



537198

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

04/30/2014 03:02 PM

.

.

---

Senator Latvala moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 14.32, Florida  
Statutes, is amended to read:

14.32 Office of Chief Inspector General.—

(1) There is created in the Executive Office of the  
Governor the Office of Chief Inspector General. The Chief  
Inspector General is ~~shall be~~ responsible for promoting  
accountability, integrity, and efficiency in the agencies under



537198

12 the jurisdiction of the Governor. The Chief Inspector General  
13 shall be appointed by and serve at the pleasure of the Governor.  
14 However, upon a change in Governors or reelection of the  
15 Governor, the Governor shall appoint, or may reappoint, a Chief  
16 Inspector General before adjournment sine die of the first  
17 regular session of the Legislature that convenes after such  
18 change in Governors or reelection of the Governor.

19 Section 2. Subsections (2), (3), and (5), paragraph (c) of  
20 subsection (7), and subsection (8) of section 20.055, Florida  
21 Statutes, are amended to read:

22 20.055 Agency inspectors general.-

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

30 (a) Advise in the development of performance measures,  
31 standards, and procedures for the evaluation of state agency  
32 programs.

33 (b) Assess the reliability and validity of the information  
34 provided by the state agency on performance measures and  
35 standards, and make recommendations for improvement, if  
36 necessary, before ~~prior to~~ submission of such information ~~these~~  
37 ~~measures and standards to the Executive Office of the Governor~~  
38 pursuant to s. 216.1827 ~~216.0166(1)~~.

39 (c) Review the actions taken by the state agency to improve  
40 program performance and meet program standards and make



41 recommendations for improvement, if necessary.

42 (d) Provide direction for, supervise, and coordinate  
43 audits, investigations, and management reviews relating to the  
44 programs and operations of the state agency, except that when  
45 the inspector general does not possess the qualifications  
46 specified in subsection (4), the director of auditing shall  
47 conduct such audits.

48 (e) Conduct, supervise, or coordinate other activities  
49 carried out or financed by that state agency for the purpose of  
50 promoting economy and efficiency in the administration of, or  
51 preventing and detecting fraud and abuse in, its programs and  
52 operations.

53 (f) Keep the ~~such~~ agency head or, for state agencies under  
54 the jurisdiction of the Governor, the Chief Inspector General  
55 informed concerning fraud, abuses, and deficiencies relating to  
56 programs and operations administered or financed by the state  
57 agency, recommend corrective action concerning fraud, abuses,  
58 and deficiencies, and report on the progress made in  
59 implementing corrective action.

60 (g) Ensure effective coordination and cooperation between  
61 the Auditor General, federal auditors, and other governmental  
62 bodies with a view toward avoiding duplication.

63 (h) Review, as appropriate, rules relating to the programs  
64 and operations of such state agency and make recommendations  
65 concerning their impact.

66 (i) Ensure that an appropriate balance is maintained  
67 between audit, investigative, and other accountability  
68 activities.

69 (j) Comply with the General Principles and Standards for



537198

70 Offices of Inspector General as published and revised by the  
71 Association of Inspectors General.

72 (3) (a) For state agencies under the jurisdiction of the  
73 Cabinet or the Governor and Cabinet, the inspector general shall  
74 be appointed by the agency head. For state agencies under the  
75 jurisdiction ~~direction~~ of the Governor, the inspector general  
76 shall be appointed by the Chief Inspector General. The agency  
77 head or Chief Inspector General shall notify ~~appointment shall~~  
78 ~~be made after notifying~~ the Governor and ~~the Chief Inspector~~  
79 ~~General~~ in writing, ~~at least 7 days prior to an offer of~~  
80 ~~employment,~~ of his or her ~~the agency head's~~ intention to hire  
81 the inspector general at least 7 days before an offer of  
82 employment. The inspector general shall be appointed without  
83 regard to political affiliation.

84 (b) ~~The Each~~ inspector general shall report to and be under  
85 the general supervision of the agency head and ~~is shall not be~~  
86 subject to supervision by any other employee of the state agency  
87 in which the office is established. For state agencies under the  
88 jurisdiction of the Governor, the inspector general shall be  
89 under the general supervision of the agency head, shall report  
90 to the Chief Inspector General, and may hire and remove staff  
91 within the office of the inspector general in consultation with  
92 the Chief Inspector General but independently of the agency. ~~The~~  
93 ~~inspector general shall be appointed without regard to political~~  
94 ~~affiliation.~~

95 (c) For state agencies under the jurisdiction of the  
96 Cabinet or the Governor and Cabinet, the ~~An~~ inspector general  
97 may be removed from office by the agency head. For state  
98 agencies under the jurisdiction ~~direction~~ of the Governor, the



537198

99 inspector general may only be removed from office by the agency  
100 head shall notify the Governor and the Chief Inspector General  
101 for cause, including concerns regarding performance,  
102 malfeasance, misfeasance, misconduct, or failure to carry out  
103 his or her duties under this section. The Chief Inspector  
104 General shall notify the Governor, in writing, of his or her the  
105 intention to remove terminate the inspector general at least 21  
106 7 days before prior to the removal. For state agencies under the  
107 jurisdiction direction of the Governor and Cabinet, the agency  
108 head shall notify the Governor and Cabinet in writing of his or  
109 her the intention to remove terminate the inspector general at  
110 least 21 7 days before prior to the removal. If the inspector  
111 general disagrees with the removal, the inspector general may  
112 present objections in writing to the Governor within the 21-day  
113 period.

114 (d) The Governor, the Governor and Cabinet, the agency  
115 head, or agency staff may shall not prevent or prohibit the  
116 inspector general from initiating, carrying out, or completing  
117 any audit or investigation.

118 (5) In carrying out the auditing duties and  
119 responsibilities of this act, each inspector general shall  
120 review and evaluate internal controls necessary to ensure the  
121 fiscal accountability of the state agency. The inspector general  
122 shall conduct financial, compliance, electronic data processing,  
123 and performance audits of the agency and prepare audit reports  
124 of his or her findings. The scope and assignment of the audits  
125 shall be determined by the inspector general; however, the  
126 agency head may at any time request direct the inspector general  
127 to perform an audit of a special program, function, or



537198

128 organizational unit. The performance of the audit shall be under  
129 the direction of the inspector general, except that if the  
130 inspector general does not possess the qualifications specified  
131 in subsection (4), the director of auditing shall perform the  
132 functions listed in this subsection.

133 (a) Such audits shall be conducted in accordance with the  
134 current International Standards for the Professional Practice of  
135 Internal Auditing as published by the Institute of Internal  
136 Auditors, Inc., or, where appropriate, in accordance with  
137 generally accepted governmental auditing standards. All audit  
138 reports issued by internal audit staff shall include a statement  
139 that the audit was conducted pursuant to the appropriate  
140 standards.

141 (b) Audit workpapers and reports shall be public records to  
142 the extent that they do not include information which has been  
143 made confidential and exempt from the provisions of s. 119.07(1)  
144 pursuant to law. However, when the inspector general or a member  
145 of the staff receives from an individual a complaint or  
146 information that falls within the definition provided in s.  
147 112.3187(5), the name or identity of the individual may ~~shall~~  
148 not be disclosed to anyone else without the written consent of  
149 the individual, unless the inspector general determines that  
150 such disclosure is unavoidable during the course of the audit or  
151 investigation.

152 (c) The inspector general and the staff shall have access  
153 to any records, data, and other information of the state agency  
154 he or she deems necessary to carry out his or her duties. The  
155 inspector general may ~~is also authorized to~~ request such  
156 information or assistance as may be necessary from the state



157 agency or from any federal, state, or local government entity.

158 (d) At the conclusion of each audit, the inspector general  
159 shall submit preliminary findings and recommendations to the  
160 person responsible for supervision of the program function or  
161 operational unit who shall respond to any adverse findings  
162 within 20 working days after receipt of the preliminary  
163 findings. Such response and the inspector general's rebuttal to  
164 the response shall be included in the final audit report.

165 (e) At the conclusion of an audit in which the subject of  
166 the audit is a specific entity contracting with the state or an  
167 individual substantially affected, if the audit is not  
168 confidential or otherwise exempt from disclosure by law, the  
169 inspector general shall, consistent with s. 119.07(1), submit  
170 the findings to the entity contracting with the state or the  
171 individual substantially affected, who shall be advised in  
172 writing that they may submit a written response within 20  
173 working days after receipt of the findings. The response and the  
174 inspector general's rebuttal to the response, if any, must be  
175 included in the final audit report.

176 (f) The inspector general shall submit the final report to  
177 the agency head, ~~and to the Auditor General, and, for state~~  
178 agencies under the jurisdiction of the Governor, the Chief  
179 Inspector General.

180 (g) The Auditor General, in connection with the independent  
181 postaudit of the same agency pursuant to s. 11.45, shall give  
182 appropriate consideration to internal audit reports and the  
183 resolution of findings therein. The Legislative Auditing  
184 Committee may inquire into the reasons or justifications for  
185 failure of the agency head to correct the deficiencies reported



537198

186 in internal audits that are also reported by the Auditor General  
187 and shall take appropriate action.

188 (h) The inspector general shall monitor the implementation  
189 of the state agency's response to any report on the state agency  
190 issued by the Auditor General or by the Office of Program Policy  
191 Analysis and Government Accountability. No later than 6 months  
192 after the Auditor General or the Office of Program Policy  
193 Analysis and Government Accountability publishes a report on the  
194 state agency, the inspector general shall provide a written  
195 response to the agency head or, for state agencies under the  
196 jurisdiction of the Governor, the Chief Inspector General on the  
197 status of corrective actions taken. The inspector general shall  
198 file a copy of such response with the Legislative Auditing  
199 Committee.

200 (i) The inspector general shall develop long-term and  
201 annual audit plans based on the findings of periodic risk  
202 assessments. The plan, where appropriate, should include  
203 postaudit samplings of payments and accounts. The plan shall  
204 show the individual audits to be conducted during each year and  
205 related resources to be devoted to the respective audits. The  
206 Chief Financial Officer, to assist in fulfilling the  
207 responsibilities for examining, auditing, and settling accounts,  
208 claims, and demands pursuant to s. 17.03(1), and examining,  
209 auditing, adjusting, and settling accounts pursuant to s. 17.04,  
210 may use ~~utilize~~ audits performed by the inspectors general and  
211 internal auditors. For state agencies under the jurisdiction of  
212 the Governor, the audit plans shall be submitted to the  
213 ~~Governor's~~ Chief Inspector General. The plan shall be submitted  
214 to the agency head for approval. A copy of the approved plan





537198

215 shall be submitted to the Auditor General.

216 (7)

217 (c) The final reports prepared pursuant to paragraphs (a)  
218 and (b) shall be provided ~~furnished~~ to the heads of the  
219 respective agencies and, for state agencies under the  
220 jurisdiction of the Governor, the Chief Inspector General. Such  
221 reports shall include, but need not be limited to:

222 1. A description of activities relating to the development,  
223 assessment, and validation of performance measures.

224 2. A description of significant abuses and deficiencies  
225 relating to the administration of programs and operations of the  
226 agency disclosed by investigations, audits, reviews, or other  
227 activities during the reporting period.

228 3. A description of the recommendations for corrective  
229 action made by the inspector general during the reporting period  
230 with respect to significant problems, abuses, or deficiencies  
231 identified.

232 4. The identification of each significant recommendation  
233 described in previous annual reports on which corrective action  
234 has not been completed.

235 5. A summary of each audit and investigation completed  
236 during the reporting period.

237 (8) The inspector general in each state agency shall  
238 provide to the agency head, upon receipt, all written complaints  
239 concerning the duties and responsibilities in this section or  
240 any allegation of misconduct related to the office of the  
241 inspector general or its employees, if received from subjects of  
242 audits or investigations who are individuals substantially  
243 affected or entities contracting with the state, as defined in



537198

244 this section. For state agencies ~~solely~~ under the jurisdiction  
245 ~~direction~~ of the Governor, the inspector general shall also  
246 provide the complaint to the Chief Inspector General.

247 Section 3. This act shall take effect July 1, 2014.

248

249 ===== T I T L E A M E N D M E N T =====

250 And the title is amended as follows:

251 Delete everything before the enacting clause  
252 and insert:

253 A bill to be entitled  
254 An act relating to inspectors general; amending s.  
255 14.32, F.S.; revising provisions relating to the  
256 appointment and removal of the Chief Inspector  
257 General; amending s. 20.055, F.S.; revising provisions  
258 relating to the duties, appointment, and removal of  
259 agency inspectors general; updating a cross-reference;  
260 providing an effective date.