by the Chief
8 Inspector General or an agency inspector general until
9 completion of such audit or investigation or issuance
10 of a final report; providing for future legislative
11 review and repeal of the exemptions; providing a
12 statement of public necessity; providing a contingent
13 effective date.

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

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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 any audit or investigation
23 conducted pursuant to this section are confidential and exempt
24 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
25 until completion of such audit or investigation or upon issuance
26 of a final report. Upon completion of such audit or
27 investigation or upon issuance of a final report, the audit or
28 investigative workpapers, records, reports, reviews, inquiries,
29 or other documentation obtained or created during or in relation

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30 to the audit or investigation shall be public records to the
31 extent that they do not include information that has been made
32 exempt or confidential and exempt from s. 119.07(1) or s. 24(a),
33 Art. I of the State Constitution. This subsection is subject to
34 the Open Government Sunset Review Act in accordance with s.
35 119.15 and shall stand repealed on October 2, 2022, unless
36 reviewed and saved from repeal through reenactment by the
37 Legislature.

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

40 20.055 Agency inspectors general.—

41 (6) In carrying out the auditing duties and
42 responsibilities of this act, each inspector general shall
43 review and evaluate internal controls necessary to ensure the
44 fiscal accountability of the state agency. The inspector general
45 shall conduct financial, compliance, electronic data processing,
46 and performance audits of the agency and prepare audit reports
47 of his or her findings. The scope and assignment of the audits
48 shall be determined by the inspector general; however, the
49 agency head may at any time request the inspector general to
50 perform an audit of a special program, function, or
51 organizational unit. The performance of the audit shall be under
52 the direction of the inspector general, except that if the
53 inspector general does not possess the qualifications specified
54 in subsection (4), the director of auditing shall perform the
55 functions listed in this subsection.

56 (b) Any audit workpapers, records, reports, reviews,
57 inquiries, or other documentation obtained or created during or
58 in relation to any audit conducted pursuant to this section are

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59 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
60 of the State Constitution until completion of such audit or upon
61 issuance of a final report. Upon completion of such audit or
62 upon issuance of a final report, the audit workpapers, records,
63 and reports, reviews, inquiries, or other documentation obtained
64 or created during or in relation to the audit shall be public
65 records to the extent that they do not include information that
66 which has been made exempt or confidential and exempt from the
67 provisions of s. 119.07(1) or s. 24(a), Art. I of the State
68 Constitution pursuant to law. However, When the inspector
69 general or a member of the staff receives from an individual a
70 complaint or information that falls within the definition
71 provided in s. 112.3187(5), the name or identity of the
72 individual may not be disclosed to anyone else without the
73 written consent of the individual, unless the inspector general
74 determines that such disclosure is unavoidable during the course
75 of the audit or investigation. This paragraph is subject to the
76 Open Government Sunset Review Act in accordance with s. 119.15
77 and shall stand repealed on October 2, 2022, unless reviewed and
78 saved from repeal through reenactment by the Legislature.

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

86 1.-(a) Receive complaints and coordinate all activities of
87 the agency as required by the Whistle-blower's Act pursuant to

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88 ss. 112.3187-112.31895.

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

94 3.~~(e)~~ Report expeditiously to the Department of Law
95 Enforcement or other law enforcement agencies, as appropriate,
96 whenever the inspector general has reasonable grounds to believe
97 there has been a violation of criminal law.

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

103 5.~~(e)~~ At the conclusion of each investigation in which the
104 subject of the investigation is a specific entity contracting
105 with the state or an individual substantially affected as
106 defined by this section, and if the investigation is not
107 confidential or otherwise exempt from disclosure by law, the
108 inspector general shall, consistent with s. 119.07(1) and s.
109 24(a), Art. I of the State Constitution, submit findings to the
110 subject that is a specific entity contracting with the state or
111 an individual substantially affected, who shall be advised in
112 writing that they may submit a written response within 20
113 working days after receipt of the findings. Such response and
114 the inspector general's rebuttal to the response, if any, shall
115 be included in the final investigative report.

116 6.~~(f)~~ Submit in a timely fashion final reports on

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117 investigations conducted by the inspector general to the agency
118 head, except for whistle-blower's investigations, which shall be
119 conducted and reported pursuant to s. 112.3189.

120 (b) Any investigative workpapers, records, reports,
121 reviews, inquiries, or other documentation obtained or created
122 during or in relation to an investigation conducted pursuant to
123 this section are confidential and exempt from s. 119.07(1) and
124 s. 24(a), Art. I of the State Constitution until completion of
125 such investigation or upon issuance of a final report. Upon
126 completion of an investigation or upon issuance of a final
127 report, the investigative workpapers, records, reports, reviews,
128 inquiries, or other documentation obtained or created during or
129 in relation to an investigation shall be public records to the
130 extent that they do not include information that has been made
131 exempt or confidential and exempt from s. 119.07(1) or s. 24(a),
132 Art. I of the State Constitution. This paragraph is subject to
133 the Open Government Sunset Review Act in accordance with s.
134 119.15 and shall stand repealed on October 2, 2022, unless
135 reviewed and saved from repeal through reenactment by the
136 Legislature.

137 Section 3. The Legislature finds that it is a public
138 necessity that any audit or investigative workpapers, records,
139 reports, reviews, inquiries, or other documentation obtained or
140 created during or in relation to any audit or investigation
141 conducted by the Chief Inspector General or an agency inspector
142 general be made confidential and exempt from s. 119.07(1),
143 Florida Statutes, and s. 24(a), Article I of the State
144 Constitution until completion of such audit or investigation or
145 issuance of a final report. The Legislature further finds that

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146 the public release of any such audit or investigative
147 workpapers, records, reports, reviews, inquiries, or other
148 documentation during an audit or investigation prior to
149 completion of such audit or investigation or issuance of a final
150 report could jeopardize the overall integrity of such audit or
151 investigation and any subsequent findings and recommendations
152 issued by the Chief Inspector General or an agency inspector
153 general. The exemptions from public records requirements are
154 necessary to ensure that the Chief Inspector General and agency
155 inspectors general are able to reasonably and effectively
156 conduct independent and complete audits or investigations as
157 necessary to fulfill their duties and responsibilities specified
158 in ss. 14.32 and 20.055, Florida Statutes, respectively.

159 Section 4. This act shall take effect on the same date that
160 SB 1478 or similar legislation takes effect, if such legislation
161 is adopted in the same legislative session or an extension
162 thereof and becomes law.