

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

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

50 |
 51 | Be It Enacted by the Legislature of the State of Florida:

52 |
 53 | Section 1. Section 14.32, Florida Statutes, is transferred
 54 | and renumbered as section 20.054, Florida Statutes, and amended
 55 | to read:

56 | 20.054 ~~14.32~~ Office of Chief Inspector General.—

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

66 (2) The Chief Inspector General shall:

67 (a) Initiate, supervise, and coordinate investigations,
 68 recommend policies, and carry out other activities designed to
 69 deter, detect, prevent, and eradicate fraud, waste, abuse,
 70 mismanagement, and misconduct in government.

71 (b) Investigate, upon receipt of a complaint or for cause,
 72 any administrative action of any agency, the administration of
 73 which is under the direct supervision of the Governor or
 74 Cabinet, regardless of the finality of the administrative
 75 action.

76 (c) Request such assistance and information as may be
 77 necessary for the performance of the duties of the Chief
 78 Inspector General.

79 (d) Examine the records and reports of any agency the
 80 administration of which is under the direct supervision of the
 81 Governor or Cabinet.

82 (e) Coordinate complaint-handling activities with
 83 agencies.

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

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

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

96 (h) Act as liaison with outside agencies and the Federal
 97 Government to promote accountability, integrity, and efficiency
 98 in state government.

99 (i) Act as liaison and monitor the activities of the
 100 inspectors general in the agencies under the Governor and
 101 Cabinet, including the Executive Office of the Governor
 102 ~~Governor's jurisdiction.~~

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

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

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

109 Section 2. Section 20.055, Florida Statutes, is amended to
 110 read:

111 20.055 Agency inspectors general.—

112 (1) For the purposes of this section:

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113 (a) "State agency" means each department created pursuant
 114 to this chapter, and also includes the Executive Office of the
 115 Governor, the Cabinet agencies, the Department of Military
 116 Affairs, the Fish and Wildlife Conservation Commission, the
 117 Office of Insurance Regulation of the Financial Services
 118 Commission, the Office of Financial Regulation of the Financial
 119 Services Commission, the Public Service Commission, the Board of
 120 Governors of the State University System, and the state courts
 121 system.

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

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

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141 general relates to matters arising during a former employee's
 142 term of state employment; or. ~~This definition does not apply to~~
 143 persons who are the subject of audits or investigations
 144 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
 145 which are otherwise confidential and exempt under s. 119.07.

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

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

167 (a) Advise in the development of performance measures,
 168 standards, and procedures for the evaluation of state agency

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169 | programs, including:-

170 | 1. ~~(b)~~ Assessing ~~Assess~~ the reliability and validity of the
 171 | information provided by the state agency on performance outcomes
 172 | ~~measures~~ and standards, and making ~~make~~ recommendations for
 173 | improvement, if necessary, prior to submission of those outcomes
 174 | ~~measures~~ and standards to the Executive Office of the Governor
 175 | pursuant to s. 216.013 ~~s. 216.0166(1)~~.

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

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

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

190 | (d) ~~(f)~~ Keep the ~~such~~ agency head and the Chief Inspector
 191 | General informed concerning any fraud, abuses, or ~~and~~
 192 | deficiencies relating to programs and operations administered or
 193 | financed by the state agency, recommend corrective action
 194 | concerning such fraud, abuses, or ~~and~~ deficiencies, and report
 195 | on ~~the~~ progress made in implementing corrective action. However,
 196 | if the inspector general has reasonable concerns that keeping

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197 the agency head informed may compromise any related
 198 investigation, the inspector general shall first report such
 199 concerns to the Chief Inspector General who shall make a
 200 determination about whether to report to the agency head. If the
 201 Chief Inspector General concludes that such investigation should
 202 not be reported to the agency head, the Chief Inspector General
 203 shall report such determination to the Governor and Cabinet.

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

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

211 (g)~~(i)~~ Ensure that an appropriate balance is maintained
 212 between audit, investigative, and other accountability
 213 activities.

214 (h)~~(j)~~ Comply with the General Principles and Standards
 215 for Offices of Inspector General as published and revised by the
 216 Association of Inspectors General.

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

225 ~~general.~~

226 ~~(a)(b)~~ Except as provided in paragraphs (2)(d) and (6)(f),
 227 each inspector general shall report to and be under the general
 228 supervision of the agency head and is shall not be subject to
 229 supervision by any other employee of the state agency. The
 230 ~~inspector general shall be appointed without regard to political~~
 231 ~~affiliation.~~

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

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

251 (4) The inspector general must be certified by the
 252 Association of Inspectors General. To ensure that state agency

253 audits are performed in accordance with applicable auditing
 254 standards, the inspector general or the director of auditing
 255 within the inspector general's office must ~~shall~~ possess the
 256 following qualifications:

257 (a) A bachelor's degree from an accredited college or
 258 university with a major in accounting, or with a major in
 259 business which includes five courses in accounting, and 5 years
 260 of experience as an internal auditor or independent postauditor,
 261 electronic data processing auditor, accountant, or any
 262 combination thereof. The experience must, ~~shall~~ at a minimum,
 263 consist of audits of units of government or private business
 264 enterprises, operating for profit or not for profit; or

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

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

273 (5) In carrying out the auditing duties and
 274 responsibilities of this section ~~act~~, each inspector general
 275 shall review and evaluate internal controls necessary to ensure
 276 the fiscal accountability of the state agency. The inspector
 277 general shall conduct financial, compliance, electronic data
 278 processing, and performance audits of the agency and prepare
 279 audit reports of his or her findings. The scope and assignment
 280 of the audits shall be determined by the inspector general;

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281 | however, the agency head may at any time direct the inspector
 282 | general to perform an audit of a special program, function, or
 283 | organizational unit. The performance of the audit shall be under
 284 | the direction of the inspector general, except that if the
 285 | inspector general does not possess the qualifications specified
 286 | in subsection (4), the director of auditing shall perform the
 287 | functions listed in this subsection.

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

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

307 | (c) The inspector general and the staff shall have access
 308 | to any records, data, and other information of the state agency

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309 he or she deems necessary to carry out his or her duties. The
310 inspector general may ~~is~~ also ~~authorized to~~ request such
311 information or assistance as may be necessary from the state
312 agency or from any federal, state, or local government entity.

313 (d) At the conclusion of each audit, the inspector general
314 shall submit preliminary findings and recommendations to the
315 person responsible for supervision of the program function or
316 operational unit who shall respond to any adverse findings
317 within 20 working days after receipt of the preliminary
318 findings. Such response and the inspector general's rebuttal to
319 the response shall be included in the final audit report.

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

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

333 (g) The Auditor General, in connection with the
334 independent postaudit of the same agency pursuant to s. 11.45,
335 shall give appropriate consideration to internal audit reports
336 and the resolution of findings therein. The Legislative Auditing

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337 Committee may inquire into the reasons or justifications for
338 failure of the agency head to correct the deficiencies reported
339 in internal audits that are also reported by the Auditor General
340 and shall take appropriate action.

341 (h) The inspector general shall monitor the implementation
342 of the state agency's response to any report on the state agency
343 issued by the Auditor General or by the Office of Program Policy
344 Analysis and Government Accountability. Within ~~No later than~~ 6
345 months after the Auditor General or the Office of Program Policy
346 Analysis and Government Accountability publishes a report on the
347 state agency, the inspector general shall provide a written
348 response to the agency head on the status of corrective actions
349 taken. The Inspector General shall file a copy of such response
350 with the Legislative Auditing Committee.

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

365 approval. A copy of the approved plan shall be submitted to the
 366 Auditor General.

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

374 (a) Establish an internal procedure for receiving concerns
 375 or complaints from state agency personnel and a link on the
 376 state agency's website for receiving concerns or complaints from
 377 clients or vendors of the agency or other members of the public.

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

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

386 (d) ~~(c)~~ Report expeditiously to the Department of Law
 387 Enforcement or other law enforcement agencies, as appropriate,
 388 whenever the inspector general has reasonable grounds to believe
 389 there has been a violation of criminal law. However, the
 390 inspector general for the Department of Law Enforcement may
 391 consult with the Chief Inspector General before reporting
 392 instances of suspected criminal acts within the Department of

393 Law Enforcement. The Chief Inspector General shall make a
 394 determination of whether such investigation shall be reported to
 395 the executive director of the Department of Law Enforcement. If
 396 the Chief Inspector General determines that such instances
 397 should not be reported to the executive director, he or she
 398 shall report such determination to the Governor and Cabinet.

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

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

418 (g)~~(f)~~ Submit in a timely fashion final reports on
 419 investigations conducted by the inspector general to the agency
 420 head and the Chief Inspector General, except for whistle-

421 blower's investigations, which shall be conducted and reported
 422 pursuant to s. 112.3189.

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

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

431 (b) A description of significant problems, abuses, and
 432 deficiencies relating to the administration of programs and
 433 operations of the agency disclosed by investigations, audits,
 434 reviews, or other activities during the reporting period.

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

439 (d) The identification of each significant recommendation
 440 described in previous annual reports on which corrective action
 441 has not been completed.

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

444 (8) The inspector general in each state agency shall
 445 provide to the agency head and the Chief Inspector General, upon
 446 receipt, all written complaints concerning the duties and
 447 responsibilities in this section, or any allegation of
 448 misconduct related to the office of the inspector general or its

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449 employees, ~~if~~ received from subjects of audits or investigations
450 who are individuals substantially affected or entities
451 contracting with the state, ~~as defined in this section. For~~
452 ~~agencies solely under the direction of the Governor, the~~
453 ~~inspector general shall also provide the complaint to the Chief~~
454 ~~Inspector General.~~

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

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

462 112.3187 Adverse action against employee for disclosing
463 information of specified nature prohibited; employee remedy and
464 relief.—

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

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

473 (7) EMPLOYEES AND PERSONS PROTECTED.—This section protects
474 employees and persons who disclose information on their own
475 initiative in a written and signed complaint; who are requested
476 to participate in an investigation, hearing, or other inquiry

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477 | conducted by any agency or federal government entity; who refuse
 478 | to participate in any adverse action prohibited by this section;
 479 | or who initiate a complaint through the whistle-blower's hotline
 480 | or the hotline of the Medicaid Fraud Control Unit of the
 481 | Department of Legal Affairs; or employees who file a ~~any~~ written
 482 | complaint to their supervisory officials or ~~employees~~ who submit
 483 | a complaint to the Chief Inspector General ~~in the Executive~~
 484 | ~~Office of the Governor~~, to the employee designated as agency
 485 | inspector general under s. 112.3189(1), or to the Florida
 486 | Commission on Human Relations. The provisions of this section
 487 | may not be used by a person while he or she is under the care,
 488 | custody, or control of the state correctional system or, after
 489 | release from the care, custody, or control of the state
 490 | correctional system, with respect to circumstances that occurred
 491 | during any period of incarceration. No remedy or other
 492 | protection under ss. 112.3187-112.31895 applies to any person
 493 | who has committed or intentionally participated in committing
 494 | the violation or suspected violation for which protection under
 495 | ss. 112.3187-112.31895 is being sought.

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

498 | 112.3189 Investigative procedures upon receipt of whistle-
 499 | blower information from certain state employees.—

500 | (1) This section only applies to the disclosure of
 501 | information as described in s. 112.3187(5) by an employee or
 502 | former employee of, or an applicant for employment with, a state
 503 | agency, as the term "state agency" is defined in s. 216.011, to
 504 | the Office of the Chief Inspector General ~~of the Executive~~

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505 ~~Office of the Governor~~ or to the agency inspector general. If an
 506 agency does not have an inspector general, the head of the state
 507 agency, as defined in s. 216.011, shall designate an employee to
 508 receive such information ~~described in s. 112.3187(5)~~. For
 509 purposes of this section and s. 112.3188 only, the employee
 510 designated by the head of the state agency shall be deemed an
 511 agency inspector general.

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

516 Section 5. Paragraph (a) of subsection (1) and paragraph
 517 (a) of subsection (3) of section 112.31895, Florida Statutes,
 518 are amended to read:

519 112.31895 Investigative procedures in response to
 520 prohibited personnel actions.—

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

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

532 (a) The Florida Commission on Human Relations, in

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533 | accordance with this act and for the sole purpose of this act,
 534 | is empowered to:

535 | 1. Receive and investigate complaints from employees
 536 | alleging retaliation by state agencies, as the term "state
 537 | agency" is defined in s. 216.011.

538 | 2. Protect employees and applicants for employment with
 539 | such agencies from prohibited personnel practices under s.
 540 | 112.3187.

541 | 3. Petition for stays and petition for corrective actions,
 542 | including, but not limited to, temporary reinstatement.

543 | 4. Recommend disciplinary proceedings pursuant to
 544 | investigation and appropriate agency rules and procedures.

545 | 5. Coordinate with the Chief Inspector General ~~in the~~
 546 | ~~Executive Office of the Governor~~ and the Florida Commission on
 547 | Human Relations to receive, review, and forward to appropriate
 548 | agencies, legislative entities, or the Department of Law
 549 | Enforcement disclosures of a violation of any law, rule, or
 550 | regulation, or disclosures of gross mismanagement, malfeasance,
 551 | misfeasance, nonfeasance, neglect of duty, or gross waste of
 552 | public funds.

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

560 | 7. Investigate, request assistance from other governmental

561 entities, and, if appropriate, bring actions concerning,
 562 allegations of retaliation by state agencies under subparagraph
 563 1.

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

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

577 10. Conduct an investigation, in the absence of an
 578 allegation, to determine whether reasonable grounds exist to
 579 believe that a prohibited action or a pattern of prohibited
 580 action has occurred, is occurring, or is to be taken.

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

583 112.31901 Investigatory records.—

584 (1) If certified pursuant to subsection (2), an
 585 investigatory record of the Chief Inspector General ~~within the~~
 586 ~~Executive Office of the Governor~~ or of the employee designated
 587 by an agency head as the agency inspector general under s.

588 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the

589 State Constitution until the investigation ceases to be active,
 590 or a report detailing the investigation is provided to the
 591 Governor or the agency head, or 60 days from the inception of
 592 the investigation for which the record was made or received,
 593 whichever first occurs. Investigatory records are those records
 594 that are related to the investigation of an alleged, specific
 595 act or omission or other wrongdoing, with respect to an
 596 identifiable person or group of persons, based on information
 597 compiled by the Chief Inspector General or by an agency
 598 inspector general, as named under the provisions of s. 112.3189,
 599 in the course of an investigation. An investigation is active if
 600 it is continuing with a reasonable, good faith anticipation of
 601 resolution and with reasonable dispatch.

602 (2) The Cabinet ~~Governor~~, in the case of the Chief
 603 Inspector General, or agency head, in the case of an employee
 604 designated as the agency inspector general under s. 112.3189,
 605 may certify that such investigatory records require an exemption
 606 to protect the integrity of the investigation or avoid
 607 unwarranted damage to an individual's good name or reputation.
 608 The certification must specify the nature and purpose of the
 609 investigation and shall be kept with the exempt records and made
 610 public when the records are made public.

611 Section 7. Section 287.0565, Florida Statutes, is created
 612 to read:

613 287.0565 Purchasing cards.-

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

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

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

623 14.2015 Office of Tourism, Trade, and Economic
 624 Development; creation; powers and duties.—

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

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

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

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

635 (d) May request and have access to any records, data, and
 636 other information of public-private partnerships which ~~that~~ the
 637 ~~Chief~~ inspector general deems necessary to carry out his or her
 638 responsibilities with respect to accountability.

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

643 (f) Shall advise public-private partnerships in the
 644 development, utilization, and improvement of performance

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645 | measures for the evaluation of their operations.

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

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