

HB 1385

2014

1 A bill to be entitled

2 An act relating to inspectors general; amending s.
3 14.32, F.S.; revising provisions relating to the
4 duties, appointment, and removal of the Chief
5 Inspector General; amending s. 20.055, F.S.; revising
6 provisions relating to the duties, appointment, and
7 removal of agency inspectors general; updating a
8 cross-reference; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsection (1) and paragraph (e) of subsection
13 (2) of section 14.32, Florida Statutes, are amended to read:

14 14.32 Office of Chief Inspector General.—

15 (1) There is created in the Executive Office of the
16 Governor the Office of Chief Inspector General. The Chief
17 Inspector General is ~~shall be~~ responsible for promoting
18 accountability, integrity, and efficiency in the agencies under
19 the jurisdiction of the Governor. The Chief Inspector General
20 shall be appointed by the Governor, subject to confirmation by
21 the Senate, and shall serve at the pleasure of the Governor.
22 However, upon a change in Governors or reelection of the
23 Governor, the Governor shall appoint, or may reappoint, a Chief
24 Inspector General before adjournment sine die of the first
25 regular session of the Legislature that convenes after such
26 change in Governors or reelection of the Governor.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 (2) The Chief Inspector General shall:

28 (e) Coordinate complaint-handling activities with agencies
 29 and provide for independent legal counsel for inspectors general
 30 in agencies under the jurisdiction of the Governor.

31 Section 2. Subsections (2) and (3), paragraphs (f), (h),
 32 and (i) of subsection (5), paragraph (c) of subsection (7), and
 33 subsection (8) of section 20.055, Florida Statutes, are amended
 34 to read:

35 20.055 Agency inspectors general.—

36 (2) The Office of Inspector General is ~~hereby~~ established
 37 in each state agency to provide a central point for coordination
 38 of and responsibility for activities that promote
 39 accountability, integrity, and efficiency in government. It is
 40 ~~shall be~~ the duty and responsibility of each inspector general,
 41 with respect to the state agency in which the office is
 42 established, to:

43 (a) Advise in the development of performance measures,
 44 standards, and procedures for the evaluation of state agency
 45 programs.

46 (b) Assess the reliability and validity of the information
 47 provided by the state agency on performance measures and
 48 standards, and make recommendations for improvement, if
 49 necessary, before ~~prior to~~ submission of such information ~~those~~
 50 ~~measures and standards to the Executive Office of the Governor~~
 51 pursuant to s. 216.1827 ~~216.0166(1)~~.

52 (c) Review the actions taken by the state agency to

53 improve program performance and meet program standards and make
54 recommendations for improvement, if necessary.

55 (d) Provide direction for, supervise, and coordinate
56 audits, investigations, and management reviews relating to the
57 programs and operations of the state agency, except that when
58 the inspector general does not possess the qualifications
59 specified in subsection (4), the director of auditing shall
60 conduct such audits.

61 (e) Conduct, supervise, or coordinate other activities
62 carried out or financed by that state agency for the purpose of
63 promoting economy and efficiency in the administration of, or
64 preventing and detecting fraud and abuse in, its programs and
65 operations.

66 (f) Keep the ~~such~~ agency head or, for state agencies under
67 the jurisdiction of the Governor, the Chief Inspector General
68 informed concerning fraud, abuses, and deficiencies relating to
69 programs and operations administered or financed by the state
70 agency, recommend corrective action concerning fraud, abuses,
71 and deficiencies, and report on the progress made in
72 implementing corrective action.

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

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

79 (i) Ensure that an appropriate balance is maintained
 80 between audit, investigative, and other accountability
 81 activities.

82 (j) Comply with the General Principles and Standards for
 83 Offices of Inspector General as published and revised by the
 84 Association of Inspectors General.

85 (3) (a) The inspector general shall be appointed by the
 86 agency head. For state agencies under the jurisdiction ~~direction~~
 87 of the Governor, the inspector general shall be appointed by the
 88 Chief Inspector General. The agency head or Chief Inspector
 89 General shall notify ~~appointment shall be made after notifying~~
 90 the Governor ~~and the Chief Inspector General~~ in writing, ~~at~~
 91 ~~least 7 days prior to an offer of employment,~~ of his or her ~~the~~
 92 ~~agency head's~~ intention to hire the inspector general at least 7
 93 days before an offer of employment. The inspector general shall
 94 be appointed without regard to political affiliation.

95 (b) The ~~Each~~ inspector general shall report to and be
 96 under the general supervision of the agency head and is ~~shall~~
 97 ~~not be~~ subject to supervision by any other employee of the state
 98 agency in which the office is established. ~~The inspector general~~
 99 ~~shall be appointed without regard to political affiliation. For~~
 100 state agencies under the jurisdiction of the Governor, the
 101 inspector general shall be under the general supervision of the
 102 agency head, shall report to the Chief Inspector General, and
 103 may hire and remove staff within the office of the inspector
 104 general in consultation with the Chief Inspector General but

105 independently of the agency.

106 (c) The ~~an~~ inspector general may be removed from office by
 107 the agency head. For state agencies under the jurisdiction
 108 ~~direction~~ of the Governor, the inspector general may only be
 109 removed from office by the agency head shall notify the Governor
 110 and the Chief Inspector General for cause, including concerns
 111 regarding performance, malfeasance, misfeasance, misconduct, or
 112 failure to carry out his or her duties under this section. The
 113 Chief Inspector General shall notify the Governor, in writing,
 114 of his or her ~~the~~ intention to remove ~~terminate~~ the inspector
 115 general at least 21 7 days before ~~prior to~~ the removal. For
 116 state agencies under the jurisdiction ~~direction~~ of the Governor
 117 and Cabinet, the agency head shall notify the Governor and
 118 Cabinet in writing of his or her ~~the~~ intention to remove
 119 ~~terminate~~ the inspector general at least 21 7 days before ~~prior~~
 120 ~~to~~ the removal. If the inspector general disagrees with the
 121 removal, the inspector general may present objections in writing
 122 to the agency head or the Governor within the 21-day period.

123 (d) The Governor, the Governor and Cabinet, the agency
 124 head, or agency staff may ~~shall~~ not prevent or prohibit the
 125 inspector general from initiating, carrying out, or completing
 126 any audit or investigation.

127 (e) The office of the inspector general shall have its own
 128 budget within the state agency sufficient to meet its mission
 129 developed in consultation with the Chief Inspector General.

130 (5) In carrying out the auditing duties and

131 responsibilities of this act, each inspector general shall
132 review and evaluate internal controls necessary to ensure the
133 fiscal accountability of the state agency. The inspector general
134 shall conduct financial, compliance, electronic data processing,
135 and performance audits of the agency and prepare audit reports
136 of his or her findings. The scope and assignment of the audits
137 shall be determined by the inspector general; however, the
138 agency head may at any time direct the inspector general to
139 perform an audit of a special program, function, or
140 organizational unit. The performance of the audit shall be under
141 the direction of the inspector general, except that if the
142 inspector general does not possess the qualifications specified
143 in subsection (4), the director of auditing shall perform the
144 functions listed in this subsection.

145 (f) The inspector general shall submit the final report to
146 the agency head, ~~and to the Auditor General, and, for state~~
147 agencies under the jurisdiction of the Governor, the Chief
148 Inspector General.

149 (h) The inspector general shall monitor the implementation
150 of the state agency's response to any report on the state agency
151 issued by the Auditor General or by the Office of Program Policy
152 Analysis and Government Accountability. No later than 6 months
153 after the Auditor General or the Office of Program Policy
154 Analysis and Government Accountability publishes a report on the
155 state agency, the inspector general shall provide a written
156 response to the agency head or, for state agencies under the

157 jurisdiction of the Governor, the Chief Inspector General on the
158 status of corrective actions taken. The inspector general shall
159 file a copy of such response with the Legislative Auditing
160 Committee.

161 (i) The inspector general shall develop long-term and
162 annual audit plans based on the findings of periodic risk
163 assessments. The plan, where appropriate, should include
164 postaudit samplings of payments and accounts. The plan shall
165 show the individual audits to be conducted during each year and
166 related resources to be devoted to the respective audits. The
167 Chief Financial Officer, to assist in fulfilling the
168 responsibilities for examining, auditing, and settling accounts,
169 claims, and demands pursuant to s. 17.03(1), and examining,
170 auditing, adjusting, and settling accounts pursuant to s. 17.04,
171 may use ~~utilize~~ audits performed by the inspectors general and
172 internal auditors. For state agencies under the jurisdiction of
173 the Governor, the audit plans shall be submitted to the
174 ~~Governor's~~ Chief Inspector General. The plan shall be submitted
175 to the agency head for review and to the Chief Inspector General
176 for approval. A copy of the approved plan shall be submitted to
177 the Auditor General.

178 (7)

179 (c) The final reports prepared pursuant to paragraphs (a)
180 and (b) shall be provided ~~furnished~~ to the heads of the
181 respective agencies and, for state agencies under the
182 jurisdiction of the Governor, the Chief Inspector General. Such

183 reports shall include, but need not be limited to:

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

186 2. A description of significant abuses and deficiencies
187 relating to the administration of programs and operations of the
188 agency disclosed by investigations, audits, reviews, or other
189 activities during the reporting period.

190 3. A description of the recommendations for corrective
191 action made by the inspector general during the reporting period
192 with respect to significant problems, abuses, or deficiencies
193 identified.

194 4. The identification of each significant recommendation
195 described in previous annual reports on which corrective action
196 has not been completed.

197 5. A summary of each audit and investigation completed
198 during the reporting period.

199 (8) The inspector general in each state agency shall
200 provide to the agency head, upon receipt, all written complaints
201 concerning the duties and responsibilities in this section or
202 any allegation of misconduct related to the office of the
203 inspector general or its employees, if received from subjects of
204 audits or investigations who are individuals substantially
205 affected or entities contracting with the state, as defined in
206 this section. For state agencies ~~solely~~ under the jurisdiction
207 ~~direction~~ of the Governor, the inspector general shall also
208 provide the complaint to the Chief Inspector General.

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