

By the Committee on Governmental Oversight and Accountability;  
and Senator Gelber

585-03057-10

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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 agency inspectors general to be confirmed by the  
5 Senate; requiring the agency inspector general to keep  
6 the Auditor General informed of any agency fraud,  
7 abuses, or deficiencies; revising the procedures for  
8 removing an inspector general; requiring that the  
9 agency inspector general provide to the Auditor  
10 General final reports on investigations, an annual  
11 report, and certain written complaints; providing an  
12 effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
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 agency head and confirmed by the Senate. For  
42 agencies under the direction of the Governor, the appointment  
43 shall be made after notifying the Governor and the Chief  
44 Inspector General in writing, at least 7 days before ~~prior to~~ an  
45 offer of employment, of the agency head's intention to hire the  
46 inspector general.

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

52 ~~(b)~~ ~~(e)~~ An inspector general may be removed from office by  
53 the agency head. For agencies under the direction of the  
54 Governor, the agency head shall notify the Governor and the  
55 Chief Inspector General, in writing, of the intention to  
56 terminate the inspector general for good cause shown at least 21  
57 7 days before ~~prior to~~ the removal. For state agencies under the  
58 direction of the Governor and Cabinet, the agency head shall

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59 notify the Governor and Cabinet in writing of the intention to  
60 terminate the inspector general for good cause shown at least 21  
61 7 days before ~~prior to the~~ removal. Good cause must be  
62 documented in the notification. The inspector general may not be  
63 removed if an objection is made by the Governor or Governor and  
64 Cabinet, as appropriate, within the 21 days before removal.  
65 Removal may be made if the objection is later rescinded.

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

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

76 (f) Submit in a timely fashion final reports on  
77 investigations conducted by the inspector general to the agency  
78 head and the Auditor General, except for whistle-blower's  
79 investigations, which shall be conducted and reported pursuant  
80 to s. 112.3189.

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

87 (a) A description of activities relating to the

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88 development, assessment, and validation of performance measures.

89 (b) A description of significant problems, abuses, and  
90 deficiencies relating to the administration of programs and  
91 operations of the agency disclosed by investigations, audits,  
92 reviews, or other activities during the reporting period.

93 (c) A description of the recommendations for corrective  
94 action made by the inspector general during the reporting period  
95 with respect to significant problems, abuses, or deficiencies  
96 identified.

97 (d) The identification of each significant recommendation  
98 described in previous annual reports on which corrective action  
99 has not been completed.

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

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

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