

## CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to duties of agency inspectors general;  
8 amending s. 20.055, F.S.; providing that agency inspectors  
9 general rather than state agencies shall have certain  
10 powers and perform certain functions and duties relative  
11 to specified investigations; providing that agency  
12 inspectors general may access specified records, data, and  
13 information of a state agency and request information or  
14 assistance from a state agency or any federal, state, or  
15 local governmental entity; providing that agency  
16 inspectors general may compel the production by subpoena  
17 of specified information, data, and documentary evidence  
18 necessary in the performance of their functions; providing  
19 for the enforcement of specified subpoenas; providing that  
20 procedures other than subpoenas shall be used by agency  
21 inspectors general to obtain documents and information  
22 from state agencies; amending s. 112.3189, F.S.; providing  
23 requirements with respect to an employee designated by the

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24 head of a state agency to receive specified information  
 25 under the Whistle-blower's Act; providing that an agency  
 26 inspector general rather than an agency head shall perform  
 27 specified functions relative to an investigation under the  
 28 Whistle-blower's Act; providing an effective date.  
 29

30 Be It Enacted by the Legislature of the State of Florida:  
 31

32 Section 1. Subsection (6) of section 20.055, Florida  
 33 Statutes, is amended to read:

34 20.055 Agency inspectors general.--

35 (6) In carrying out the investigative duties and  
 36 responsibilities specified in this section, each inspector  
 37 general shall initiate, conduct, supervise, and coordinate  
 38 investigations designed to detect, deter, prevent, and eradicate  
 39 fraud, waste, mismanagement, misconduct, and other abuses in  
 40 state government. For these purposes, each inspector general  
 41 ~~state agency~~ shall have the following functions, powers, and  
 42 duties:

43 (a) To receive complaints and coordinate all activities of  
 44 the agency as required by the Whistle-blower's Act pursuant to  
 45 ss. 112.3187-112.31895.

46 (b) To receive and consider the complaints which do not  
 47 meet the criteria for an investigation under the Whistle-  
 48 blower's Act and conduct, supervise, or coordinate such  
 49 inquiries, investigations, or reviews as the inspector general  
 50 deems appropriate.

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51 (c) To report expeditiously to the Department of Law  
52 Enforcement or other law enforcement agencies, as appropriate,  
53 whenever the inspector general has reasonable grounds to believe  
54 there has been a violation of criminal law.

55 (d) To conduct investigations and other inquiries free of  
56 actual or perceived impairment to the independence of the  
57 inspector general or the inspector general's office. This shall  
58 include freedom from any interference with investigations and  
59 timely access to records and other sources of information.

60 (e) To access any records, data, and other information of  
61 a state agency he or she deems necessary to carry out his or her  
62 duties and to request such information or assistance as may be  
63 necessary from a state agency or from any federal, state, or  
64 local governmental entity.

65 (f) May compel by subpoena the production of all  
66 information, documents, reports, answers, records, accounts,  
67 papers, and other data and documentary evidence necessary in the  
68 performance of the functions assigned by this section, which  
69 subpoena, in the case of contumacy or refusal to obey, shall be  
70 enforceable by order of any appropriate state court of competent  
71 jurisdiction. Provided, that procedures other than subpoenas  
72 shall be used by the inspectors general to obtain documents and  
73 information from state agencies.

74 ~~(g)~~ To submit in a timely fashion final reports on  
75 investigations conducted by the inspector general to the agency  
76 head, except for whistle-blower's investigations, which shall be  
77 conducted and reported pursuant to s. 112.3189.

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78 Section 2. Subsections (1), (6), (7), and (9) of section  
79 112.3189, Florida Statutes, are amended to read:

80 112.3189 Investigative procedures upon receipt of whistle-  
81 blower information from certain state employees.--

82 (1) This section only applies to the disclosure of  
83 information as described in s. 112.3187(5) by an employee or  
84 former employee of, or an applicant for employment with, a state  
85 agency, as the term "state agency" is defined in s. 216.011, to  
86 the Office of the Chief Inspector General of the Executive  
87 Office of the Governor or to the agency inspector general. If an  
88 agency does not have an inspector general, the head of the state  
89 agency, as defined in s. 216.011, shall designate an employee  
90 who meets the requirements provided in s. 20.055(4) to receive  
91 information described in s. 112.3187(5). For purposes of this  
92 section and s. 112.3188 only, the employee designated by the  
93 head of the state agency shall be deemed an agency inspector  
94 general.

95 (6) The agency inspector general may conduct an  
96 investigation pursuant to paragraph (5)(a) only if the person  
97 transmitting information to the agency inspector general is an  
98 employee or former employee of, or an applicant for employment  
99 with, the agency inspector general's agency. The agency  
100 inspector general shall:

101 (a) Conduct an investigation with respect to the  
102 information and any related matters.

103 (b) Submit to the complainant and the Chief Inspector  
104 General, within 60 days after the date on which a determination  
105 to conduct an investigation is made under paragraph (5)(a), a

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106 final written report that sets forth the agency inspector  
107 general's findings, conclusions, and recommendations, except as  
108 provided under subsection (11). The complainant shall be advised  
109 in writing by the agency inspector general ~~head~~ that the  
110 complainant may submit to the Chief Inspector General and agency  
111 inspector general comments on the final report within 20 days of  
112 the date of the report and that such comments will be attached  
113 to the final report.

114 (7) If the Chief Inspector General decides an  
115 investigation should be conducted pursuant to paragraph (5)(a),  
116 the Chief Inspector General shall either:

117 (a) Promptly transmit to the appropriate ~~head of the state~~  
118 agency inspector general the information with respect to which  
119 the determination to conduct an investigation was made, and such  
120 agency inspector general ~~head~~ shall conduct an investigation and  
121 submit to the Chief Inspector General a final written report  
122 that sets forth the ~~agency head's~~ findings, conclusions, and  
123 recommendations of the agency inspector general; or

124 (b)1. Conduct an investigation with respect to the  
125 information and any related matters; and

126 2. Submit to the complainant within 60 days after the date  
127 on which a determination to conduct an investigation is made  
128 under paragraph (5)(a), a final written report that sets forth  
129 the Chief Inspector General's findings, conclusions, and  
130 recommendations, except as provided under subsection (11). The  
131 complainant shall be advised in writing by the Chief Inspector  
132 General that the complainant may submit to the Chief Inspector  
133 General comments on the final report within 20 days of the date

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134 of the report and that such comments will be attached to the  
135 final report.

136 (c) The Chief Inspector General may require an agency  
137 inspector general ~~head~~ to conduct an investigation under  
138 paragraph (a) only if the information was transmitted to the  
139 Chief Inspector General by:

140 1. An employee or former employee of, or an applicant for  
141 employment with, the agency that the information concerns; or

142 2. An employee who obtained the information in connection  
143 with the performance of the employee's duties and  
144 responsibilities.

145 (9)(a) A report required of the agency inspector general  
146 ~~head~~ under paragraph (7)(a) shall be submitted to the Chief  
147 Inspector General and the complainant within 60 days after the  
148 agency inspector general ~~head~~ receives the complaint from the  
149 Chief Inspector General, except as provided under subsection  
150 (11). The complainant shall be advised in writing by the agency  
151 inspector general ~~head~~ that the complainant may submit to the  
152 Chief Inspector General comments on the report within 20 days of  
153 the date of the report and that such comments will be attached  
154 to the final report.

155 (b) Upon receiving a final report required under this  
156 section, the Chief Inspector General shall review the report and  
157 determine whether the report contains the information required  
158 by subsection (8). If the report does not contain the  
159 information required by subsection (8), the Chief Inspector  
160 General shall determine why and note the reasons on an addendum  
161 to the final report.

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162 (c) The Chief Inspector General shall transmit any final  
163 report under this section, any comments provided by the  
164 complainant, and any appropriate comments or recommendations by  
165 the Chief Inspector General to the Governor, to the Joint  
166 Legislative Auditing Committee, to the investigating agency, and  
167 to the Chief Financial Officer.

168 (d) If the Chief Inspector General does not receive the  
169 report of the agency inspector general ~~head~~ within the time  
170 prescribed in paragraph (a), the Chief Inspector General may  
171 conduct the investigation in accordance with paragraph (7)(b) or  
172 request that another agency inspector general conduct the  
173 investigation in accordance with subsection (6) and shall report  
174 the complaint to the Governor, to the Joint Legislative Auditing  
175 Committee, and to the investigating agency, together with a  
176 statement noting the failure of the agency inspector general  
177 ~~head~~ to file the required report.

178 Section 3. This act shall take effect upon becoming a law.