

By Senator Dockery

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1                                   A bill to be entitled  
2           An act relating to inspectors general; transferring,  
3           renumbering, and amending s. 14.32, F.S.; providing  
4           that the Chief Inspector General is responsible for  
5           all agency inspectors general, including cabinet  
6           agencies and the Executive Office of the Governor;  
7           housing the office of the Chief Inspector General in  
8           the Executive Office of the Governor for  
9           administrative purposes only; providing that the Chief  
10          Inspector General reports to the Cabinet; amending s.  
11          20.055, F.S.; revising definitions; providing that the  
12          term "state agencies" includes cabinet agencies;  
13          updating a cross-reference; requiring the agency  
14          inspector general to keep the Chief Inspector General  
15          informed of any agency fraud, abuses, or deficiencies  
16          and authorizing the inspector general to not inform  
17          the agency head under certain circumstances; requiring  
18          agency inspectors general to be appointed by the Chief  
19          Inspector General, subject to the consent of the  
20          agency head; revising the procedures for removing an  
21          inspector general; providing that an agency inspector  
22          general may be removed only by the Chief Inspector  
23          General in consultation with the agency head;  
24          requiring an agency inspector general to be certified  
25          by the Association of Inspectors General; requiring  
26          agency inspectors general to establish internal and  
27          external procedures for receiving complaints from  
28          employees and the public; authorizing the inspector  
29          general of the Department of Law Enforcement to bypass

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30 informing the executive director of the Department of  
31 Law Enforcement under certain circumstances; requiring  
32 agency inspectors general to provide final reports on  
33 investigations, an annual report, and certain written  
34 complaints to the Chief Inspector General; requiring  
35 one or more investigators within the agency inspector  
36 general's office to be a sworn law enforcement  
37 officer; amending s. 112.3187, F.S.; revising the  
38 definition of "independent contractor" under the state  
39 Whistle-blower's Act to include anyone who receives  
40 public funds; conforming provisions to changes made by  
41 the act; amending s. 112.3189, F.S.; conforming  
42 provisions to changes made by the act; permitting  
43 employees disclosing information resulting in a  
44 recovery of funds to receive a percent of any funds  
45 recovered; amending ss. 112.31895 and 112.31901, F.S.;  
46 conforming provisions to changes made by the act;  
47 creating s. 287.0565, F.S.; directing the Department  
48 of Management Services to adopt criteria for the use  
49 of purchasing cards; requiring the agency inspector  
50 general to conduct periodic audits of the use of such  
51 cards; amending s. 14.2015, F.S.; conforming  
52 provisions to changes made by the act; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 14.32, Florida Statutes, is transferred  
58 and renumbered as section 20.054, Florida Statutes, and amended

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59 to read:

60 20.054 ~~14.32~~ Office of Chief Inspector General.-

61 (1) There is created ~~in the Executive Office of the~~  
62 ~~Governor~~ the Office of Chief Inspector General, which, for  
63 administrative purposes only, shall be housed in the Executive  
64 Office of the Governor. The Chief Inspector General shall be  
65 responsible for promoting accountability, integrity, and  
66 efficiency in the agencies under the jurisdiction of the  
67 Governor and the Cabinet. The Chief Inspector General shall be  
68 nominated by the Governor, and approved ~~appointed~~ by and serve  
69 at the pleasure of the Cabinet ~~Governor~~.

70 (2) The Chief Inspector General shall:

71 (a) Initiate, supervise, and coordinate investigations,  
72 recommend policies, and carry out other activities designed to  
73 deter, detect, prevent, and eradicate fraud, waste, abuse,  
74 mismanagement, and misconduct in government.

75 (b) Investigate, upon receipt of a complaint or for cause,  
76 any administrative action of any agency, the administration of  
77 which is under the direct supervision of the Governor or  
78 Cabinet, regardless of the finality of the administrative  
79 action.

80 (c) Request such assistance and information as may be  
81 necessary for the performance of the duties of the Chief  
82 Inspector General.

83 (d) Examine the records and reports of any agency the  
84 administration of which is under the direct supervision of the  
85 Governor or Cabinet.

86 (e) Coordinate complaint-handling activities with agencies.

87 (f) Coordinate the activities of the Whistle-blower's Act

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88 pursuant to chapter 112 and maintain the whistle-blower's  
89 hotline to receive complaints and information concerning the  
90 possible violation of law or administrative rules,  
91 mismanagement, fraud, waste, abuse of authority, malfeasance, or  
92 a substantial or specific danger to the health, welfare, or  
93 safety of the public.

94 (g) Report expeditiously to and cooperate fully with the  
95 Department of Law Enforcement, the Department of Legal Affairs,  
96 and other law enforcement agencies if ~~when~~ there are  
97 recognizable grounds to believe that there has been a violation  
98 of criminal law or that a civil action should be initiated.

99 (h) Act as liaison with outside agencies and the Federal  
100 Government to promote accountability, integrity, and efficiency  
101 in state government.

102 (i) Act as liaison and monitor the activities of the  
103 inspectors general in the agencies under the Governor and  
104 Cabinet, including the Executive Office of the Governor  
105 Governor's jurisdiction.

106 ~~(j) Review, evaluate, and monitor the policies, practices,~~  
107 ~~and operations of the Executive Office of the Governor.~~

108 (j) ~~(k)~~ Conduct special investigations and management  
109 reviews at the request of the Governor and Cabinet.

110 ~~(3) The Chief Inspector General shall serve as the~~  
111 ~~inspector general for the Executive Office of the Governor.~~

112 Section 2. Section 20.055, Florida Statutes, is amended to  
113 read:

114 20.055 Agency inspectors general.—

115 (1) For the purposes of this section:

116 (a) "State agency" means each department created pursuant

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117 to this chapter, and also includes the Executive Office of the  
118 Governor, the Cabinet agencies, the Department of Military  
119 Affairs, the Fish and Wildlife Conservation Commission, the  
120 Office of Insurance Regulation of the Financial Services  
121 Commission, the Office of Financial Regulation of the Financial  
122 Services Commission, the Public Service Commission, the Board of  
123 Governors of the State University System, and the state courts  
124 system.

125 (b) "Agency head" means the Governor, a Cabinet officer, a  
126 secretary ~~as defined in s. 20.03(5)~~, or an executive director ~~as~~  
127 ~~defined in s. 20.03(6)~~. It also includes the chair of the Public  
128 Service Commission, the Director of the Office of Insurance  
129 Regulation of the Financial Services Commission, the Director of  
130 the Office of Financial Regulation of the Financial Services  
131 Commission, and the Chief Justice of the State Supreme Court.

132 (c) "Individuals substantially affected" means natural  
133 persons who have established a real and sufficiently immediate  
134 injury in fact due to the findings, conclusions, or  
135 recommendations of a final report of a state agency inspector  
136 general, who are the subject of the audit or investigation, and  
137 who do not have or are not currently afforded an existing right  
138 to an independent review process. The term does not include  
139 employees of the state, including career service, probationary,  
140 other personal service, Selected Exempt Service, and Senior  
141 Management Service employees; ~~are not covered by this~~  
142 ~~definition. This definition also does not cover~~ former employees  
143 of the state if the final report of the state agency inspector  
144 general relates to matters arising during a former employee's  
145 term of state employment; or. ~~This definition does not apply to~~

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146 persons who are the subject of audits or investigations  
147 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
148 which are otherwise confidential and exempt under s. 119.07.

149 (d) "Entities contracting with the state" means for-profit  
150 and not-for-profit organizations or businesses having a legal  
151 existence, such as corporations or partnerships, as opposed to  
152 natural persons, which have entered into a relationship with a  
153 state agency ~~as defined in paragraph (a)~~ to provide ~~for~~  
154 ~~consideration~~ certain goods or services for consideration to the  
155 state agency or on behalf of the state agency. The relationship  
156 may be evidenced by payment by warrant or purchasing card,  
157 contract, purchase order, provider agreement, or other such  
158 mutually agreed upon relationship. The term ~~This definition~~ does  
159 not apply to entities that ~~which~~ are the subject of audits or  
160 investigations conducted pursuant to ss. 112.3187-112.31895 or  
161 s. 409.913 or that ~~which~~ are otherwise confidential and exempt  
162 under s. 119.07.

163 (2) The Office of Inspector General is hereby established  
164 in each state agency to coordinate and be responsible ~~provide a~~  
165 ~~central point for coordination of and responsibility~~ for  
166 activities that promote accountability, integrity, and  
167 efficiency in government. It is ~~shall be~~ the duty and  
168 responsibility of each inspector general, with respect to the  
169 state agency in which the office is established, to:

170 (a) Advise in the development of performance measures,  
171 standards, and procedures for the evaluation of state agency  
172 programs, including:-

173 1. (b) Assessing ~~Assess~~ the reliability and validity of the  
174 information provided by the state agency on performance outcomes

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175 ~~measures~~ and standards, and making ~~make~~ recommendations for  
176 improvement, if necessary, prior to submission of those outcomes  
177 ~~measures~~ and standards to the Executive Office of the Governor  
178 pursuant to s. 216.013 ~~s. 216.0166(1)~~.

179 2.(e) ~~Reviewing~~ Review the actions taken by the state  
180 agency to improve program performance and meet program standards  
181 and making ~~make~~ recommendations for improvement, if necessary.

182 (b)(d) Provide direction for, supervise, and coordinate  
183 audits, investigations, and management reviews relating to the  
184 programs and operations of the state agency. If, except that  
185 ~~when~~ the inspector general does not possess the qualifications  
186 specified in subsection (4), the director of auditing shall  
187 conduct such audits.

188 (c)(e) Conduct, supervise, or coordinate other activities  
189 carried out or financed by that state agency for the purpose of  
190 promoting economy and efficiency in the administration of, or  
191 preventing and detecting fraud and abuse in, its programs and  
192 operations.

193 (d)(f) Keep the ~~such~~ agency head and the Chief Inspector  
194 General informed concerning any fraud, abuses, or ~~and~~  
195 deficiencies relating to programs and operations administered or  
196 financed by the state agency, recommend corrective action  
197 concerning such fraud, abuses, or ~~and~~ deficiencies, and report  
198 on ~~the~~ progress made in implementing corrective action. However,  
199 if the inspector general has reasonable concerns that keeping  
200 the agency head informed may compromise any related  
201 investigation, the inspector general shall first report such  
202 concerns to the Chief Inspector General who shall make a  
203 determination about whether to report to the agency head. If the

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204 Chief Inspector General concludes that such investigation should  
205 not be reported to the agency head, the Chief Inspector General  
206 shall report such determination to the Governor and Cabinet.

207 (e)~~(g)~~ Ensure effective coordination and cooperation  
208 between the Auditor General, federal auditors, and other  
209 governmental bodies in order to avoid ~~with a view toward~~  
210 ~~avoiding~~ duplication.

211 (f)~~(h)~~ Review, as appropriate, rules relating to the  
212 programs and operations of the ~~such~~ state agency and make  
213 recommendations concerning their impact.

214 (g)~~(i)~~ Ensure that an appropriate balance is maintained  
215 between audit, investigative, and other accountability  
216 activities.

217 (h)~~(j)~~ Comply with the General Principles and Standards for  
218 Offices of Inspector General as published and revised by the  
219 Association of Inspectors General.

220 (3)~~(a)~~ The inspector general of each state agency shall be  
221 appointed by the Chief Inspector General, subject to the written  
222 consent of the agency head. The inspector general shall be  
223 appointed without regard to political affiliation. ~~For agencies~~  
224 ~~under the direction of the Governor, the appointment shall be~~  
225 ~~made after notifying the Governor and the Chief Inspector~~  
226 ~~General in writing, at least 7 days prior to an offer of~~  
227 ~~employment, of the agency head's intention to hire the inspector~~  
228 ~~general.~~

229 (a)~~(b)~~ Except as provided in paragraphs (2) (d) and (6) (f),  
230 each inspector general shall report to and be under the general  
231 supervision of the agency head and is ~~shall~~ not be subject to  
232 supervision by any other employee of the state agency. ~~The~~



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233 ~~inspector general shall be appointed without regard to political~~  
234 ~~affiliation.~~

235 (b) ~~(e)~~ An inspector general may be removed from office by  
236 the Chief Inspector General, in consultation with the agency  
237 head. Following consultation with the agency head ~~For agencies~~  
238 ~~under the direction of the Governor, the~~ Chief Inspector General  
239 ~~agency head shall notify the~~ inspector general and the Governor  
240 ~~and Cabinet~~ Governor and the Chief Inspector General, in  
241 writing, of the intention to terminate the inspector general for  
242 good cause shown at least 21 7 days before ~~prior to the~~ removal.  
243 Good cause must be documented in the notification. The inspector  
244 general may not be removed if an objection is made by the  
245 Governor or Cabinet within the 21 days before removal. Removal  
246 may be made if the objection is later rescinded. ~~For state~~  
247 ~~agencies under the direction of the Governor and Cabinet, the~~  
248 ~~agency head shall notify the Governor and Cabinet in writing of~~  
249 ~~the intention to terminate the inspector general at least 7 days~~  
250 ~~prior to the removal.~~

251 (c) ~~(d)~~ An The agency head or agency staff may ~~shall~~ not  
252 prevent or prohibit the inspector general from initiating,  
253 carrying out, or completing any audit or investigation.

254 (4) The inspector general must be certified by the  
255 Association of Inspectors General. To ensure that state agency  
256 audits are performed in accordance with applicable auditing  
257 standards, the inspector general or the director of auditing  
258 within the inspector general's office must ~~shall~~ possess the  
259 following qualifications:

260 (a) A bachelor's degree from an accredited college or  
261 university with a major in accounting, or with a major in

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262 business which includes five courses in accounting, and 5 years  
263 of experience as an internal auditor or independent postauditor,  
264 electronic data processing auditor, accountant, or any  
265 combination thereof. The experience must, ~~shall~~ at a minimum,  
266 consist of audits of units of government or private business  
267 enterprises, operating for profit or not for profit; or

268 (b) A master's degree in accounting, business  
269 administration, or public administration from an accredited  
270 college or university and 4 years of experience as required in  
271 paragraph (a); or

272 (c) A certified public accountant license issued pursuant  
273 to chapter 473 or a certified internal audit certificate issued  
274 by the Institute of Internal Auditors or earned by examination,  
275 and 4 years of experience as required in paragraph (a).

276 (5) In carrying out the auditing duties and  
277 responsibilities of this section ~~act~~, each inspector general  
278 shall review and evaluate internal controls necessary to ensure  
279 the fiscal accountability of the state agency. The inspector  
280 general shall conduct financial, compliance, electronic data  
281 processing, and performance audits of the agency and prepare  
282 audit reports of his or her findings. The scope and assignment  
283 of the audits shall be determined by the inspector general;  
284 however, the agency head may at any time direct the inspector  
285 general to perform an audit of a special program, function, or  
286 organizational unit. The performance of the audit shall be under  
287 the direction of the inspector general, except that if the  
288 inspector general does not possess the qualifications specified  
289 in subsection (4), the director of auditing shall perform the  
290 functions listed in this subsection.

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291 (a) Such audits shall be conducted in accordance with the  
292 current International Standards for the Professional Practice of  
293 Internal Auditing as published by the Institute of Internal  
294 Auditors, Inc., or, where appropriate, in accordance with  
295 generally accepted governmental auditing standards. All audit  
296 reports issued by internal audit staff must ~~shall~~ include a  
297 statement that the audit was conducted pursuant to the  
298 appropriate standards.

299 (b) Audit workpapers and reports are ~~shall be~~ public  
300 records to the extent that they do not include information that  
301 ~~which~~ has been made confidential and exempt from ~~the provisions~~  
302 ~~of~~ s. 119.07(1) pursuant to law. However, if ~~when~~ the inspector  
303 general or a member of the staff receives a complaint or  
304 information from an individual which ~~a complaint or information~~  
305 ~~that~~ falls within the definition provided in s. 112.3187(5), the  
306 name or identity of the individual may ~~shall~~ not be disclosed ~~to~~  
307 ~~anyone else~~ without the written consent of the individual,  
308 unless the inspector general determines that such disclosure is  
309 unavoidable during the course of the audit or investigation.

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

316 (d) At the conclusion of each audit, the inspector general  
317 shall submit preliminary findings and recommendations to the  
318 person responsible for supervision of the program function or  
319 operational unit who shall respond to any adverse findings

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320 within 20 working days after receipt of the preliminary  
321 findings. Such response and the inspector general's rebuttal to  
322 the response shall be included in the final audit report.

323 (e) At the conclusion of an audit in which the subject of  
324 the audit is a specific entity contracting with the state or an  
325 individual substantially affected, if the audit is not  
326 confidential or otherwise exempt from disclosure by law, the  
327 inspector general shall, consistent with s. 119.07(1), submit  
328 the findings to the entity contracting with the state or the  
329 individual substantially affected, who shall be advised in  
330 writing that they may submit a written response within 20  
331 working days after receipt of the findings. The response and the  
332 inspector general's rebuttal to the response, if any, must be  
333 included in the final audit report.

334 (f) The inspector general shall submit the final report to  
335 the agency head and to the Auditor General.

336 (g) The Auditor General, in connection with the independent  
337 postaudit of the same agency pursuant to s. 11.45, shall give  
338 appropriate consideration to internal audit reports and the  
339 resolution of findings therein. The Legislative Auditing  
340 Committee may inquire into the reasons or justifications for  
341 failure of the agency head to correct the deficiencies reported  
342 in internal audits that are also reported by the Auditor General  
343 and shall take appropriate action.

344 (h) The inspector general shall monitor the implementation  
345 of the state agency's response to any report on the state agency  
346 issued by the Auditor General or by the Office of Program Policy  
347 Analysis and Government Accountability. Within ~~No later than~~ 6  
348 months after the Auditor General or the Office of Program Policy

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349 Analysis and Government Accountability publishes a report on the  
350 state agency, the inspector general shall provide a written  
351 response to the agency head on the status of corrective actions  
352 taken. The Inspector General shall file a copy of such response  
353 with the Legislative Auditing Committee.

354 (i) The inspector general shall develop long-term and  
355 annual audit plans based on the findings of periodic risk  
356 assessments. The plan, where appropriate, should include  
357 postaudit samplings of payments and accounts. The plan shall  
358 show the individual audits to be conducted during each year and  
359 related resources to be devoted to the respective audits. The  
360 Chief Financial Officer, to assist in fulfilling the  
361 responsibilities for examining, auditing, and settling accounts,  
362 claims, and demands pursuant to s. 17.03(1), and examining,  
363 auditing, adjusting, and settling accounts pursuant to s. 17.04,  
364 may use ~~utilize~~ audits performed by the inspectors general and  
365 internal auditors. ~~For state agencies under the Governor,~~ The  
366 audit plans shall be submitted to the ~~Governor's~~ Chief Inspector  
367 General. The plan shall be submitted to the agency head for  
368 approval. A copy of the approved plan shall be submitted to the  
369 Auditor General.

370 (6) In carrying out the investigative duties and  
371 responsibilities specified in this section, each inspector  
372 general shall initiate, conduct, supervise, and coordinate  
373 investigations designed to detect, deter, prevent, and eradicate  
374 fraud, waste, mismanagement, misconduct, and other abuses in  
375 state government. For these purposes, each inspector general  
376 shall:

377 (a) Establish an internal procedure for receiving concerns

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378 or complaints from state agency personnel and a link on the  
379 state agency's website for receiving concerns or complaints from  
380 clients or vendors of the agency or other members of the public.

381 (b)~~(a)~~ Receive complaints and coordinate all activities of  
382 the agency as required by the Whistle-blower's Act pursuant to  
383 ss. 112.3187-112.31895.

384 (c)~~(b)~~ Receive and consider the complaints that ~~which~~ do  
385 not meet the criteria for an investigation under the Whistle-  
386 blower's Act and conduct, supervise, or coordinate such  
387 inquiries, investigations, or reviews as the inspector general  
388 deems appropriate.

389 (d)~~(e)~~ Report expeditiously to the Department of Law  
390 Enforcement or other law enforcement agencies, as appropriate,  
391 whenever the inspector general has reasonable grounds to believe  
392 there has been a violation of criminal law. However, the  
393 inspector general for the Department of Law Enforcement may  
394 consult with the Chief Inspector General before reporting  
395 instances of suspected criminal acts within the Department of  
396 Law Enforcement. The Chief Inspector General shall make a  
397 determination of whether such investigation shall be reported to  
398 the executive director of the Department of Law Enforcement. If  
399 the Chief Inspector General determines that such instances  
400 should not be reported to the executive director, he or she  
401 shall report such determination to the Governor and Cabinet.

402 (e)~~(d)~~ Conduct investigations and other inquiries free of  
403 actual or perceived impairment to the independence of the  
404 inspector general or the inspector general's office. This  
405 includes ~~shall include~~ freedom from any interference with  
406 investigations and timely access to records and other sources of

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407 information.

408 (f)~~(e)~~ At the conclusion of each investigation in which the  
409 subject of the investigation is a specific entity contracting  
410 with the state or an individual substantially affected as  
411 defined by this section, and if the investigation is not  
412 confidential or otherwise exempt from disclosure by law, the  
413 inspector general shall, consistent with s. 119.07(1), submit  
414 findings to the subject that is a specific entity contracting  
415 with the state or an individual substantially affected, who  
416 shall be advised in writing that they may submit a written  
417 response within 20 working days after receipt of the findings.  
418 Such response and the inspector general's rebuttal to the  
419 response, if any, shall be included in the final investigative  
420 report.

421 (g)~~(f)~~ Submit in a timely fashion final reports on  
422 investigations conducted by the inspector general to the agency  
423 head and the Chief Inspector General, except for whistle-  
424 blower's investigations, which shall be conducted and reported  
425 pursuant to s. 112.3189.

426 (7) Each inspector general shall, by ~~not later than~~  
427 September 30 of each year, prepare an annual report summarizing  
428 the activities of the office during the immediately preceding  
429 state fiscal year. The final report shall be furnished to the  
430 agency head and the Chief Inspector General. Such report shall  
431 include, but need not be limited to:

432 (a) A description of activities relating to the  
433 development, assessment, and validation of performance measures.

434 (b) A description of significant problems, abuses, and  
435 deficiencies relating to the administration of programs and

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436 operations of the agency disclosed by investigations, audits,  
437 reviews, or other activities during the reporting period.

438 (c) A description of the recommendations for corrective  
439 action made by the inspector general during the reporting period  
440 with respect to significant problems, abuses, or deficiencies  
441 identified.

442 (d) The identification of each significant recommendation  
443 described in previous annual reports on which corrective action  
444 has not been completed.

445 (e) A summary of each audit and investigation completed  
446 during the reporting period.

447 (8) The inspector general in each state agency shall  
448 provide to the agency head and the Chief Inspector General, upon  
449 receipt, all written complaints concerning the duties and  
450 responsibilities in this section, or any allegation of  
451 misconduct related to the office of the inspector general or its  
452 employees, if received from subjects of audits or investigations  
453 who are individuals substantially affected or entities  
454 contracting with the state, as defined in this section. For  
455 agencies solely under the direction of the Governor, the  
456 inspector general shall also provide the complaint to the Chief  
457 Inspector General.

458 (9) Each agency inspector general shall, to the extent ~~both~~  
459 necessary and practicable, include on his or her staff  
460 individuals with electronic data processing auditing experience.  
461 One or more of the investigators within the office must be a  
462 sworn law enforcement officer.

463 Section 3. Paragraph (d) of subsection (3) and subsection  
464 (7) of section 112.3187, Florida Statutes, are amended to read:



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465 112.3187 Adverse action against employee for disclosing  
466 information of specified nature prohibited; employee remedy and  
467 relief.—

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

471 (d) "Independent contractor" means an individual or  
472 business entity ~~a person~~, other than an agency, engaged in any  
473 business, ~~and~~ who enters into a contract, including a provider  
474 agreement, with an agency, or who otherwise receives public  
475 funds to perform a public service.

476 (7) EMPLOYEES AND PERSONS PROTECTED.—This section protects  
477 employees and persons who disclose information on their own  
478 initiative in a written and signed complaint; who are requested  
479 to participate in an investigation, hearing, or other inquiry  
480 conducted by any agency or federal government entity; who refuse  
481 to participate in any adverse action prohibited by this section;  
482 or who initiate a complaint through the whistle-blower's hotline  
483 or the hotline of the Medicaid Fraud Control Unit of the  
484 Department of Legal Affairs; or employees who file a any written  
485 complaint to their supervisory officials or ~~employees~~ who submit  
486 a complaint to the Chief Inspector General ~~in the Executive~~  
487 ~~Office of the Governor~~, to the employee designated as agency  
488 inspector general under s. 112.3189(1), or to the Florida  
489 Commission on Human Relations. The provisions of this section  
490 may not be used by a person while he or she is under the care,  
491 custody, or control of the state correctional system or, after  
492 release from the care, custody, or control of the state  
493 correctional system, with respect to circumstances that occurred

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494 during any period of incarceration. No remedy or other  
495 protection under ss. 112.3187-112.31895 applies to any person  
496 who has committed or intentionally participated in committing  
497 the violation or suspected violation for which protection under  
498 ss. 112.3187-112.31895 is being sought.

499 Section 4. Subsection (1) is amended and subsection (12) is  
500 added to section 112.3189, Florida Statutes, to read:

501 112.3189 Investigative procedures upon receipt of whistle-  
502 blower information from certain state employees.—

503 (1) This section only applies to the disclosure of  
504 information as described in s. 112.3187(5) by an employee or  
505 former employee of, or an applicant for employment with, a state  
506 agency, as the term "state agency" is defined in s. 216.011, to  
507 the Office of the Chief Inspector General ~~of the Executive~~  
508 ~~Office of the Governor~~ or to the agency inspector general. If an  
509 agency does not have an inspector general, the head of the state  
510 agency, as defined in s. 216.011, shall designate an employee to  
511 receive such information ~~described in s. 112.3187(5)~~. For  
512 purposes of this section and s. 112.3188 only, the employee  
513 designated by the head of the state agency shall be deemed an  
514 agency inspector general.

515 (12) If the investigation under this section, or any  
516 subsequent criminal action results in the recovery of state  
517 funds, the employee disclosing the information may receive up to  
518 15 percent of the amount recovered.

519 Section 5. Paragraph (a) of subsection (1) and paragraph  
520 (a) of subsection (3) of section 112.31895, Florida Statutes,  
521 are amended to read:

522 112.31895 Investigative procedures in response to

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523 prohibited personnel actions.—

524 (1) (a) If a disclosure under s. 112.3187 includes or  
525 results in alleged retaliation by an employer, the employee or  
526 former employee of, or applicant for employment with, a state  
527 agency, as defined in s. 216.011, which ~~that~~ is so affected may  
528 file a complaint alleging a prohibited personnel action, which  
529 complaint must be made by filing a written complaint with the  
530 Office of the Chief Inspector General ~~in the Executive Office of~~  
531 ~~the Governor~~ or the Florida Commission on Human Relations  
532 within, no later than 60 days after the prohibited personnel  
533 action.

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

535 (a) The Florida Commission on Human Relations, in  
536 accordance with this act and for the sole purpose of this act,  
537 is empowered to:

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

541 2. Protect employees and applicants for employment with  
542 such agencies from prohibited personnel practices under s.  
543 112.3187.

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

546 4. Recommend disciplinary proceedings pursuant to  
547 investigation and appropriate agency rules and procedures.

548 5. Coordinate with the Chief Inspector General ~~in the~~  
549 ~~Executive Office of the Governor~~ and the Florida Commission on  
550 Human Relations to receive, review, and forward to appropriate  
551 agencies, legislative entities, or the Department of Law

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552 Enforcement disclosures of a violation of any law, rule, or  
553 regulation, or disclosures of gross mismanagement, malfeasance,  
554 misfeasance, nonfeasance, neglect of duty, or gross waste of  
555 public funds.

556 6. Review rules pertaining to personnel matters issued or  
557 proposed by the Department of Management Services, the Public  
558 Employees Relations Commission, and other agencies, and, if the  
559 Florida Commission on Human Relations finds that any rule or  
560 proposed rule, on its face or as implemented, requires the  
561 commission of a prohibited personnel practice, provide a written  
562 comment to the appropriate agency.

563 7. Investigate, request assistance from other governmental  
564 entities, and, if appropriate, bring actions concerning,  
565 allegations of retaliation by state agencies under subparagraph  
566 1.

567 8. Administer oaths, examine witnesses, take statements,  
568 issue subpoenas, order the taking of depositions, order  
569 responses to written interrogatories, and make appropriate  
570 motions to limit discovery, pursuant to investigations under  
571 subparagraph 1.

572 9. Intervene or otherwise participate, as a matter of  
573 right, in any appeal or other proceeding arising under this  
574 section before the Public Employees Relations Commission or any  
575 other appropriate agency, except that the Florida Commission on  
576 Human Relations must comply with the rules of the commission or  
577 other agency and may not seek corrective action or intervene in  
578 an appeal or other proceeding without the consent of the person  
579 protected under ss. 112.3187-112.31895.

580 10. Conduct an investigation, in the absence of an

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581 allegation, to determine whether reasonable grounds exist to  
582 believe that a prohibited action or a pattern of prohibited  
583 action has occurred, is occurring, or is to be taken.

584 Section 6. Subsections (1) and (2) of section 112.31901,  
585 Florida Statutes, are amended to read:

586 112.31901 Investigatory records.—

587 (1) If certified pursuant to subsection (2), an  
588 investigatory record of the Chief Inspector General ~~within the~~  
589 ~~Executive Office of the Governor~~ or of the employee designated  
590 by an agency head as the agency inspector general under s.  
591 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
592 State Constitution until the investigation ceases to be active,  
593 or a report detailing the investigation is provided to the  
594 Governor or the agency head, or 60 days from the inception of  
595 the investigation for which the record was made or received,  
596 whichever first occurs. Investigatory records are those records  
597 that are related to the investigation of an alleged, specific  
598 act or omission or other wrongdoing, with respect to an  
599 identifiable person or group of persons, based on information  
600 compiled by the Chief Inspector General or by an agency  
601 inspector general, as named under the provisions of s. 112.3189,  
602 in the course of an investigation. An investigation is active if  
603 it is continuing with a reasonable, good faith anticipation of  
604 resolution and with reasonable dispatch.

605 (2) The Cabinet Governor, in the case of the Chief  
606 Inspector General, or agency head, in the case of an employee  
607 designated as the agency inspector general under s. 112.3189,  
608 may certify that such investigatory records require an exemption  
609 to protect the integrity of the investigation or avoid

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610 unwarranted damage to an individual's good name or reputation.  
611 The certification must specify the nature and purpose of the  
612 investigation and shall be kept with the exempt records and made  
613 public when the records are made public.

614 Section 7. Section 287.0565, Florida Statutes, is created  
615 to read:

616 287.0565 Purchasing cards.-

617 (1) The department shall adopt rules establishing standards  
618 and procedures for state agency use of purchasing cards.

619 (2) Each agency inspector general shall conduct periodic  
620 audits of the use of purchasing cards to monitor and confirm the  
621 actual purchase of authorized goods and services by agency  
622 employees.

623 Section 8. Subsection (3) of section 14.2015, Florida  
624 Statutes, is amended to read:

625 14.2015 Office of Tourism, Trade, and Economic Development;  
626 creation; powers and duties.-

627 (3) The ~~Chief~~ inspector general for the Executive Office of  
628 the Governor, as described ~~defined~~ in s. 20.055 ~~14.32~~:

629 (a) Shall advise public-private partnerships in their  
630 development, utilization, and improvement of internal control  
631 measures necessary to ensure fiscal accountability.

632 (b) May conduct, direct, and supervise audits relating to  
633 the programs and operations of public-private partnerships.

634 (c) Shall receive and investigate complaints of fraud,  
635 abuses, and deficiencies relating to programs and operations of  
636 public-private partnerships.

637 (d) May request and have access to any records, data, and  
638 other information of public-private partnerships which ~~that~~ the

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639 Chief inspector general deems necessary to carry out his or her  
640 responsibilities with respect to accountability.

641 (e) Shall monitor public-private partnerships for  
642 compliance with the terms and conditions of contracts with the  
643 Office of Tourism, Trade, and Economic Development and report  
644 noncompliance to the Governor.

645 (f) Shall advise public-private partnerships in the  
646 development, utilization, and improvement of performance  
647 measures for the evaluation of their operations.

648 (g) Shall review and make recommendations for improvements  
649 in the actions taken by public-private partnerships to meet  
650 performance standards.

651 Section 9. This act shall take effect July 1, 2011.