Florida Senate - 2006

By Senator Bennett

21-450C-06

1	A bill to be entitled
2	An act relating to agency inspectors general;
3	amending s. 20.055, F.S.; deleting the
4	requirement that investigations and inquiries
5	by inspectors general be free of perceived
б	impairments to their independence; requiring
7	provision of opportunity to challenge an
8	inspector general's report; requiring
9	development of procedures to ensure compliance
10	with requirements applicable to inspector
11	general investigations; prescribing
12	applicability; providing effective dates.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Subsection (6) of section 20.055, Florida
17	Statutes, is amended to read:
18	20.055 Agency inspectors general
19	(6) <u>(a)</u> In carrying out the investigative duties and
20	responsibilities specified in this section, each inspector
21	general shall initiate, conduct, supervise, and coordinate
22	investigations designed to detect, deter, prevent, and
23	eradicate fraud, waste, mismanagement, misconduct, and other
24	abuses in state government. For these purposes, each state
25	agency shall:
26	$\frac{1.(a)}{a}$ Receive complaints and coordinate all activities
27	of the agency as required by the Whistle-blower's Act pursuant
28	to ss. 112.3187-112.31895.
29	<u>2.(b)</u> Receive and consider the complaints which do not
30	meet the criteria for an investigation under the
31	Whistle-blower's Act and conduct, supervise, or coordinate
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1 such inquiries, investigations, or reviews as the inspector 2 general deems appropriate. 3.(c) Report expeditiously to the Department of Law 3 4 Enforcement or other law enforcement agencies, as appropriate, 5 whenever the inspector general has reasonable grounds to 6 believe there has been a violation of criminal law. 7 4.(d) Conduct investigations and other inquiries free 8 of actual or perceived impairment to the independence of the 9 inspector general or the inspector general's office. This shall include freedom from any interference with 10 investigations and timely access to records and other sources 11 12 of information. 13 5.(e) Submit in a timely fashion final reports on investigations conducted by the inspector general to the 14 agency head, except for whistle-blower's investigations, which 15 shall be conducted and reported pursuant to s. 112.3189. 16 17 6. Ensure a meaningful opportunity, including the 18 right to an impartial hearing, to challenge findings, conclusions, and recommendations contained in a report 19 resulting from an inquiry, investigation, audit, or review 2.0 21 before it is finalized and made public in a written response 22 to the findings, conclusions, and recommendations of the 23 inspector general's final report, which response must be attached to the inspector general's final report and delivered 2.4 25 to any party requesting such report at the same time the report is delivered. 26 27 (b) Specific procedures by which all inspectors 2.8 general will fully implement this subsection shall be developed by the Chief Inspector General in the Executive 29 30 Office of the Governor. Development of initial procedures must 31

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SB 1632

1	be completed within 120 days after this paragraph becomes a
2	law, but no later than September 30, 2006.
3	Section 2. This act, except for this section and
4	paragraph 20.055(6)(b), Florida Statutes, created in section 1
5	which shall take effect upon this act becoming a law, shall
б	take effect October 1, 2006.
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9	SENATE SUMMARY
10	Deletes a requirement that a state agency inspector general's investigations and inquiries be free of
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12	general's inquiry, investigation, audit, or review of an agency or individual. Provides for development of
13	procedures to ensure compliance with requirements applicable to inspector general investigations.
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