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2014 Legislature

1
2 An act relating to inspectors general; amending s.
3 14.32, F.S.; revising provisions relating to the
4 appointment and removal of the Chief Inspector
5 General; amending s. 20.055, F.S.; revising provisions
6 relating to the duties, appointment, and removal of
7 agency inspectors general; updating a cross-reference;
8 providing an effective date.
9

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

12 Section 1. Subsection (1) of section 14.32, Florida
13 Statutes, is 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 and serve at the pleasure of the Governor.
21 However, upon a change in Governors or reelection of the
22 Governor, the Governor shall appoint, or may reappoint, a Chief
23 Inspector General before adjournment sine die of the first
24 regular session of the Legislature that convenes after such
25 change in Governors or reelection of the Governor.



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

29 20.055 Agency inspectors general.—

30 (2) The Office of Inspector General is ~~hereby~~ established
31 in each state agency to provide a central point for coordination
32 of and responsibility for activities that promote
33 accountability, integrity, and efficiency in government. It is
34 ~~shall be~~ the duty and responsibility of each inspector general,
35 with respect to the state agency in which the office is
36 established, to:

37 (a) Advise in the development of performance measures,
38 standards, and procedures for the evaluation of state agency
39 programs.

40 (b) Assess the reliability and validity of the information
41 provided by the state agency on performance measures and
42 standards, and make recommendations for improvement, if
43 necessary, before ~~prior to~~ submission of such information ~~those~~
44 ~~measures and standards to the Executive Office of the Governor~~
45 pursuant to s. 216.1827 ~~216.0166(1)~~.

46 (c) Review the actions taken by the state agency to
47 improve program performance and meet program standards and make
48 recommendations for improvement, if necessary.

49 (d) Provide direction for, supervise, and coordinate
50 audits, investigations, and management reviews relating to the



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51 | programs and operations of the state agency, except that when
52 | the inspector general does not possess the qualifications
53 | specified in subsection (4), the director of auditing shall
54 | conduct such audits.

55 | (e) Conduct, supervise, or coordinate other activities
56 | carried out or financed by that state agency for the purpose of
57 | promoting economy and efficiency in the administration of, or
58 | preventing and detecting fraud and abuse in, its programs and
59 | operations.

60 | (f) Keep the ~~such~~ agency head or, for state agencies under
61 | the jurisdiction of the Governor, the Chief Inspector General
62 | informed concerning fraud, abuses, and deficiencies relating to
63 | programs and operations administered or financed by the state
64 | agency, recommend corrective action concerning fraud, abuses,
65 | and deficiencies, and report on the progress made in
66 | implementing corrective action.

67 | (g) Ensure effective coordination and cooperation between
68 | the Auditor General, federal auditors, and other governmental
69 | bodies with a view toward avoiding duplication.

70 | (h) Review, as appropriate, rules relating to the programs
71 | and operations of such state agency and make recommendations
72 | concerning their impact.

73 | (i) Ensure that an appropriate balance is maintained
74 | between audit, investigative, and other accountability
75 | activities.



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76 (j) Comply with the General Principles and Standards for
77 Offices of Inspector General as published and revised by the
78 Association of Inspectors General.

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

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



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101 ~~to political affiliation.~~

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

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

125 (5) In carrying out the auditing duties and



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

140 (a) Such audits shall be conducted in accordance with the
141 current International Standards for the Professional Practice of
142 Internal Auditing as published by the Institute of Internal
143 Auditors, Inc., or, where appropriate, in accordance with
144 generally accepted governmental auditing standards. All audit
145 reports issued by internal audit staff shall include a statement
146 that the audit was conducted pursuant to the appropriate
147 standards.

148 (b) Audit workpapers and reports shall be public records
149 to the extent that they do not include information which has
150 been made confidential and exempt from the provisions of s.



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151 119.07(1) pursuant to law. However, when the inspector general
152 or a member of the staff receives from an individual a complaint
153 or information that falls within the definition provided in s.
154 112.3187(5), the name or identity of the individual may ~~shall~~
155 not be disclosed to anyone else without the written consent of
156 the individual, unless the inspector general determines that
157 such disclosure is unavoidable during the course of the audit or
158 investigation.

159 (c) The inspector general and the staff shall have access
160 to any records, data, and other information of the state agency
161 he or she deems necessary to carry out his or her duties. The
162 inspector general may ~~is~~ also ~~authorized to~~ request such
163 information or assistance as may be necessary from the state
164 agency or from any federal, state, or local government entity.

165 (d) At the conclusion of each audit, the inspector general
166 shall submit preliminary findings and recommendations to the
167 person responsible for supervision of the program function or
168 operational unit who shall respond to any adverse findings
169 within 20 working days after receipt of the preliminary
170 findings. Such response and the inspector general's rebuttal to
171 the response shall be included in the final audit report.

172 (e) At the conclusion of an audit in which the subject of
173 the audit is a specific entity contracting with the state or an
174 individual substantially affected, if the audit is not
175 confidential or otherwise exempt from disclosure by law, the



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176 | inspector general shall, consistent with s. 119.07(1), submit
177 | the findings to the entity contracting with the state or the
178 | individual substantially affected, who shall be advised in
179 | writing that they may submit a written response within 20
180 | working days after receipt of the findings. The response and the
181 | inspector general's rebuttal to the response, if any, must be
182 | included in the final audit report.

183 | (f) The inspector general shall submit the final report to
184 | the agency head, ~~and to the Auditor General,~~ and, for state
185 | agencies under the jurisdiction of the Governor, the Chief
186 | Inspector General.

187 | (g) The Auditor General, in connection with the
188 | independent postaudit of the same agency pursuant to s. 11.45,
189 | shall give appropriate consideration to internal audit reports
190 | and the resolution of findings therein. The Legislative Auditing
191 | Committee may inquire into the reasons or justifications for
192 | failure of the agency head to correct the deficiencies reported
193 | in internal audits that are also reported by the Auditor General
194 | and shall take appropriate action.

195 | (h) The inspector general shall monitor the implementation
196 | of the state agency's response to any report on the state agency
197 | issued by the Auditor General or by the Office of Program Policy
198 | Analysis and Government Accountability. No later than 6 months
199 | after the Auditor General or the Office of Program Policy
200 | Analysis and Government Accountability publishes a report on the



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201 state agency, the inspector general shall provide a written
202 response to the agency head or, for state agencies under the
203 jurisdiction of the Governor, the Chief Inspector General on the
204 status of corrective actions taken. The inspector general shall
205 file a copy of such response with the Legislative Auditing
206 Committee.

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

223 (7)

224 (c) The final reports prepared pursuant to paragraphs (a)
225 and (b) shall be provided ~~furnished~~ to the heads of the



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226 | respective agencies and, for state agencies under the
227 | jurisdiction of the Governor, the Chief Inspector General. Such
228 | reports shall include, but need not be limited to:

- 229 | 1. A description of activities relating to the
230 | development, assessment, and validation of performance measures.
- 231 | 2. A description of significant abuses and deficiencies
232 | relating to the administration of programs and operations of the
233 | agency disclosed by investigations, audits, reviews, or other
234 | activities during the reporting period.
- 235 | 3. A description of the recommendations for corrective
236 | action made by the inspector general during the reporting period
237 | with respect to significant problems, abuses, or deficiencies
238 | identified.
- 239 | 4. The identification of each significant recommendation
240 | described in previous annual reports on which corrective action
241 | has not been completed.
- 242 | 5. A summary of each audit and investigation completed
243 | during the reporting period.

244 | (8) The inspector general in each state agency shall
245 | provide to the agency head, upon receipt, all written complaints
246 | concerning the duties and responsibilities in this section or
247 | any allegation of misconduct related to the office of the
248 | inspector general or its employees, if received from subjects of
249 | audits or investigations who are individuals substantially
250 | affected or entities contracting with the state, as defined in



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251 | this section. For state agencies ~~solely~~ under the jurisdiction
252 | ~~direction~~ of the Governor, the inspector general shall also
253 | provide the complaint to the Chief Inspector General.

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