

1 A bill to be entitled
2 An act relating to government accountability; creating
3 s. 11.421, F.S.; creating the Florida Integrity Office
4 under the Auditor General; providing definitions;
5 providing duties and powers of the Florida Integrity
6 Officer and the Auditor General; amending s. 11.45,
7 F.S.; providing a definition; providing and revising
8 Auditor General reporting requirements; amending s.
9 14.32, F.S.; providing definitions; providing
10 investigative duties of the Chief Inspector General
11 and agency inspectors general; requiring such
12 inspectors general to provide a report to the Chief
13 Financial Officer within a specified timeframe in
14 certain circumstances; providing liability for certain
15 officials, contractors, and persons in certain
16 circumstances; amending s. 17.04, F.S.; authorizing
17 the Chief Financial Officer to commence an
18 investigation based on certain complaints or
19 referrals; authorizing state agency employees and
20 state contractors to report certain information to the
21 Chief Financial Officer; amending s. 17.325, F.S.;
22 requiring certain records to be sent to the Florida
23 Integrity Officer within a specified timeframe;
24 amending s. 20.055, F.S.; requiring agency inspectors
25 general to make certain determinations and reports;

26 | amending ss. 20.201 and 20.37, F.S.; revising the
 27 | number of cabinet votes required to approve the
 28 | appointment of the executive director of the Florida
 29 | Department of Law Enforcement and the executive
 30 | director of the Department of Veterans' Affairs,
 31 | respectively; amending s. 110.1245, F.S.; providing
 32 | requirements for awards given to employees who report
 33 | under the Whistle-blower's Act; authorizing
 34 | expenditures for such awards; amending s. 112.3187,
 35 | F.S.; revising a definition; conforming provisions to
 36 | changes made by the act; creating s. 216.1366, F.S.;
 37 | providing requirements for certain public agency
 38 | contracts; amending s. 287.057, F.S.; revising
 39 | provisions relating to contractual services and
 40 | commodities that are not subject to competitive-
 41 | solicitation requirements; prohibiting certain state
 42 | employees from participating in the negotiation or
 43 | award of state contracts; creating s. 288.00001, F.S.;
 44 | prohibiting tax incentives from being awarded or paid
 45 | to a state contractor or subcontractor; amending s.
 46 | 1001.20, F.S.; requiring the Office of Inspector
 47 | General of the Department of Education to conduct
 48 | investigations relating to waste, fraud, abuse, or
 49 | mismanagement against a district school board or
 50 | Florida College System institution; authorizing the

51 Office of the Auditor General to use carryforward
 52 funds to fund the Florida Integrity Office; amending
 53 ss. 112.3188, 112.3189, and 112.31895, F.S.;
 54 conforming provisions to changes made by the act;
 55 providing an effective date.
 56

57 Be It Enacted by the Legislature of the State of Florida:
 58

59 Section 1. Section 11.421, Florida Statutes, is created to
 60 read:

61 11.421 Florida Integrity Office.—

62 (1) There is created under the Auditor General the Florida
 63 Integrity Office for the purpose of ensuring integrity in state
 64 and local government and facilitating the elimination of fraud,
 65 waste, abuse, mismanagement, and misconduct in government.

66 (2) The Florida Integrity Officer shall be a legislative
 67 employee and be appointed by and serve at the pleasure of the
 68 Auditor General. The Florida Integrity Officer shall oversee the
 69 efficient operation of the office and report to and be under the
 70 general supervision of the Auditor General.

71 (3) The Auditor General shall employ qualified individuals
 72 for the office pursuant to s. 11.42.

73 (4) As used in this section, the term:

74 (a) "Appropriations project" means a specific
 75 appropriation or proviso that provides funding for a specified

76 entity that is a local government, private entity, or privately
 77 operated program. The term does not include an appropriation or
 78 proviso:

79 1. Specifically authorized by statute;

80 2. That is part of a statewide distribution to local
 81 governments;

82 3. Recommended by a commission, council, or other similar
 83 entity created in statute to make annual funding
 84 recommendations, provided that such appropriation does not
 85 exceed the amount of funding recommended by the commission,
 86 council, or other similar entity;

87 4. For a specific transportation facility that is part of
 88 the Department of Transportation's 5-year work program submitted
 89 pursuant to s. 339.135;

90 5. For an education fixed capital outlay project that is
 91 submitted pursuant to s. 1013.60 or s. 1013.64; or

92 6. For a specified program, research initiative,
 93 institute, center, or similar entity at a specific state college
 94 or university recommended by the Board of Governors or the State
 95 Board of Education in its legislative budget request.

96 (b) "Office" means the Florida Integrity Office.

97 (5) The Florida Integrity Officer may receive and
 98 investigate a complaint alleging fraud, waste, abuse,
 99 mismanagement, or misconduct in connection with the expenditure
 100 of public funds.

101 (6) A complaint may be submitted to the office by any of
102 the following persons:

103 (a) The President of the Senate.

104 (b) The Speaker of the House of Representatives.

105 (c) The chair of an appropriations committee of the Senate
106 or the House of Representatives.

107 (d) The Auditor General.

108 (7)(a) Upon receipt of a complaint, the Florida Integrity
109 Officer shall determine whether the complaint is supported by
110 sufficient information indicating a reasonable probability of
111 fraud, waste, abuse, mismanagement, or misconduct. If the
112 Florida Integrity Officer determines that the complaint is not
113 supported by sufficient information indicating a reasonable
114 probability of fraud, waste, abuse, mismanagement, or
115 misconduct, the Florida Integrity Officer shall notify the
116 complainant in writing and the complaint shall be closed.

117 (b) If the complaint is supported by sufficient
118 information indicating a reasonable probability of fraud, waste,
119 abuse, mismanagement, or misconduct, the Florida Integrity
120 Officer shall determine whether an investigation into the matter
121 has already been initiated by a law enforcement agency, the
122 Commission on Ethics, the Chief Financial Officer, the Office of
123 Chief Inspector General, or the applicable agency inspector
124 general. If such an investigation has been initiated, the
125 Florida Integrity Officer shall notify the complainant in

126 writing and the complaint may be closed.

127 (c) If the complaint is supported by sufficient
128 information indicating a reasonable probability of fraud, waste,
129 abuse, mismanagement, or misconduct, and an investigation into
130 the matter has not already been initiated as described in
131 paragraph (b), the Florida Integrity Officer shall, within
132 available resources, conduct an investigation and issue a report
133 of the investigative findings to the complainant and to the
134 President of the Senate and the Speaker of the House of
135 Representatives. The Florida Integrity Officer may refer the
136 matter to the Auditor General, the appropriate law enforcement
137 agency, the Chief Financial Officer, the Office of the Chief
138 Inspector General, or the applicable agency inspector general.
139 The Auditor General may provide staff and other resources to
140 assist the Florida Integrity Officer.

141 (8) (a) The Florida Integrity Officer, or his or her
142 designee, may inspect and investigate the books, records,
143 papers, documents, data, operation, and physical location of any
144 public agency in this state, including any confidential
145 information, and the public records of any entity that has
146 received direct appropriations. The Florida Integrity Officer
147 may agree to retain the confidentiality of confidential
148 information pursuant to s. 11.0431(2) (a).

149 (b) Upon the request of the Florida Integrity Officer, the
150 Legislative Auditing Committee or any other committee of the

151 Legislature may issue subpoenas and subpoenas duces tecum, as
152 provided in s. 11.143, to compel testimony or the production of
153 evidence when deemed necessary to an investigation authorized by
154 this section. Consistent with s. 11.143, such subpoenas and
155 subpoenas duces tecum may be issued as provided by applicable
156 legislative rules or, in the absence of applicable legislative
157 rules, by the chair of the Legislative Auditing Committee with
158 the approval of the Legislative Auditing Committee and the
159 President of the Senate and the Speaker of the House of
160 Representatives, or with the approval of the President of the
161 Senate or the Speaker of the House of Representatives if such
162 officer alone designated the Legislative Auditing Committee as
163 defined in s. 1.01.

164 (c) If a witness fails or refuses to comply with a lawful
165 subpoena or subpoena duces tecum issued pursuant to this
166 subsection at a time when the Legislature is not in session, the
167 subpoena or subpoena duces tecum may be enforced as provided in
168 s. 11.143 and, in addition, the Auditor General, on behalf of
169 the committee issuing the subpoena or subpoena duces tecum, may
170 file a complaint before any circuit court of the state to
171 enforce the subpoena or subpoena duces tecum. Upon the filing of
172 such complaint, the court shall take jurisdiction of the witness
173 and the subject matter of the complaint and shall direct the
174 witness to respond to all lawful questions and to produce all
175 documentary evidence in the possession of the witness which is

176 lawfully demanded. The failure of a witness to comply with such
 177 order constitutes a direct and criminal contempt of court, and
 178 the court shall punish the witness accordingly.

179 (d) When the Legislature is in session, upon the request
 180 of the Florida Integrity Officer directed to the committee
 181 issuing the subpoena or subpoena duces tecum, either house of
 182 the Legislature may seek compliance with the subpoena or
 183 subpoena duces tecum in accordance with the State Constitution,
 184 general law, the joint rules of the Legislature, or the rules of
 185 the house of the Legislature whose committee issued the subpoena
 186 or subpoena duces tecum.

187 (9) The Florida Integrity Officer shall receive copies of
 188 all reports required by ss. 14.32, 17.325, and 20.055.

189 (10) (a) Beginning with the 2021-2022 fiscal year, the
 190 Auditor General and the Florida Integrity Officer, within
 191 available resources, shall randomly select and review
 192 appropriations projects appropriated in the prior fiscal year
 193 and, if appropriate, investigate and recommend an audit of such
 194 projects. The review, investigation, or audit may be delayed on
 195 a selected project until a subsequent year if the timeline of
 196 the project warrants such delay. Each review, investigation, or
 197 audit must include, but is not limited to, evaluating whether
 198 the recipient of the appropriations project administered the
 199 project in an efficient and effective manner. When an audit is
 200 recommended by the Florida Integrity Officer under this

201 subsection, the Auditor General shall determine whether the
 202 audit is appropriate.

203 (b) Beginning with the 2021-2022 fiscal year, the Auditor
 204 General and the Florida Integrity Officer, within available
 205 resources, shall select and review, investigate, or audit the
 206 financial activities of any political subdivision, special
 207 district, public authority, public hospital, state or local
 208 council or commission, unit of local government, or public
 209 education entity in this state, as well as any authority,
 210 council, commission, direct-support organization, institution,
 211 foundation, or similar entity created by law or ordinance to
 212 pursue a public purpose, entitled by law or ordinance to any
 213 distribution of tax or fee revenues, or organized for the sole
 214 purpose of supporting one of the public entities listed in this
 215 paragraph.

216 Section 2. Paragraphs (i) through (m) of subsection (1) of
 217 section 11.45, Florida Statutes, are redesignated as paragraphs
 218 (j) through (n), respectively, paragraphs (a) and (e) of
 219 subsection (1), paragraph (f) of subsection (2), and paragraph
 220 (j) of subsection (7) are amended, and a new paragraph (i) is
 221 added to subsection (1) of that section, to read:

222 11.45 Definitions; duties; authorities; reports; rules.—

223 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

224 (a) "Abuse" means behavior that is deficient or improper
 225 when compared with behavior that a prudent person would consider

226 a reasonable and necessary operational practice given the facts
227 and circumstances. The term includes the misuse of authority or
228 position for personal gain or for the gain of an immediate or
229 close family member or business associate.

230 (e) "Fraud" means obtaining something of value through
231 willful misrepresentation, including, but not limited to,
232 intentional misstatements or intentional omissions of amounts or
233 disclosures in financial statements to deceive users of
234 financial statements, theft of an entity's assets, bribery, or
235 the use of one's position for personal enrichment through the
236 deliberate misuse or misapplication of an entity's
237 organization's resources.

238 (i) "Misconduct" means conduct which, though not illegal,
239 is inappropriate for a person in his or her specified position.

240 (2) DUTIES.—The Auditor General shall:

241 (f) At least every 3 years, conduct operational audits of
242 the accounts and records of state agencies, state universities,
243 state colleges, district school boards, the Florida Clerks of
244 Court Operations Corporation, water management districts, and
245 the Florida School for the Deaf and the Blind. At the conclusion
246 of each 3-year cycle, the Auditor General shall publish a report
247 consolidating common operational audit findings for all state
248 agencies, state universities, state colleges, and district
249 school boards.

250

251 The Auditor General shall perform his or her duties
 252 independently but under the general policies established by the
 253 Legislative Auditing Committee. This subsection does not limit
 254 the Auditor General's discretionary authority to conduct other
 255 audits or engagements of governmental entities as authorized in
 256 subsection (3).

257 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

258 (j) The Auditor General shall notify the Legislative
 259 Auditing Committee of any financial or operational audit report
 260 prepared pursuant to this section which indicates that a
 261 district school board, state university, or Florida College
 262 System institution has failed to take full corrective action in
 263 response to a recommendation that was included in the two
 264 preceding financial ~~or operational~~ audit reports or a preceding
 265 operational audit report.

266 1. The committee may direct the district school board or
 267 the governing body of the state university or Florida College
 268 System institution to provide a written statement to the
 269 committee explaining why full corrective action has not been
 270 taken or, if the governing body intends to take full corrective
 271 action, describing the corrective action to be taken and when it
 272 will occur.

273 2. If the committee determines that the written statement
 274 is not sufficient, the committee may require the chair of the
 275 district school board or the chair of the governing body of the

276 state university or Florida College System institution, or the
 277 chair's designee, to appear before the committee.

278 3. If the committee determines that the district school
 279 board, state university, or Florida College System institution
 280 has failed to take full corrective action for which there is no
 281 justifiable reason or has failed to comply with committee
 282 requests made pursuant to this section, the committee shall
 283 refer the matter to the State Board of Education or the Board of
 284 Governors, as appropriate, to proceed in accordance with s.
 285 1008.32 or s. 1008.322, respectively.

286 Section 3. Subsections (1) through (5) of section 14.32,
 287 Florida Statutes, are renumbered as subsections (2) through (6),
 288 respectively, and new subsections (1) and (7) are added to that
 289 section to read:

290 14.32 Office of Chief Inspector General.—

291 (1) As used in this section, the term:

292 (a) "Abuse" means behavior that is deficient or improper
 293 when compared with behavior that a prudent person would consider
 294 a reasonable and necessary operational practice given the facts
 295 and circumstances. The term includes the misuse of authority or
 296 position for personal gain or for the benefit of another.

297 (b) "Fraud" means obtaining something of value through
 298 willful misrepresentation, including, but not limited to, the
 299 intentional misstatements or intentional omissions of amounts or
 300 disclosures in financial statements to deceive users of

301 financial statements, theft of an entity's assets, bribery, or
302 the use of one's position for personal enrichment through the
303 deliberate misuse or misapplication of an entity's resources.

304 (c) "Independent contractor" has the same meaning as in s.
305 112.3187(3) (d).

306 (d) "Misconduct" means conduct which, though not illegal,
307 is inappropriate for a person in his or her specified position.

308 (e) "Waste" means the act of using or expending resources
309 unreasonably, carelessly, extravagantly, or for no useful
310 purpose.

311 (7) (a) Within 6 months after the initiation of an
312 investigation of fraud, waste, abuse, mismanagement, or
313 misconduct in government, the Chief Inspector General or an
314 agency inspector general must determine whether there is
315 reasonable probability that fraud, waste, abuse, mismanagement,
316 or misconduct in government has occurred. If there has not been
317 a determination of such reasonable probability and the
318 investigation continues, a new determination must be made every
319 3 months until the investigation is closed or such reasonable
320 probability is found to exist.

321 (b) If the Chief Inspector General or an agency inspector
322 general determines that there is reasonable probability that a
323 public official, independent contractor, or agency has committed
324 fraud, waste, abuse, mismanagement, or misconduct in government,
325 the inspector general shall report such determination to the

326 Florida Integrity Officer.

327 (c) If the findings of an investigation conducted pursuant
 328 to this subsection conclude that a public official, independent
 329 contractor, or agency has committed fraud, waste, abuse,
 330 mismanagement, or misconduct in government, the Chief Inspector
 331 General or agency inspector general shall report such findings
 332 to the Chief Financial Officer within 30 days after the
 333 investigation is closed. Such public official, independent
 334 contractor, or person responsible within the agency is
 335 personally liable for repayment of the funds that were diverted
 336 or lost as a result of the fraud, waste, abuse, mismanagement,
 337 or misconduct in government. If the person liable fails to repay
 338 such funds voluntarily and the state does not agree to a
 339 settlement, the Chief Financial Officer shall bring a civil
 340 action to recover the funds within 60 days after receipt of such
 341 findings.

342 Section 4. Section 17.04, Florida Statutes, is amended to
 343 read:

344 17.04 To audit and adjust accounts of officers and those
 345 indebted to the state.—The Chief Financial Officer, using
 346 generally accepted auditing procedures for testing or sampling,
 347 shall examine, audit, adjust, and settle the accounts of all the
 348 officers of this state, and any other person in anywise
 349 entrusted with, or who may have received any property, funds, or
 350 moneys of this state, or who may be in anywise indebted or

351 | accountable to this state for any property, funds, or moneys,
352 | and require such officer or persons to render full accounts
353 | thereof, and to yield up such property or funds according to
354 | law, or pay such moneys into the treasury of this state, or to
355 | such officer or agent of the state as may be appointed to
356 | receive the same, and on failure so to do, to cause to be
357 | instituted and prosecuted proceedings, criminal or civil, at law
358 | or in equity, against such persons, according to law. The Chief
359 | Financial Officer may conduct investigations within or outside
360 | of this state as it deems necessary to aid in the enforcement of
361 | this section. The Chief Financial Officer may commence an
362 | investigation pursuant to this section based on a complaint or
363 | referral from any source. An employee of a state agency or a
364 | state contractor having knowledge of suspected misuse of state
365 | funds may report such information to the Chief Financial
366 | Officer. If during an investigation the Chief Financial Officer
367 | has reason to believe that any criminal statute of this state
368 | has or may have been violated, the Chief Financial Officer shall
369 | refer any records tending to show such violation to state or
370 | federal law enforcement or prosecutorial agencies and shall
371 | provide investigative assistance to those agencies as required.

372 | Section 5. Subsections (4) and (5) of section 17.325,
373 | Florida Statutes, are renumbered as subsections (5) and (6),
374 | respectively, and a new subsection (4) is added to that section
375 | to read:

376 17.325 Governmental efficiency hotline; duties of Chief
 377 Financial Officer.—

378 (4) A copy of each suggestion or item of information
 379 received through the hotline or website that is logged pursuant
 380 to this section must be reported to the Florida Integrity
 381 Officer by the 15th of the month following receipt of the
 382 suggestion or item of information.

383 Section 6. Paragraph (g) is added to subsection (7) of
 384 section 20.055, Florida Statutes, to read:

385 20.055 Agency inspectors general.—

386 (7) In carrying out the investigative duties and
 387 responsibilities specified in this section, each inspector
 388 general shall initiate, conduct, supervise, and coordinate
 389 investigations designed to detect, deter, prevent, and eradicate
 390 fraud, waste, mismanagement, misconduct, and other abuses in
 391 state government. For these purposes, each inspector general
 392 shall:

393 (g) Make determinations and reports as required by s.
 394 14.32(7).

395 Section 7. Subsection (1) of section 20.201, Florida
 396 Statutes, is amended to read:

397 20.201 Department of Law Enforcement.—

398 (1) There is created a Department of Law Enforcement. The
 399 head of the department is the Governor and Cabinet. The
 400 executive director of the department shall be appointed by the

401 Governor with the approval of two or more ~~three~~ members of the
 402 Cabinet and subject to confirmation by the Senate. The executive
 403 director shall serve at the pleasure of the Governor and
 404 Cabinet. The executive director may establish a command,
 405 operational, and administrative services structure to assist,
 406 manage, and support the department in operating programs and
 407 delivering services.

408 Section 8. Subsection (1) of section 20.37, Florida
 409 Statutes, is amended to read:

410 20.37 Department of Veterans' Affairs.—There is created a
 411 Department of Veterans' Affairs.

412 (1) The head of the department is the Governor and
 413 Cabinet. The executive director of the department shall be
 414 appointed by the Governor with the approval of two or more ~~three~~
 415 members of the Cabinet and subject to confirmation by the
 416 Senate. The executive director shall serve at the pleasure of
 417 the Governor and Cabinet.

418 Section 9. Paragraphs (a) and (b) of subsection (1) and
 419 subsection (2) of section 110.1245, Florida Statutes, are
 420 amended, and subsections (6) and (7) are added to that section,
 421 to read:

422 110.1245 Savings sharing program; bonus payments; other
 423 awards.—

424 (1) (a) The Department of Management Services shall adopt
 425 rules that prescribe procedures and promote a savings sharing

426 program for an individual or group of employees who propose
427 procedures or ideas that are adopted and that result in
428 eliminating or reducing state expenditures, including employees
429 reporting under the Whistle-blower's Act, if such proposals are
430 placed in effect and may be implemented under current statutory
431 authority.

432 (b) Each agency head shall recommend employees
433 individually or by group to be awarded an amount of money, which
434 amount shall be directly related to the cost savings realized.
435 Each proposed award and amount of money must be approved by the
436 Legislative Budget Commission, except an award issued under
437 subsection (6).

438 (2) In June of each year, bonuses shall be paid to
439 employees from funds authorized by the Legislature in an
440 appropriation specifically for bonuses. For purposes of this
441 subsection, awards issued under subsection (6) are not
442 considered bonuses. Each agency shall develop a plan for
443 awarding lump-sum bonuses, which plan shall be submitted no
444 later than September 15 of each year and approved by the Office
445 of Policy and Budget in the Executive Office of the Governor.
446 Such plan shall include, at a minimum, but is not limited to:

447 (a) A statement that bonuses are subject to specific
448 appropriation by the Legislature.

449 (b) Eligibility criteria as follows:

450 1. The employee must have been employed before ~~prior to~~

451 July 1 of that fiscal year and have been continuously employed
452 through the date of distribution.

453 2. The employee must not have been on leave without pay
454 consecutively for more than 6 months during the fiscal year.

455 3. The employee must have had no sustained disciplinary
456 action during the period beginning July 1 through the date the
457 bonus checks are distributed. Disciplinary actions include
458 written reprimands, suspensions, dismissals, and involuntary or
459 voluntary demotions that were associated with a disciplinary
460 action.

461 4. The employee must have demonstrated a commitment to the
462 agency mission by reducing the burden on those served,
463 continually improving the way business is conducted, producing
464 results in the form of increased outputs, and working to improve
465 processes.

466 5. The employee must have demonstrated initiative in work
467 and have exceeded normal job expectations.

468 6. The employee must have modeled the way for others by
469 displaying agency values of fairness, cooperation, respect,
470 commitment, honesty, excellence, and teamwork.

471 (c) A periodic evaluation process of the employee's
472 performance.

473 (d) A process for peer input that is fair, respectful of
474 employees, and affects the outcome of the bonus distribution.

475 (e) A division of the agency by work unit for purposes of

476 peer input and bonus distribution.

477 (f) A limitation on bonus distributions equal to 35
478 percent of the agency's total authorized positions. This
479 requirement may be waived by the Office of Policy and Budget in
480 the Executive Office of the Governor upon a showing of
481 exceptional circumstances.

482 (6) Each agency inspector general shall report employees
483 whose reports under the Whistle-blower's Act resulted in savings
484 or recovery of public funds in excess of \$1,000. Awards shall be
485 awarded by each agency to the employee, or his or her designee,
486 whose report led to the savings or recovery, and each agency
487 head is authorized to incur expenditures to provide such awards.
488 The award shall be paid from the specific appropriation or trust
489 fund from which the savings or recovery resulted. The agency
490 inspector general to whom the report was made or referred shall
491 certify the savings or recovery resulting from the
492 investigation. If more than one employee makes a relevant
493 report, the award shall be shared in proportion to each
494 employee's contribution to the investigation as certified by the
495 agency inspector general. Awards shall be made in the following
496 amounts:

497 (a) A career service employee shall receive 10 percent of
498 the savings or recovery certified, but not less than \$500 and
499 not more than a total of \$50,000 for whistle-blower reports in
500 any 1 year. If the employee had any fault for the misspending or

501 attempted misspending of public funds identified in the
502 investigation that resulted in the savings or recovery, the
503 award may be denied at the discretion of the agency head. If the
504 award is not denied by the agency head, the award may not exceed
505 \$500. The agency inspector general shall certify any fault on
506 the part of the employee.

507 (b) A Senior Management Service employee or an employee in
508 a select exempt position shall receive 5 percent of the savings
509 or recovery certified, but not more than a total of \$1,000 for
510 whistle-blower reports in any 1 year. An employee may not
511 receive an award under this paragraph if he or she had any fault
512 for the misspending or attempted misspending of public funds
513 identified in the investigation that resulted in the savings or
514 recovery. The agency inspector general shall certify any fault
515 on the part of the employee.

516 (7) Notwithstanding any other provision of law, an
517 employee whose name or identity is confidential or exempt from
518 disclosure under state or federal law may participate in the
519 savings sharing program authorized in this section. To maintain
520 confidentiality, upon notice of eligibility for an award, such
521 employee may designate an authorized agent, trustee, or
522 custodian to accept an award for which the employee is eligible
523 on behalf of the employee.

524 Section 10. Subsection (2), paragraph (e) of subsection
525 (3), and paragraph (b) of subsection (5) of section 112.3187,

526 Florida Statutes, are amended to read:

527 112.3187 Adverse action against employee for disclosing
 528 information of specified nature prohibited; employee remedy and
 529 relief.—

530 (2) LEGISLATIVE INTENT.—It is the intent of the
 531 Legislature to prevent agencies or independent contractors from
 532 taking retaliatory action against an employee who reports to an
 533 appropriate agency violations of law on the part of a public
 534 employer or independent contractor that create a substantial and
 535 specific danger to the public's health, safety, or welfare. It
 536 is further the intent of the Legislature to prevent agencies or
 537 independent contractors from taking retaliatory action against
 538 any person who discloses information to an appropriate agency
 539 alleging improper use of governmental office, ~~gross~~ waste of
 540 funds, or any other abuse or ~~gross~~ neglect of duty on the part
 541 of an agency, public officer, or employee.

542 (3) DEFINITIONS.—As used in this act, unless otherwise
 543 specified, the following words or terms shall have the meanings
 544 indicated:

545 (e) "~~Gross~~ Mismanagement" means a continuous pattern of
 546 managerial abuses, wrongful or arbitrary and capricious actions,
 547 or fraudulent or criminal conduct which may have a substantial
 548 adverse economic impact.

549 (5) NATURE OF INFORMATION DISCLOSED.—The information
 550 disclosed under this section must include:

551 (b) Any act or suspected act of ~~gross~~ mismanagement,
 552 malfeasance, misfeasance, ~~gross~~ waste of public funds, suspected
 553 or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty
 554 committed by an employee or agent of an agency or independent
 555 contractor.

556 Section 11. Section 216.1366, Florida Statutes, is created
 557 to read:

558 216.1366 Contract terms.-

559 (1) In order to preserve the interest of the state in the
 560 prudent expenditure of state funds, each public agency contract
 561 for services entered into or amended on or after July 1, 2020,
 562 shall authorize the public agency to inspect the:

563 (a) Financial records, papers, and documents of the
 564 contractor directly related to the execution of the contract or
 565 the expenditure of state funds; and

566 (b) Programmatic records, papers, and documents of the
 567 contractor that are necessary to monitor the performance of the
 568 contract or ensure that the terms of the contract are being met,
 569 as determined by the public agency.

570 (2) The contract shall require the contractor to provide
 571 any such records, papers, and documents requested by the public
 572 agency within 10 business days after such request.

573 Section 12. Paragraph (e) of subsection (3) of section
 574 287.057, Florida Statutes, is amended, and subsection (24) is
 575 added to that section, to read:

576 287.057 Procurement of commodities or contractual
 577 services.—

578 (3) If the purchase price of commodities or contractual
 579 services exceeds the threshold amount provided in s. 287.017 for
 580 CATEGORY TWO, purchase of commodities or contractual services
 581 may not be made without receiving competitive sealed bids,
 582 competitive sealed proposals, or competitive sealed replies
 583 unless:

584 (e) The following contractual services and commodities are
 585 not subject to the competitive-solicitation requirements of this
 586 section:

587 1. Artistic services. As used in this subsection, the term
 588 "artistic services" does not include advertising or typesetting.
 589 As used in this subparagraph, the term "advertising" means the
 590 making of a representation in any form in connection with a
 591 trade, business, craft, or profession in order to promote the
 592 supply of commodities or services by the person promoting the
 593 commodities or contractual services.

594 2. Academic program reviews if the fee for such services
 595 does not exceed \$50,000.

596 3. Lectures by individuals.

597 4. Legal services, including attorney, paralegal, expert
 598 witness, appraisal, or mediator services.

599 5. Health services involving examination, diagnosis,
 600 treatment, prevention, medical consultation, or administration.

601 The term also includes, but is not limited to, substance abuse
 602 and mental health services involving examination, diagnosis,
 603 treatment, prevention, or medical consultation if such services
 604 are offered to eligible individuals participating in a specific
 605 program that qualifies multiple providers and uses a standard
 606 payment methodology. Reimbursement of administrative costs for
 607 providers of services purchased in this manner are also exempt.
 608 For purposes of this subparagraph, the term "providers" means
 609 health professionals and health facilities, or organizations
 610 that deliver or arrange for the delivery of health services.

611 6. Services provided to persons with mental or physical
 612 disabilities by not-for-profit corporations that have obtained
 613 exemptions under s. 501(c)(3) of the United States Internal
 614 Revenue Code or when such services are governed by Office of
 615 Management and Budget Circular A-122. However, in acquiring such
 616 services, the agency shall consider the ability of the vendor,
 617 past performance, willingness to meet time requirements, and
 618 price.

619 7. Medicaid services delivered to an eligible Medicaid
 620 recipient unless the agency is directed otherwise in law.

621 8. Family placement services.

622 9. Prevention services related to mental health, including
 623 drug abuse prevention programs, child abuse prevention programs,
 624 and shelters for runaways, operated by not-for-profit
 625 corporations. However, in acquiring such services, the agency

626 shall consider the ability of the vendor, past performance,
 627 willingness to meet time requirements, and price.

628 10. Training and education services provided to injured
 629 employees pursuant to s. 440.491(6).

630 11. Contracts entered into pursuant to s. 337.11.

631 12. Services or commodities provided by governmental
 632 entities.

633 13. ~~Statewide~~ Public service announcement programs that
 634 ~~provided by a Florida statewide nonprofit corporation under s.~~
 635 ~~501(e)(6) of the Internal Revenue Code which~~ have a guaranteed
 636 documented match of at least \$3 to \$1.

637 (24) Notwithstanding any other provision of law, a state
 638 employee who is registered to lobby the Legislature, other than
 639 an agency head, may not participate in the negotiation or award
 640 of any contract required or expressly funded under a specific
 641 legislative appropriation or proviso in an appropriation act.

642 This subsection does not apply to a state employee who is:

643 (a) Registered to lobby the Legislature, but whose primary
 644 job responsibilities do not involve lobbying.

645 (b) Employed by the Executive Office of the Governor.

646 (c) Employed by the Office of Policy and Budget.

647 Section 13. Section 288.00001, Florida Statutes, is
 648 created to read:

649 288.00001 Use of state or local incentive funds to pay for
 650 services.—Notwithstanding any other provision of law, a tax

651 incentive may not be awarded or paid to a state contractor or
 652 any subcontractor for services provided or expenditures incurred
 653 pursuant to a state contract.

654 Section 14. Paragraph (e) of subsection (4) of section
 655 1001.20, Florida Statutes, is amended to read:

656 1001.20 Department under direction of state board.—

657 (4) The Department of Education shall establish the
 658 following offices within the Office of the Commissioner of
 659 Education which shall coordinate their activities with all other
 660 divisions and offices:

661 (e) Office of Inspector General.—Organized using existing
 662 resources and funds and responsible for promoting
 663 accountability, efficiency, and effectiveness and detecting
 664 fraud and abuse within school districts, the Florida School for
 665 the Deaf and the Blind, and Florida College System institutions
 666 in Florida. If the Commissioner of Education determines that a
 667 district school board, the Board of Trustees for the Florida
 668 School for the Deaf and the Blind, or a Florida College System
 669 institution board of trustees is unwilling or unable to address
 670 substantiated allegations made by any person relating to waste,
 671 fraud, abuse, or financial mismanagement within the school
 672 district, the Florida School for the Deaf and the Blind, or the
 673 Florida College System institution, the office shall conduct,
 674 coordinate, or request investigations into such substantiated
 675 allegations. The office shall investigate allegations or reports

676 of possible waste, fraud, ~~or~~ abuse, or mismanagement against a
 677 district school board or Florida College System institution made
 678 by any member of the Cabinet, † the presiding officer of either
 679 house of the Legislature, † a chair of a substantive or
 680 appropriations legislative committee with jurisdiction, † or a
 681 member of the board for which an investigation is sought. The
 682 office shall have access to all information and personnel
 683 necessary to perform its duties and shall have all of its
 684 current powers, duties, and responsibilities authorized in s.
 685 20.055.

686 Section 15. The Office of the Auditor General is
 687 authorized to use carryforward funds to fund the establishment
 688 and operations of the Florida Integrity Office as created by
 689 this act.

690 Section 16. Subsection (1) of section 112.3188, Florida
 691 Statutes, is amended to read:

692 112.3188 Confidentiality of information given to the Chief
 693 Inspector General, internal auditors, inspectors general, local
 694 chief executive officers, or other appropriate local officials.—

695 (1) The name or identity of any individual who discloses
 696 in good faith to the Chief Inspector General or an agency
 697 inspector general, a local chief executive officer, or other
 698 appropriate local official information that alleges that an
 699 employee or agent of an agency or independent contractor:

700 (a) Has violated or is suspected of having violated any

701 federal, state, or local law, rule, or regulation, thereby
 702 creating and presenting a substantial and specific danger to the
 703 public's health, safety, or welfare; or

704 (b) Has committed an act of ~~gross~~ mismanagement,
 705 malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~
 706 neglect of duty

707
 708 may not be disclosed to anyone other than a member of the Chief
 709 Inspector General's, agency inspector general's, internal
 710 auditor's, local chief executive officer's, or other appropriate
 711 local official's staff without the written consent of the
 712 individual, unless the Chief Inspector General, internal
 713 auditor, agency inspector general, local chief executive
 714 officer, or other appropriate local official determines that:
 715 the disclosure of the individual's identity is necessary to
 716 prevent a substantial and specific danger to the public's
 717 health, safety, or welfare or to prevent the imminent commission
 718 of a crime; or the disclosure is unavoidable and absolutely
 719 necessary during the course of the audit, evaluation, or
 720 investigation.

721 Section 17. Paragraph (c) of subsection (3), subsection
 722 (4), and paragraph (a) of subsection (5) of section 112.3189,
 723 Florida Statutes, are amended to read:

724 112.3189 Investigative procedures upon receipt of whistle-
 725 blower information from certain state employees.-

726 (3) When a person alleges information described in s.
 727 112.3187(5), the Chief Inspector General or agency inspector
 728 general actually receiving such information shall within 20 days
 729 of receiving such information determine:

730 (c) Whether the information actually disclosed
 731 demonstrates reasonable cause to suspect that an employee or
 732 agent of an agency or independent contractor has violated any
 733 federal, state, or local law, rule, or regulation, thereby
 734 creating and presenting a substantial and specific danger to the
 735 public's health, safety, or welfare, or has committed an act of
 736 ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of
 737 public funds, or ~~gross~~ neglect of duty.

738 (4) If the Chief Inspector General or agency inspector
 739 general under subsection (3) determines that the information
 740 disclosed is not the type of information described in s.
 741 112.3187(5), or that the source of the information is not a
 742 person who is an employee or former employee of, or an applicant
 743 for employment with, a state agency, as defined in s. 216.011,
 744 or that the information disclosed does not demonstrate
 745 reasonable cause to suspect that an employee or agent of an
 746 agency or independent contractor has violated any federal,
 747 state, or local law, rule, or regulation, thereby creating and
 748 presenting a substantial and specific danger to the public's
 749 health, safety, or welfare, or has committed an act of ~~gross~~
 750 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public

751 funds, or ~~gross~~ neglect of duty, the Chief Inspector General or
752 agency inspector general shall notify the complainant of such
753 fact and copy and return, upon request of the complainant, any
754 documents and other materials that were provided by the
755 complainant.

756 (5) (a) If the Chief Inspector General or agency inspector
757 general under subsection (3) determines that the information
758 disclosed is the type of information described in s.
759 112.3187(5), that the source of the information is from a person
760 who is an employee or former employee of, or an applicant for
761 employment with, a state agency, as defined in s. 216.011, and
762 that the information disclosed demonstrates reasonable cause to
763 suspect that an employee or agent of an agency or independent
764 contractor has violated any federal, state, or local law, rule,
765 or regulation, thereby creating a substantial and specific
766 danger to the public's health, safety, or welfare, or has
767 committed an act of ~~gross~~ mismanagement, malfeasance,
768 misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of
769 duty, the Chief Inspector General or agency inspector general
770 making such determination shall then conduct an investigation,
771 unless the Chief Inspector General or the agency inspector
772 general determines, within 30 days after receiving the
773 allegations from the complainant, that such investigation is
774 unnecessary. For purposes of this subsection, the Chief
775 Inspector General or the agency inspector general shall consider

776 the following factors, but is not limited to only the following
 777 factors, when deciding whether the investigation is not
 778 necessary:

779 1. The gravity of the disclosed information compared to
 780 the time and expense of an investigation.

781 2. The potential for an investigation to yield
 782 recommendations that will make state government more efficient
 783 and effective.

784 3. The benefit to state government to have a final report
 785 on the disclosed information.

786 4. Whether the alleged whistle-blower information
 787 primarily concerns personnel practices that may be investigated
 788 under chapter 110.

789 5. Whether another agency may be conducting an
 790 investigation and whether any investigation under this section
 791 could be duplicative.

792 6. The time that has elapsed between the alleged event and
 793 the disclosure of the information.

794 Section 18. Paragraph (a) of subsection (3) of section
 795 112.31895, Florida Statutes, is amended to read:

796 112.31895 Investigative procedures in response to
 797 prohibited personnel actions.—

798 (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

799 (a) The Florida Commission on Human Relations, in
 800 accordance with this act and for the sole purpose of this act,

801 is empowered to:

802 1. Receive and investigate complaints from employees
 803 alleging retaliation by state agencies, as the term "state
 804 agency" is defined in s. 216.011.

805 2. Protect employees and applicants for employment with
 806 such agencies from prohibited personnel practices under s.
 807 112.3187.

808 3. Petition for stays and petition for corrective actions,
 809 including, but not limited to, temporary reinstatement.

810 4. Recommend disciplinary proceedings pursuant to
 811 investigation and appropriate agency rules and procedures.

812 5. Coordinate with the Chief Inspector General in the
 813 Executive Office of the Governor and the Florida Commission on
 814 Human Relations to receive, review, and forward to appropriate
 815 agencies, legislative entities, or the Department of Law
 816 Enforcement disclosures of a violation of any law, rule, or
 817 regulation, or disclosures of ~~gross~~ mismanagement, malfeasance,
 818 misfeasance, nonfeasance, neglect of duty, or ~~gross~~ waste of
 819 public funds.

820 6. Review rules pertaining to personnel matters issued or
 821 proposed by the Department of Management Services, the Public
 822 Employees Relations Commission, and other agencies, and, if the
 823 Florida Commission on Human Relations finds that any rule or
 824 proposed rule, on its face or as implemented, requires the
 825 commission of a prohibited personnel practice, provide a written

826 comment to the appropriate agency.

827 7. Investigate, request assistance from other governmental
828 entities, and, if appropriate, bring actions concerning,
829 allegations of retaliation by state agencies under subparagraph
830 1.

831 8. Administer oaths, examine witnesses, take statements,
832 issue subpoenas, order the taking of depositions, order
833 responses to written interrogatories, and make appropriate
834 motions to limit discovery, pursuant to investigations under
835 subparagraph 1.

836 9. Intervene or otherwise participate, as a matter of
837 right, in any appeal or other proceeding arising under this
838 section before the Public Employees Relations Commission or any
839 other appropriate agency, except that the Florida Commission on
840 Human Relations must comply with the rules of the commission or
841 other agency and may not seek corrective action or intervene in
842 an appeal or other proceeding without the consent of the person
843 protected under ss. 112.3187-112.31895.

844 10. Conduct an investigation, in the absence of an
845 allegation, to determine whether reasonable grounds exist to
846 believe that a prohibited action or a pattern of prohibited
847 action has occurred, is occurring, or is to be taken.

848 Section 19. This act shall take effect July 1, 2020.