



Lee County Clerk of the Circuit Court & Comptroller Inspector General Department Inspector General Charter

Vision, Mission, and Scope of Work

Vision

- Promote public trust by providing our stakeholders with an independent and objective assessment of accountability and transparency by fostering integrity and promoting efficient, cost-effective Lee County government operations.

Mission

- Provide an independent, objective and risk-based comprehensive internal auditing program for Lee County Government (BOCC), Lee County Port Authority (LCPA), and the Lee County Clerk of Court & Comptroller's (LCCC) operations and financial records.
- Advance accountability through the provision of assurance and advisory services. Proactively work with stakeholders in identifying and mitigating risks, evaluating internal controls, and making recommendations that add value, promote economical, efficient, and effective delivery of services. Enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.
- Promote good government and enhanced public trust by conducting investigations to ensure compliance with the LCCC's Fraud, Waste, and Abuse Policy 901. The policy is designed to facilitate the development of internal controls in order to provide for the detection, prevention, and reporting of fraud, waste, and abuse directed against County government and County funds.
- Conduct enhanced guardianship audits and investigations to provide oversight of the management of financial resources for those served by Florida Guardianship Law, such as the elderly, incapacitated adults, and minor children.
- Perform the collection, audit, and enforcement of the BOCC's Tourist Development Tax. Provide education and administer applicable tax laws and regulations fairly and consistently. Conduct research, audits, and enforcement activities to ensure the highest level of compliance and to provide proactive detection and prevention of Tourist Development Tax Fraud. Strive to provide a "fair and level playing field" for those dealers who are responsible to collect and remit this valuable pass through tax to Lee County.

Purpose and Scope of Work

The Public expects IG offices to hold government officials accountable for efficient, cost-effective, transparent government operations and to facilitate the prevention, deterrence, detection, identification, exposure and elimination of fraud, waste, abuse, financial mismanagement, and ethical misconduct. When an investigation substantiates findings or there is reasonable belief that an act of fraud, waste, or



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abuse likely occurred, the applicable law enforcement agency or appropriate county official(s) are notified.

The Inspector General Department is most effective when:

- Services are performed by competent professionals in conformance with professional Standards, which are set in the public interest.
- The function is independently positioned with direct accountability to the Clerk of the Circuit Court and Comptroller (Clerk).
- IG Team personnel are free from undue influence and committed to making objective assessments.

The Scope of the Inspector General (IG) Department's authority and responsibility includes, but is not limited to the following:

Public Integrity Unit -

Contract Oversight:

- Initiate and conduct oversight activities of County contracts to detect, deter, and prevent fraud, waste, and abuse in the procurement and contract management processes.
- Perform contract oversight reviews of the procurement/contracting process for agencies/departments that are funded by the Clerk, the BOCC, the LCPA and to include other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body to identify opportunities for improvement, deficiencies, or irregularities, and make recommendations accordingly.

Enhanced Guardianship Audit and Investigation:

- Enhanced Guardianship Audits and Investigations are conducted within the provisions of the Florida Statutes¹ to provide oversight of the management of financial resources for those served by Florida Guardianship Law; such as the elderly, incapacitated adults, and minor children.

¹ §744.368 (5) If the clerk has reason to believe further review is appropriate, the clerk may request and review records and documents that reasonably impact guardianship assets, including, but not limited to, the beginning inventory balance and any fees charged to the guardianship. As a part of this review, the clerk may conduct audits and may cause the initial and annual guardianship reports to be audited. The clerk shall advise the court of the results of any such audit. Any fee or cost incurred by the guardian in responding to the review or audit may not be paid or reimbursed by the ward's assets if there is a finding of wrongdoing by the court.



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Fraud, Waste, Abuse Investigations:

- Conduct fraud, waste, and abuse investigations of the operations and financial records within Lee County government agencies, departments, employees and others under the authority of the BOCC, LCPA, and the LCCC, to include other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body.
- Investigations are conducted in response to hotline complaints received when determined the alleged inappropriate activity (applicable rule, law, regulation and/or policy violation) meets the definition of a complaint and is within the authority and jurisdiction of the IG Department.
- Investigations can also be conducted in response to the Internal Audit Unit finding possible evidence of fraud, waste, or abuse during an internal audit.

Inspection and examination of other county depositories:

- Conduct oversight activities of other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body to detect, deter and prevent mismanagement, and ethical misconduct
- Perform inspection and examination of records, assets, expenditures, and operations to promote financial accountability, transparency and to identify opportunities for improvement, deficiencies, or irregularities, and make recommendations accordingly.

Internal Audit Unit:

Internal Audit: The Definition of Internal Auditing states the fundamental purpose, nature and scope of internal auditing:

An independent, objective assurance and advisory service designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management, and control processes.

- Conduct internal audits of the operations and financial records within Lee County government agencies, departments, employees and others under the authority of the BOCC, LCPA, and the LCCC.
- Review and test the reliability and integrity of financial and operating information and the means used to identify measure, classify, and report such information.
- Review and test the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations which could have a significant impact on operations and reports.
- Review for compliance with applicable rules, laws, regulations, standards, policies and



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procedures, and assesses the contribution to the overall mission of meeting agency goals and objectives.

- Review and test the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Appraise the economy, efficiency, and effectiveness with which resources are employed and management's operational control not strictly within the scope of financial statements.
- Review operations to determine whether the results are consistent with established objectives and goals and if the operations or program goals are successfully implemented as intended.
- Monitor and evaluate governance and risk management processes.

Tourist Development Tax Unit:

Tourist Development Tax Administration, Collection, Audit, Compliance and Enforcement:

- Performs administration, collection, audit, compliance and enforcement in support of the Lee County Tourist Development Tax as directed in Lee County Ordinance 13-14 and maintains appropriate records of TDT funds.
- Promulgates rules; prescribes and publishes the forms necessary to effectuate the Ordinance. The rules may include guidelines for registration and reporting requirements that are consistent with the provisions of Chapter 212, Florida Statutes and Chapter 125.0104, Florida Statutes.
- Provides education, administers applicable tax laws fairly and consistently, performs research, audits, and enforcement to ensure compliance with applicable laws and regulations.
- Provides proactive detection and prevention of Tourist Tax fraud to provide a "fair and level playing field" for those dealers who are responsible to collect and remit this valuable pass-through tax to Lee County.

Mandate and Authority

By authority of the Constitution of the State of Florida, Article VIII, Section 1. (d), "...the Clerk of the Circuit Court (Clerk) shall be ex-officio clerk of the Board of County Commissioners, auditor, recorder, and custodian of all county funds." The Constitution of the State of Florida, Article V, Section 16, also specifies that the Clerk of the Circuit Court shall have the duties quoted above.

The Clerk has the authority and responsibility to perform auditing functions both as an arm of the board in auditing the records of constitutional officers, and as a watchdog of the board in determining the legality of expenditures before and after they are paid².

² Alachua County v. Powers, 351 So.2d 32 (Fla. 1977); Brock v. BOCC of Collier County, 21 So.3d 844 (Fla. 2d DCA 2009).



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The Clerk has the authority and responsibility to conduct inspection and examination of county depositories³ as the accounts are subject to examination by authorized persons⁴.

Pursuant to the legal authority and responsibility cited above, the Clerk has established the Inspector General Department to fulfill the responsibilities of the office as they relate to investigations and the auditing functions other than the pre-audit of disbursements from BOCC funds. The Finance Department of the Clerk's office performs the pre-audit function.

The Inspector General's authority is created by its direct reporting relationship to the Clerk as County Auditor. Such authority allows for unrestricted access to the Clerk. The Clerk as the governing body authorizes the Inspector General function to:

- Have full and unrestricted access to all functions, data, records, information, physical property, and personnel pertinent to carrying out responsibilities. IG Team personnel are accountable for confidentiality and safeguarding records and information.
- Allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques, and issue communications to accomplish the function's objectives.
- Obtain assistance from necessary personnel and other specialized services from within or outside the organization in order to carry out responsibilities.

The CIAO/IG, in the discharge of their duties, shall be accountable to the Clerk to:

- Conduct internal audits of the BOCC, LCPA, and LCCC.
- Provide agreed upon advisory services for Lee County Constitutional Officers.
- Conduct inspection and examination of other county depositories
- Conduct inspection and examination of other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body.
- Conduct Contract Audits
- Conduct Fraud, Waste, and Abuse Investigations of the BOCC, LCPA, and LCCC to include

³ §136.01 County depositories.—Each county depository shall be a qualified public depository as defined in s. 280.02 for the following funds: county funds; funds of all county officers, including constitutional officers; funds of the school board; and funds of the community college district board of trustees. This enumeration of funds is made not by way of limitation, but of illustration; and it is the intent hereof that all funds of the county, the board of county commissioners or the several county officers, the school board, or the community college district board of trustees be included.

⁴ §136.08 Accounts subject to examination by authorized persons.—The accounts of each and every board and the county accounts of each and every depository, mentioned or provided for in this chapter, shall at all times be subject to the inspection and examination by the county auditor and by the Auditor General.



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other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body.

- Perform administration, collection, audit, compliance and enforcement in support of the Lee County Tourist Development Tax.
- Conduct Enhanced Guardianship Audits and Investigations.

The CIAO/IG and IG team personnel are authorized to:

- Have full and unrestricted access to all applications, functions, records, property, and personnel.
- Allocate resources, set frequencies, select subjects, determine scope of work, and apply the techniques required to accomplish audit and investigative methodologies and objectives.
- Interview employees, administer oaths, and compel the production of books, papers, documents, reports, and all other evidence material as requested.
- Interview external stakeholders, and gather information as necessary, outside of the business unit under audit or investigation.

The CIAO/IG and IG team personnel are not authorized to:

- Perform any operational duties for the County.
- Initiate or approve accounting transactions external to the Department.
- Direct the activities of any BOCC, LCPA, or LCCC employee not assigned to the IG Department.
- Direct the activities of any other functions for which the BOCC provides financial support as separate entities in its budget, or of which the BOCC is the ex-officio governing body.

CLERK OVERSIGHT (Governing Body)

To establish, maintain, and ensure that the Inspector General Department has sufficient authority to fulfill its duties, the Clerk will:

- Discuss with the CIAO/IG and senior management the appropriate authority, role, responsibilities, scope, and services of the IG Department as needed.
- Ensure the CIAO/IG has unrestricted access to and communicates and interacts directly with the Clerk, including in private meetings without senior management present.
- Periodically review the Department's Charter with the CIAO/IG, provide input on other topics that should be included, and approve the Charter when changes are made by the Inspector General.
- Participate in discussions with the CIAO/IG and senior management as needed, about the "essential conditions," described in the *Global Internal Audit Standards*, which establish the foundation that



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enables an effective internal audit function.

- Approve the Department's risk-based annual plan as presented by the Inspector General.
- Provide input to the Department's expenses, human resources administration and budgets as needed.
- Appoint and remove the CIAO/IG, ensuring adequate competencies and qualifications and conformance with professional standards.
- Receive communications from the CIAO/IG about the Department including its performance relative to its plan.
- Ensure a quality assurance and improvement program has been established and review the related results provided annually by the CIAO/IG.
- Make appropriate inquiries of senior management and the CIAO/IG to determine whether scope or resource limitations are inappropriate.

Independence, Objectivity and Ethics

To provide for the independence of IG activities, its personnel report to the CIAO/IG, who reports functionally and administratively to the elected Clerk. The Clerk is responsible to the citizens and taxpayers of Lee County and considered to be independent of the BOCC. In addition, the Clerk is responsible for enabling the independence of the CIAO/IG.

The CIAO/IG must communicate and interact directly with the Clerk. The Clerk, as County Auditor communicates with the BOCC, but this does not restrict the CIAO/IG from communicating with the BOCC directly. The CIAO/IG is authorized to bring matters directly to senior management and escalate matters to the Clerk, BOCC, and County Administrator, when necessary, without interference in order to maintain objectivity.

The CIAO/IG shall escalate all matters of importance to the Clerk. When necessary, the Clerk and CIAO/IG will develop a communication plan when engaging the BOCC or other Senior Management personnel.

To maintain independence, the IG must be free from conditions that impair its ability to carry out its responsibilities in an unbiased manner. Consequently, the IG's activity will remain free from interference by any element in the organization, including matters of investigation, audit selection, scope, procedures, frequency, timing, or report content to permit maintenance of a necessary independent and objective mental attitude.

On an annual basis, the IG will confirm with the Clerk as to the IG's organizational independence. The IG will document limitations on independence and any safeguards that are employed to achieve the



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principle of independence. In addition, the IG will disclose to the Clerk any interference that the IG encounters in performance of its duties.

IG Team personnel have no direct responsibility to or authority over any area subject to its audit, review, and investigation. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activities that may impair their judgment. Therefore, the IG is organizationally independent from those areas which it audits, reviews and investigates.

IG Team personnel will exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. IG Team personnel will make a balanced assessment of all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgments. Additionally, IG Team personnel will disclose any impairments, in either fact or appearance, to the CIAO/IG.

The CIAO/IG will ensure that IG Team personnel remains free from all conditions that threaten independence and their ability to carry out their responsibilities in an unbiased, professional, and ethical manner. This includes matters of engagement selection, scope, procedures, frequency, timing, and communication. If the CIAO/IG determines that independence or objectivity may be impaired in fact or appearance, the details of the impairment will be disclosed to appropriate parties. The CIAO/IG will disclose to the Clerk any interference that IG Team Personnel encounter related to the scope, performance, or communication of work and results. The disclosure will include communicating the implications of such interference on the Inspector General Department's effectiveness and ability to fulfill its mandate. Furthermore, the IG will ensure IG Team personnel adhere to professional standards, and the ethical and professional principles of integrity, competency, due professional care, objectivity, and confidentiality.

IG Team personnel will:

- Disclose impairments of independence or objectivity, in fact or appearance, to appropriate parties and at least annually, such as to the Inspector General or Clerk.
- Exhibit professional objectivity in gathering, evaluating, and communicating information.
- Make balanced assessments of all available and relevant facts and circumstances.
- Publish fact-filled summary reports in conformance with professional audit and investigative standards.
- Take necessary precautions to avoid conflicts of interest, bias, and undue influence.
- Conform with the Institute of Internal Auditors *Global Internal Audit Standards*, including the principles of Ethics and Professionalism: integrity, objectivity, competency, due professional care, and confidentiality.



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- Understand, respect, meet, and contribute to the legitimate and ethical expectations of the Clerk's Office and be able to recognize conduct that is contrary to those expectations.
- Encourage and promote an ethics-based culture in the Clerk's Office.
- Report organizational behavior that is inconsistent with the Clerk's Office's ethical expectations, as described in applicable policies and procedures.

Responsibility

IG Team personnel have the authority and responsibility to:

- Develop a flexible annual audit/project plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit the plan to the Clerk for review and approval.
- Implement the annual audit plan, as approved, including, any special tasks or projects requested by the LCCC, the BOCC, and LCPA.
- Adjust the plan, as necessary, to conduct audits outside of the established annual plan to ensure flexibility, timeliness, and respond appropriately to emerging risk as identified during the course of the year.
- Retain professional audit and investigative personnel with sufficient knowledge, skills, experience, and professional certifications to conform to the professional standards.
- Sustain a quality assurance and improvement program by which the CIAO/IG assures the professional operations of the IG Department's activities and conformance to the professional standards.
- Conduct Enhanced Guardianship Audits and Investigations
- Conduct inspection and examination of county depositories
- Conduct Contract Audits
- Perform administration, collection, audit, compliance and enforcement in support of the Lee County Tourist Development Tax.
- Keep the Clerk informed of emerging trends and successful practices in auditing and investigations.
- Maintain an IG "Tip" Hotline for the reporting of alleged fraud, waste, abuse, guardianship and tourist tax fraud. The tip reporting system includes options to report anonymous and non-anonymous tips. Tips may be submitted via telephone, LeeClerk.org, email, or in person.
- Investigate alleged instances of fraud, waste, and abuse.
- Initiate and conduct investigations as indicated by legally sufficient complaints and allegations.
- Consider scope of work of external auditors and regulators, as appropriate, for the purpose of providing optimal audit coverage to organization(s) at a reasonable overall cost.



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Standards of Audit and Investigative Practices

The IG Department will strive to meet or exceed the following standards:

- The Institute of Internal Auditors (IIA) *Global Internal Audit Standards* (Red Book).
- The *Topical Requirements*, a mandatory component of the International Professional Practices Framework.
- Association of Inspectors General (AIG) *Principles and Standards for Offices of Inspector General* (Green Book).
- The Florida Inspectors General Standards Manual of the Commission for Florida Law Enforcement Accreditation, Inc.

While this Charter is not intended to fully reiterate the standards of audit and investigative practices, it is intended to be consistent with applicable standards and should be interpreted in a manner consistent with those standards. Standards not directly incorporated into this Charter will nonetheless be fully and appropriately applicable to the Inspector General Department. This Charter supersedes the prior Charter dated December 21, 2021.

CHARTER UPDATES

This Charter will be periodically reassessed for any necessary revisions. Circumstances that may warrant such changes may include:

- A significant change in professional standards, such as the *Global Internal Audit Standards*
- A significant reorganization within the organization
- Significant changes in the CIAO/IG, Clerk, and/or senior management
- Significant changes to the County's strategies, objectives, risk profile, or the environment in which the organization operates
- New laws or regulations that may affect the nature and/or scope of the Inspector General Department

APPROVAL

Tamera Anderson Digitally signed by Tamera Anderson
Date: 2025.09.16 15:22:04 -04'00'

Tamera Anderson, Chief Internal Audit Officer/Inspector General

Date:

Kevin Karnes, Lee County Clerk of the Circuit Court & Comptroller

Date: