

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION        (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

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1 Committee/Subcommittee hearing bill: Oversight, Transparency &  
2 Administration Subcommittee

3 Representative Raulerson offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 25-141 and insert:

7 of the State Constitution until such audit or investigation is  
8 no longer active. When the audit or investigation is no longer  
9 active, such audit or investigative workpapers, records,  
10 reports, reviews, inquiries, or other documentation shall be  
11 public records to the extent that they do not include  
12 information that has been made confidential and exempt from s.  
13 119.07(1) by another exemption. This subsection is subject to  
14 the Open Government Sunset Review Act in accordance with s.  
15 119.15 and shall stand repealed on October 2, 2022, unless

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16 reviewed and saved from repeal through reenactment by the  
17 Legislature.

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

20 20.055 Agency inspectors general.—

21 (6) In carrying out the auditing duties and  
22 responsibilities of this act, each inspector general shall  
23 review and evaluate internal controls necessary to ensure the  
24 fiscal accountability of the state agency. The inspector general  
25 shall conduct financial, compliance, electronic data processing,  
26 and performance audits of the agency and prepare audit reports  
27 of his or her findings. The scope and assignment of the audits  
28 shall be determined by the inspector general; however, the  
29 agency head may at any time request the inspector general to  
30 perform an audit of a special program, function, or  
31 organizational unit. The performance of the audit shall be under  
32 the direction of the inspector general, except that if the  
33 inspector general does not possess the qualifications specified  
34 in subsection (4), the director of auditing shall perform the  
35 functions listed in this subsection.

36 (b) Any audit workpapers, records, reports, reviews,  
37 inquiries, or other documentation obtained or created during or  
38 in relation to an active audit conducted pursuant to this  
39 section are confidential and exempt from s. 119.07(1) and s.  
40 24(a), Art. I of the State Constitution until such audit is no

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41 longer active. When the audit is no longer active, such audit  
42 workpapers, records, and reports, reviews, inquiries, or other  
43 documentation shall be public records to the extent that they do  
44 not include information that which has been made confidential  
45 and exempt from the provisions of s. 119.07(1) by another  
46 exemption pursuant to law. However, When the inspector general  
47 or a member of the staff receives from an individual a complaint  
48 or information that falls within the definition provided in s.  
49 112.3187(5), the name or identity of the individual may not be  
50 disclosed to anyone else without the written consent of the  
51 individual, unless the inspector general determines that such  
52 disclosure is unavoidable during the course of the audit or  
53 investigation. This paragraph is subject to the Open Government  
54 Sunset Review Act in accordance with s. 119.15 and shall stand  
55 repealed on October 2, 2022, unless reviewed and saved from  
56 repeal through reenactment by the Legislature.

57 (7)(a) In carrying out the investigative duties and  
58 responsibilities specified in this section, each inspector  
59 general shall initiate, conduct, supervise, and coordinate  
60 investigations designed to detect, deter, prevent, and eradicate  
61 fraud, waste, mismanagement, misconduct, and other abuses in  
62 state government. For these purposes, each inspector general  
63 shall:

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

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66 ss. 112.3187-112.31895.

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

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

76 ~~4.(d)~~ Conduct investigations and other inquiries free of  
77 actual or perceived impairment to the independence of the  
78 inspector general or the inspector general's office. This shall  
79 include freedom from any interference with investigations and  
80 timely access to records and other sources of information.

81 ~~5.(e)~~ At the conclusion of each investigation in which the  
82 subject of the investigation is a specific entity contracting  
83 with the state or an individual substantially affected as  
84 defined by this section, and if the investigation is not  
85 confidential or otherwise exempt from disclosure by law, the  
86 inspector general shall, consistent with s. 119.07(1), submit  
87 findings to the subject that is a specific entity contracting  
88 with the state or an individual substantially affected, who  
89 shall be advised in writing that they may submit a written  
90 response within 20 working days after receipt of the findings.

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91 Such response and the inspector general's rebuttal to the  
92 response, if any, shall be included in the final investigative  
93 report.

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

98 (b) Any investigative workpapers, records, reports,  
99 reviews, inquiries, or other documentation obtained or created  
100 during or in relation to an active investigation conducted  
101 pursuant to this section are confidential and exempt from s.  
102 119.07(1) and s. 24(a), Art. I of the State Constitution until  
103 such investigation is no longer active. When the investigation  
104 is no longer active, such investigative workpapers, records,  
105 reports, reviews, inquiries, or other documentation shall be  
106 public records to the extent that they do not include  
107 information that has been made confidential and exempt from s.  
108 119.07(1) by another exemption. This paragraph is subject to the

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111 **T I T L E   A M E N D M E N T**

112 Remove lines 9-10 and insert:  
113 until such audit or investigation is no longer active;  
114 providing for future