

By Senator Gelber

35-00140-10

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1                   A bill to be entitled  
2           An act relating to agency inspectors general; amending  
3           s. 20.055, F.S.; updating a cross-reference; requiring  
4           the agency inspector general to keep the Auditor  
5           General informed of any agency fraud, abuses, or  
6           deficiencies; providing that the agency inspector  
7           general be appointed by, under the general supervision  
8           of, and removable by the Auditor General; requiring  
9           that the agency inspector general provide to the  
10          Auditor General final reports on investigations, an  
11          annual report, and certain written complaints;  
12          providing an effective date.

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

16           Section 1. Paragraphs (b) and (f) of subsection (2),  
17          subsection (3), paragraph (f) of subsection (6), and subsections  
18          (7) and (8) of section 20.055, Florida Statutes, are amended to  
19          read:

20           20.055 Agency inspectors general.—

21           (2) The Office of Inspector General is hereby established  
22          in each state agency to provide a central point for coordination  
23          of and responsibility for activities that promote  
24          accountability, integrity, and efficiency in government. It  
25          shall be the duty and responsibility of each inspector general,  
26          with respect to the state agency in which the office is  
27          established, to:

28           (b) Assess the reliability and validity of the information  
29          provided by the state agency on performance outcomes ~~measures~~

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30 and standards, and make recommendations for improvement, if  
31 necessary, prior to submission of those outcomes ~~measures~~ and  
32 standards to the Executive Office of the Governor pursuant to s.  
33 216.013 ~~s. 216.0166(1)~~.

34 (f) Keep the ~~such~~ agency head and the Auditor General  
35 informed concerning any fraud, abuses, or ~~and~~ deficiencies  
36 relating to programs and operations administered or financed by  
37 the state agency, recommend corrective action concerning such  
38 fraud, abuses, and deficiencies, and report on ~~the~~ progress made  
39 in implementing corrective action.

40 (3)~~(a)~~ The inspector general of each state agency shall be  
41 appointed by the Auditor General but shall be located at the  
42 respective state agency head. ~~For agencies under the direction~~  
43 ~~of the Governor, the appointment shall be made after notifying~~  
44 ~~the Governor and the Chief Inspector General in writing, at~~  
45 ~~least 7 days prior to an offer of employment, of the agency~~  
46 ~~head's intention to hire the inspector general.~~

47 ~~(a)(b)~~ Each inspector general shall report to and be under  
48 the general supervision of the Auditor General ~~agency head~~ and  
49 ~~shall not be subject to supervision by any other employee of the~~  
50 ~~state agency. The inspector general shall be appointed without~~  
51 ~~regard to political affiliation.~~

52 ~~(b)(e)~~ An inspector general may be removed from office by  
53 the Auditor General ~~agency head~~. ~~For agencies under the~~  
54 ~~direction of the Governor, the agency head shall notify the~~  
55 ~~Governor and the Chief Inspector General, in writing, of the~~  
56 ~~intention to terminate the inspector general at least 7 days~~  
57 ~~prior to the removal. For state agencies under the direction of~~  
58 ~~the Governor and Cabinet, the agency head shall notify the~~

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59 ~~Governor and Cabinet in writing of the intention to terminate~~  
60 ~~the inspector general at least 7 days prior to the removal.~~

61 (c) ~~(d)~~ An The agency head or agency staff may ~~shall~~ not  
62 prevent or prohibit the inspector general from initiating,  
63 carrying out, or completing any audit or investigation.

64 (6) In carrying out the investigative duties and  
65 responsibilities specified in this section, each inspector  
66 general shall initiate, conduct, supervise, and coordinate  
67 investigations designed to detect, deter, prevent, and eradicate  
68 fraud, waste, mismanagement, misconduct, and other abuses in  
69 state government. For these purposes, each inspector general  
70 shall:

71 (f) Submit in a timely fashion final reports on  
72 investigations conducted by the inspector general to the agency  
73 head and the Auditor General, except for whistle-blower's  
74 investigations, which shall be conducted and reported pursuant  
75 to s. 112.3189.

76 (7) Each inspector general shall, by ~~not later than~~  
77 September 30 of each year, prepare an annual report summarizing  
78 the activities of the office during the immediately preceding  
79 state fiscal year. The final report shall be furnished to the  
80 agency head and the Auditor General. Such report shall include,  
81 but need not be limited to:

82 (a) A description of activities relating to the  
83 development, assessment, and validation of performance measures.

84 (b) A description of significant problems, abuses, and  
85 deficiencies relating to the administration of programs and  
86 operations of the agency disclosed by investigations, audits,  
87 reviews, or other activities during the reporting period.

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88 (c) A description of the recommendations for corrective  
89 action made by the inspector general during the reporting period  
90 with respect to significant problems, abuses, or deficiencies  
91 identified.

92 (d) The identification of each significant recommendation  
93 described in previous annual reports on which corrective action  
94 has not been completed.

95 (e) A summary of each audit and investigation completed  
96 during the reporting period.

97 (8) The inspector general in each state agency shall  
98 provide to the agency head and the Auditor General, upon  
99 receipt, all written complaints concerning the duties and  
100 responsibilities in this section, or any allegation of  
101 misconduct related to the office of the inspector general or its  
102 employees, ~~if~~ received from subjects of audits or investigations  
103 who are individuals substantially affected or entities  
104 contracting with the state, ~~as defined in this section~~. For  
105 agencies solely under the direction of the Governor, the  
106 inspector general shall also provide the complaint to the Chief  
107 Inspector General.

108 Section 2. This act shall take effect July 1, 2010.