

By Senator Brandes

24-00449-20

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1                                   A bill to be entitled  
2       An act relating to inspectors general; amending s.  
3       14.32, F.S.; revising the Chief Inspector General's  
4       subpoena authority to include issuing and serving  
5       subpoenas for all executive branch agencies;  
6       authorizing the Chief Inspector General to appoint  
7       certified law enforcement officers; specifying the  
8       qualifications, powers, and focus of such officers;  
9       amending s. 20.055, F.S.; providing that agency  
10      inspectors general report to the Chief Inspector  
11      General; removing an agency head's supervisory  
12      authority over the agency inspector general;  
13      authorizing the agency inspector general to  
14      independently procure services and hire or remove law  
15      enforcement staff; revising procedures, and providing  
16      additional limitations, regarding the removal or  
17      transfer of an agency inspector general; authorizing  
18      the inspector general to present written objections to  
19      such removal or transfer to additional officers within  
20      a certain timeframe; prohibiting a Cabinet officer  
21      from preventing or prohibiting the agency inspector  
22      general from taking action on an audit or  
23      investigation; providing requirements regarding the  
24      compensation of the agency inspector general;  
25      modifying powers and requirements as to the auditing  
26      and investigatory duties of the agency inspector  
27      general; revising requirements for the agency  
28      inspector general's annual report; providing that  
29      complaints or allegations regarding the office of

24-00449-20

2020466\_\_

30 inspector general be submitted to the Chief Inspector  
31 General, rather than the agency head; authorizing each  
32 agency inspector general to issue and serve subpoenas;  
33 authorizing an agency inspector general to petition  
34 the circuit court in the event of noncompliance with a  
35 subpoena; providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. Paragraph (b) of subsection (5) of section  
40 14.32, Florida Statutes, is amended, and paragraph (d) is added  
41 to that subsection, to read:

42 14.32 Office of Chief Inspector General.—

43 (5) In exercising authority under this section, the Chief  
44 Inspector General or his or her designee may:

45 (b) Issue and serve subpoenas and subpoenas duces tecum,  
46 for executive branch agencies ~~under the jurisdiction of the~~  
47 ~~Governor~~, to compel the attendance of witnesses and the  
48 production of documents, reports, answers, records, accounts,  
49 and other data in any medium.

50 (d) Appoint duly constituted certified law enforcement  
51 officers who meet the qualifications of law enforcement officers  
52 established by chapter 943 under the job classification of  
53 "CIG/EOG Law Enforcement Inspector." An officer who is appointed  
54 pursuant to this paragraph is subject to chapter 901 and has the  
55 same arrest, jurisdiction, and other authority provided for  
56 state law enforcement officers in that chapter. Each officer has  
57 the same right and authority to carry firearms as other state  
58 law enforcement officers. These law enforcement powers include,

24-00449-20

2020466\_\_

59 but are not limited to, the ability to make arrests; serve  
60 search warrants, subpoenas, or writs; collect or seize evidence;  
61 analyze evidence; conduct interviews; conduct physical  
62 surveillance and prepare reports and exhibits; and assist  
63 prosecutors in the preparation and presentation of criminal  
64 cases to include testimony in courts. The focus of such officers  
65 is to detect, deter, and investigate waste, fraud, abuse, and  
66 misconduct in a state commission, an agency under the  
67 jurisdiction of the Governor, or the Executive Office of the  
68 Governor, and to promote economy and efficiency in those  
69 entity's programs through administrative or criminal  
70 investigations, reviews, and inspections.

71  
72 In the event of noncompliance with a subpoena issued pursuant to  
73 this subsection, the Chief Inspector General may petition the  
74 circuit court of the county in which the person subpoenaed  
75 resides or has his or her principal place of business for an  
76 order requiring the subpoenaed person to appear and testify and  
77 to produce documents, reports, answers, records, accounts, or  
78 other data as specified in the subpoena.

79 Section 2. Paragraphs (b), (c), and (d) of subsection (3),  
80 paragraphs (c) and (f) of subsection (6), subsection (7),  
81 paragraph (c) of subsection (8), and subsection (9) of section  
82 20.055, Florida Statutes, are amended, paragraph (e) is added to  
83 subsection (3) of that section, and subsection (11) is added to  
84 that section, to read:

85 20.055 Agency inspectors general.—

86 (3)

87 (b) The inspector general shall report to the Chief

24-00449-20

2020466\_\_

88 Inspector General ~~and be under the general supervision of the~~  
89 ~~agency head~~ and is not subject to supervision by the agency head  
90 or any other employee of the state agency in which the office is  
91 established. For state agencies under the jurisdiction of the  
92 Governor, the inspector general shall be under the general  
93 budget supervision of the agency in which the office is  
94 established ~~head for administrative purposes~~, shall report to  
95 the Chief Inspector General, and may hire and remove staff  
96 within the office of the inspector general in consultation with  
97 the Chief Inspector General but independently of the agency. The  
98 inspector general may procure services necessary to perform the  
99 office's mission, independently of the agency in which the  
100 office is established, and may hire and remove staff within the  
101 office who are duly constituted law enforcement officers who  
102 meet the qualifications of chapter 943.

103 (c) For state agencies under the jurisdiction of the  
104 Cabinet or the Governor and Cabinet, the inspector general may  
105 only be removed from office by the Chief Inspector General, or  
106 transferred to another position with the Chief Inspector  
107 General's approval ~~agency head~~. For state agencies under the  
108 jurisdiction of the Governor, the inspector general may only be  
109 removed from office or transferred to another position by the  
110 Chief Inspector General for cause, including ~~concerns regarding~~  
111 ~~performance~~, malfeasance, misfeasance, misconduct, or failure to  
112 carry out his or her duties under this section. The Chief  
113 Inspector General shall notify the Governor in writing of his or  
114 her intention to remove or transfer the inspector general at  
115 least 21 days before the removal. For state agencies under the  
116 jurisdiction of the Governor and Cabinet, the agency head may

24-00449-20

2020466\_\_

117 only remove or transfer the inspector general for cause,  
118 including malfeasance, misfeasance, misconduct, or failure to  
119 carry out his or her duties under this section. The agency head  
120 shall notify the Governor and Cabinet in writing of his or her  
121 intention to remove the inspector general at least 21 days  
122 before the removal. For agencies under the Governor, the  
123 Governor and Cabinet, or a Cabinet officer, if the inspector  
124 general disagrees with the removal or transfer, the inspector  
125 general may present objections in writing to the Governor, each  
126 Cabinet officer, the President of the Senate, the Speaker of the  
127 House of Representatives, and the Majority and Minority Leaders  
128 of both houses of the Legislature within 30 days of the  
129 notification ~~the 21-day period.~~

130 (d) The Governor, the Governor and Cabinet, a Cabinet  
131 officer, the agency head, or agency staff may not prevent or  
132 prohibit the inspector general from initiating, carrying out, or  
133 completing any audit or investigation.

134 (e) The inspector general must be compensated at the same  
135 rate as other senior management officials within the agency.

136 (6) In carrying out the auditing duties and  
137 responsibilities of this act, each inspector general shall  
138 review and evaluate internal controls necessary to ensure the  
139 fiscal accountability of the state agency. The inspector general  
140 shall conduct financial, compliance, electronic data processing,  
141 and performance audits of the agency and prepare audit reports  
142 of his or her findings. The scope and assignment of the audits  
143 shall be determined by the inspector general; however, the  
144 agency head may at any time request the inspector general to  
145 perform an audit of a special program, function, or

24-00449-20

2020466\_\_

146 organizational unit. The performance of the audit shall be under  
147 the direction of the inspector general, except that if the  
148 inspector general does not possess the qualifications specified  
149 in subsection (4), the director of auditing shall perform the  
150 functions listed in this subsection.

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

157 (f) The inspector general shall submit the final report to  
158 the agency head, the Auditor General, and, for state agencies  
159 under the jurisdiction of the Governor, the Chief Inspector  
160 General. Final audit reports must be posted to the applicable  
161 agency's website within 5 business days after the report becomes  
162 final.

163 (7) In carrying out the administrative or criminal  
164 investigative duties and responsibilities specified in this  
165 section, each inspector general shall initiate, conduct,  
166 supervise, and coordinate investigations designed to detect,  
167 deter, prevent, and eradicate fraud, waste, mismanagement,  
168 misconduct, and other abuses in state government. For these  
169 purposes, each inspector general shall:

170 (a) Receive complaints and coordinate all activities of the  
171 agency as required by the Whistle-blower's Act pursuant to ss.  
172 112.3187-112.31895.

173 (b) Receive and consider the complaints which do not meet  
174 the criteria for an investigation under the Whistle-blower's Act

24-00449-20

2020466\_\_

175 and conduct, supervise, or coordinate such inquiries,  
176 investigations, or reviews as the inspector general deems  
177 appropriate.

178 (c) Report expeditiously to the Department of Law  
179 Enforcement or other law enforcement agencies, as appropriate,  
180 whenever the inspector general has reasonable grounds to believe  
181 there has been a violation of criminal law.

182 (d) Conduct all types of investigations and other inquiries  
183 free of actual or perceived impairment to the independence of  
184 the inspector general or the inspector general's office. This  
185 shall include freedom from any interference with investigations  
186 and timely access to records and other sources of information.

187 (e) At the conclusion of each investigation in which the  
188 subject of the investigation is a specific entity contracting  
189 with the state or an individual substantially affected as  
190 defined by this section, and if the investigation is not  
191 confidential or otherwise exempt from disclosure by law, the  
192 inspector general shall, consistent with s. 119.07(1), submit  
193 findings to the subject that is a specific entity contracting  
194 with the state or an individual substantially affected, who  
195 shall be advised in writing that they may submit a written  
196 response within 20 working days after receipt of the findings.  
197 Such response and the inspector general's rebuttal to the  
198 response, if any, shall be included in the final investigative  
199 report.

200 (f) Submit in a timely fashion final reports on  
201 investigations conducted by the inspector general to the agency  
202 head, except for whistle-blower's investigations, which shall be  
203 conducted and reported pursuant to s. 112.3189.

24-00449-20

2020466\_\_

204 (8)

205 (c) The final reports prepared pursuant to paragraphs (a)  
206 and (b) shall be provided to the heads of the respective  
207 agencies and, for state agencies under the jurisdiction of the  
208 Governor, the Chief Inspector General. Such reports shall  
209 include, but need not be limited to:

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

212 2. A description of significant abuses and deficiencies  
213 relating to the administration of programs and operations of the  
214 agency disclosed by investigations, audits, reviews, or other  
215 activities during the reporting period.

216 3. A description of the recommendations for corrective  
217 action made by the inspector general during the reporting period  
218 with respect to significant problems, abuses, or deficiencies  
219 identified.

220 4. The identification of each significant recommendation  
221 described in previous annual reports on which corrective action  
222 has not been completed.

223 5. A summary of each audit and investigation completed  
224 during the reporting period.

225 6. A summary of the budget of the office of inspector  
226 general, including a statement concerning whether the budget is  
227 sufficient to address and achieve the office's mission.

228 7. A description of whether the agency has interfered with,  
229 or attempted to interfere with, the independence of the office  
230 and whether the agency has responded timely to requests for  
231 information, testimony, and records.

232 (9) The inspector general in each state agency shall



24-00449-20

2020466\_\_

233 provide to the Chief Inspector General ~~agency head~~, upon  
234 receipt, all written complaints concerning the duties and  
235 responsibilities in this section or any allegation of misconduct  
236 related to the office of the inspector general or its employees,  
237 if received from subjects of audits or investigations who are  
238 individuals substantially affected or entities contracting with  
239 the state, as defined in this section. The Chief Inspector  
240 General may investigate such complaints or allegations as he or  
241 she deems appropriate or take other appropriate action ~~For state~~  
242 ~~agencies under the jurisdiction of the Governor, the inspector~~  
243 ~~general shall also provide the complaint to the Chief Inspector~~  
244 ~~General.~~

245 (11) Each agency inspector general may issue and serve  
246 subpoenas and subpoenas duces tecum to compel the attendance of  
247 witnesses and the production of documents, reports, answers,  
248 records, accounts, and other data in any medium. In the event of  
249 noncompliance with a subpoena or a subpoena duces tecum issued  
250 pursuant to this section, the inspector general may petition the  
251 circuit court of the county in which the person subpoenaed  
252 resides or has his or her principal place of business for an  
253 order requiring the subpoenaed person to appear and testify and  
254 to produce documents, reports, answers, records, accounts, or  
255 other data as specified in the subpoena or subpoena duces tecum.

256 Section 3. This act shall take effect July 1, 2020.