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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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The Committee on Governmental Oversight and Accountability  
(Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

14.32 Office of Chief Inspector General.—

(6) Any audit or investigative workpapers, records,  
reports, reviews, inquiries, or other documentation obtained or  
created during or in relation to any audit or investigation



11 conducted pursuant to this section are confidential and exempt  
12 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
13 until completion of such audit or investigation or upon issuance  
14 of a final report. Upon completion of such audit or  
15 investigation or upon issuance of a final report, the audit or  
16 investigative workpapers, records, reports, reviews, inquiries,  
17 or other documentation obtained or created during or in relation  
18 to the audit or investigation shall be public records to the  
19 extent that they do not include information that has been made  
20 exempt or confidential and exempt from s. 119.07(1) or s. 24(a),  
21 Art. I of the State Constitution. This subsection is subject to  
22 the Open Government Sunset Review Act in accordance with s.  
23 119.15 and shall stand repealed on October 2, 2022, unless  
24 reviewed and saved from repeal through reenactment by the  
25 Legislature.

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

28 20.055 Agency inspectors general.—

29 (6) In carrying out the auditing duties and  
30 responsibilities of this act, each inspector general shall  
31 review and evaluate internal controls necessary to ensure the  
32 fiscal accountability of the state agency. The inspector general  
33 shall conduct financial, compliance, electronic data processing,  
34 and performance audits of the agency and prepare audit reports  
35 of his or her findings. The scope and assignment of the audits  
36 shall be determined by the inspector general; however, the  
37 agency head may at any time request the inspector general to  
38 perform an audit of a special program, function, or  
39 organizational unit. The performance of the audit shall be under



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40 the direction of the inspector general, except that if the  
41 inspector general does not possess the qualifications specified  
42 in subsection (4), the director of auditing shall perform the  
43 functions listed in this subsection.

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

67 (7)(a) In carrying out the investigative duties and  
68 responsibilities specified in this section, each inspector



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69 general shall initiate, conduct, supervise, and coordinate  
70 investigations designed to detect, deter, prevent, and eradicate  
71 fraud, waste, mismanagement, misconduct, and other abuses in  
72 state government. For these purposes, each inspector general  
73 shall:

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

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

82 3.~~(c)~~ Report expeditiously to the Department of Law  
83 Enforcement or other law enforcement agencies, as appropriate,  
84 whenever the inspector general has reasonable grounds to believe  
85 there has been a violation of criminal law.

86 4.~~(d)~~ Conduct investigations and other inquiries free of  
87 actual or perceived impairment to the independence of the  
88 inspector general or the inspector general's office. This shall  
89 include freedom from any interference with investigations and  
90 timely access to records and other sources of information.

91 5.~~(e)~~ At the conclusion of each investigation in which the  
92 subject of the investigation is a specific entity contracting  
93 with the state or an individual substantially affected as  
94 defined by this section, and if the investigation is not  
95 confidential or otherwise exempt from disclosure by law, the  
96 inspector general shall, consistent with s. 119.07(1) and s.  
97 24(a), Art. I of the State Constitution, submit findings to the



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98 subject that is a specific entity contracting with the state or  
99 an individual substantially affected, who shall be advised in  
100 writing that they may submit a written response within 20  
101 working days after receipt of the findings. Such response and  
102 the inspector general's rebuttal to the response, if any, shall  
103 be included in the final investigative report.

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

108 (b) Any investigative workpapers, records, reports,  
109 reviews, inquiries, or other documentation obtained or created  
110 during or in relation to an investigation conducted pursuant to  
111 this section are confidential and exempt from s. 119.07(1) and  
112 s. 24(a), Art. I of the State Constitution until completion of  
113 such investigation or upon issuance of a final report. Upon  
114 completion of an investigation or upon issuance of a final  
115 report, the investigative workpapers, records, reports, reviews,  
116 inquiries, or other documentation obtained or created during or  
117 in relation to an investigation shall be public records to the  
118 extent that they do not include information that has been made  
119 exempt or confidential and exempt from s. 119.07(1) or s. 24(a),  
120 Art. I of the State Constitution. This paragraph is subject to  
121 the Open Government Sunset Review Act in accordance with s.  
122 119.15 and shall stand repealed on October 2, 2022, unless  
123 reviewed and saved from repeal through reenactment by the  
124 Legislature.

125 Section 3. The Legislature finds that it is a public  
126 necessity that any audit or investigative workpapers, records,



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127 reports, reviews, inquiries, or other documentation obtained or  
128 created during or in relation to any audit or investigation  
129 conducted by the Chief Inspector General or an agency inspector  
130 general be made confidential and exempt from s. 119.07(1),  
131 Florida Statutes, and s. 24(a), Article I of the State  
132 Constitution until completion of such audit or investigation or  
133 issuance of a final report. The Legislature further finds that  
134 the public release of any such audit or investigative  
135 workpapers, records, reports, reviews, inquiries, or other  
136 documentation during an audit or investigation prior to  
137 completion of such audit or investigaton or issuance of a final  
138 report could jeopardize the overall integrity of such audit or  
139 investigation and any subsequent findings and recommendations  
140 issued by the Chief Inspector General or an agency inspector  
141 general. The exemptions from public records requirements are  
142 necessary to ensure that the Chief Inspector General and agency  
143 inspectors general are able to reasonably and effectively  
144 conduct independent and complete audits or investigations as  
145 necessary to fulfill their duties and responsibilities specified  
146 in ss. 14.32 and 20.055, Florida Statutes, respectively.

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

151  
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:

154 Delete everything before the enacting clause  
155 and insert:



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156                   A bill to be entitled  
157           An act relating to public records; amending ss. 14.32  
158           and 20.055, F.S.; providing exemptions from public  
159           records requirements for audit or investigative  
160           workpapers, records, reports, reviews, inquiries, or  
161           other documentation obtained or created during or in  
162           relation to any audit or investigation by the Chief  
163           Inspector General or an agency inspector general until  
164           completion of such audit or investigation or issuance  
165           of a final report; providing for future legislative  
166           review and repeal of the exemptions; providing a  
167           statement of public necessity; providing a contingent  
168           effective date.