

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 the term "independent contractor" under  
39 the state Whistle-blower's Act to include anyone who  
40 receives public funds; conforming provisions to  
41 changes made by the act; amending s. 112.3189, F.S.;  
42 conforming provisions to changes made by the act;  
43 permitting employees disclosing information resulting  
44 in a recovery of funds to receive a percent of any  
45 funds recovered; amending ss. 112.31895 and 112.31901,  
46 F.S.; conforming provisions to changes made by the  
47 act; creating s. 287.0565, F.S.; directing the  
48 Department of Management Services to adopt criteria  
49 for the use of purchasing cards; requiring the agency  
50 inspector general to conduct periodic audits of the  
51 use of such cards; providing an effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

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

58 20.054 ~~14.32~~ Office of Chief Inspector General.-

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

68 (2) The Chief Inspector General shall:

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

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

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

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

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

85 (f) Coordinate the activities of the Whistle-blower's Act  
86 pursuant to chapter 112 and maintain the whistle-blower's  
87 hotline to receive complaints and information concerning the

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88 possible violation of law or administrative rules,  
89 mismanagement, fraud, waste, abuse of authority, malfeasance, or  
90 a substantial or specific danger to the health, welfare, or  
91 safety of the public.

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

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

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

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

106 (j) ~~(\*)~~ Conduct special investigations and management  
107 reviews at the request of the Governor and Cabinet.

108 (3) Related to public-private partnerships, the Chief  
109 Inspector General:

110 (a) Shall advise public-private partnerships, including  
111 Enterprise Florida, Inc., in their development, utilization, and  
112 improvement of internal control measures necessary to ensure  
113 fiscal accountability.

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

116 (c) Shall receive and investigate complaints of fraud,

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117 abuses, and deficiencies relating to programs and operations of  
118 public-private partnerships.

119 (d) May request and have access to any records, data, and  
120 other information in the possession of public-private  
121 partnerships which the Chief Inspector General deems necessary  
122 to carry out his or her responsibilities with respect to  
123 accountability.

124 (e) Shall monitor public-private partnerships for  
125 compliance with the terms and conditions of contracts with the  
126 department and report noncompliance to the Governor.

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

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

133 ~~(4) The Chief Inspector General shall serve as the~~  
134 ~~inspector general for the Executive Office of the Governor.~~

135 Section 2. Section 20.055, Florida Statutes, is amended to  
136 read:

137 20.055 Agency inspectors general.—

138 (1) For the purposes of this section:

139 (a) "State agency" means each department created pursuant  
140 to this chapter, and also includes the Executive Office of the  
141 Governor, the Cabinet agencies, the Department of Military  
142 Affairs, the Fish and Wildlife Conservation Commission, the  
143 Office of Insurance Regulation of the Financial Services  
144 Commission, the Office of Financial Regulation of the Financial  
145 Services Commission, the Public Service Commission, the Board of

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146 Governors of the State University System, the Florida Housing  
147 Finance Corporation, and the state courts system.

148 (b) "Agency head" means the Governor, a Cabinet officer, a  
149 secretary ~~as defined in s. 20.03(5)~~, or an executive director ~~as~~  
150 ~~defined in s. 20.03(6)~~. It also includes the chair of the Public  
151 Service Commission, the Director of the Office of Insurance  
152 Regulation of the Financial Services Commission, the Director of  
153 the Office of Financial Regulation of the Financial Services  
154 Commission, the board of directors of the Florida Housing  
155 Finance Corporation, and the Chief Justice of the State Supreme  
156 Court.

157 (c) "Individuals substantially affected" means natural  
158 persons who have established a real and sufficiently immediate  
159 injury in fact due to the findings, conclusions, or  
160 recommendations of a final report of a state agency inspector  
161 general, who are the subject of the audit or investigation, and  
162 who do not have or are not currently afforded an existing right  
163 to an independent review process. The term does not include  
164 employees of the state, including career service, probationary,  
165 other personal service, Selected Exempt Service, and Senior  
166 Management Service employees; ~~are not covered by this~~  
167 ~~definition. This definition also does not cover~~ former employees  
168 of the state if the final report of the state agency inspector  
169 general relates to matters arising during a former employee's  
170 term of state employment; or. This definition does not apply to  
171 persons who are the subject of audits or investigations  
172 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
173 which are otherwise confidential and exempt under s. 119.07.

174 (d) "Entities contracting with the state" means for-profit

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175 and not-for-profit organizations or businesses having a legal  
176 existence, such as corporations or partnerships, as opposed to  
177 natural persons, which have entered into a relationship with a  
178 state agency ~~as defined in paragraph (a)~~ to provide ~~for~~  
179 ~~consideration~~ certain goods or services for consideration to the  
180 state agency or on behalf of the state agency. The relationship  
181 may be evidenced by payment by warrant or purchasing card,  
182 contract, purchase order, provider agreement, or other such  
183 mutually agreed upon relationship. The term ~~This definition~~ does  
184 not apply to entities that ~~which~~ are the subject of audits or  
185 investigations conducted pursuant to ss. 112.3187-112.31895 or  
186 s. 409.913 or that ~~which~~ are otherwise confidential and exempt  
187 under s. 119.07.

188 (2) The Office of Inspector General is ~~hereby~~ established  
189 in each state agency to coordinate and be responsible ~~provide a~~  
190 ~~central point for coordination of and responsibility~~ for  
191 activities that promote accountability, integrity, and  
192 efficiency in government. It is ~~shall be~~ the duty and  
193 responsibility of each inspector general, with respect to the  
194 state agency in which the office is established, to:

195 (a) Advise in the development of performance measures,  
196 standards, and procedures for the evaluation of state agency  
197 programs, including:-

198 1.(b) Assessing ~~Assess~~ the reliability and validity of the  
199 information provided by the state agency on performance outcomes  
200 ~~measures~~ and standards, and making ~~make~~ recommendations for  
201 improvement, if necessary, prior to submission of those outcomes  
202 ~~measures~~ and standards to the Executive Office of the Governor  
203 pursuant to s. 216.013 ~~s. 216.0166(1)~~.

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

207        (b) ~~(d)~~ Provide direction for, supervise, and coordinate  
208 audits, investigations, and management reviews relating to the  
209 programs and operations of the state agency. If, ~~except that~~  
210 ~~when~~ the inspector general does not possess the qualifications  
211 specified in subsection (4), the director of auditing shall  
212 conduct such audits.

213        (c) ~~(e)~~ Conduct, supervise, or coordinate other activities  
214 carried out or financed by that state agency for the purpose of  
215 promoting economy and efficiency in the administration of, or  
216 preventing and detecting fraud and abuse in, its programs and  
217 operations.

218        (d) ~~(f)~~ Keep the ~~such~~ agency head and the Chief Inspector  
219 General informed concerning any fraud, abuses, or ~~and~~  
220 deficiencies relating to programs and operations administered or  
221 financed by the state agency, recommend corrective action  
222 concerning such fraud, abuses, or ~~and~~ deficiencies, and report  
223 on ~~the~~ progress made in implementing corrective action. However,  
224 if the inspector general has reasonable concerns that keeping  
225 the agency head informed may compromise any related  
226 investigation, the inspector general shall first report such  
227 concerns to the Chief Inspector General who shall make a  
228 determination about whether to report to the agency head. If the  
229 Chief Inspector General concludes that such investigation should  
230 not be reported to the agency head, the Chief Inspector General  
231 shall report such determination to the Governor and Cabinet.

232        (e) ~~(g)~~ Ensure effective coordination and cooperation



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233 between the Auditor General, federal auditors, and other  
234 governmental bodies in order to avoid ~~with a view toward~~  
235 ~~avoiding~~ duplication.

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

239 (g) ~~(i)~~ Ensure that an appropriate balance is maintained  
240 between audit, investigative, and other accountability  
241 activities.

242 (h) ~~(j)~~ Comply with the General Principles and Standards for  
243 Offices of Inspector General as published and revised by the  
244 Association of Inspectors General.

245 (3) ~~(a)~~ The inspector general of each state agency shall be  
246 appointed by the Chief Inspector General, subject to the written  
247 consent of the agency head. The inspector general shall be  
248 appointed without regard to political affiliation. ~~For agencies~~  
249 ~~under the direction of the Governor, the appointment shall be~~  
250 ~~made after notifying the Governor and the Chief Inspector~~  
251 ~~General in writing, at least 7 days prior to an offer of~~  
252 ~~employment, of the agency head's intention to hire the inspector~~  
253 ~~general.~~

254 (a) ~~(b)~~ Except as provided in paragraphs (2) (d) and (6) (g),  
255 each inspector general shall report to and be under the general  
256 supervision of the agency head and is ~~shall not be~~ subject to  
257 supervision by any other employee of the state agency. ~~The~~  
258 ~~inspector general shall be appointed without regard to political~~  
259 ~~affiliation.~~

260 (b) ~~(e)~~ An inspector general may be removed from office by  
261 the Chief Inspector General, in consultation with the agency

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262 head. Following consultation with the agency head ~~For agencies~~  
263 ~~under the direction of the Governor,~~ the Chief Inspector General  
264 ~~agency head~~ shall notify the inspector general and the Governor  
265 ~~and Cabinet Governor and the Chief Inspector General,~~ in  
266 writing, of the intention to terminate the inspector general for  
267 good cause shown at least 21 ~~7~~ days before ~~prior to the~~ removal.  
268 Good cause must be documented in the notification. The inspector  
269 general may not be removed if an objection is made by the  
270 Governor or Cabinet within the 21 days before removal. Removal  
271 may be made if the objection is later rescinded. ~~For state~~  
272 ~~agencies under the direction of the Governor and Cabinet,~~ the  
273 ~~agency head shall notify the Governor and Cabinet in writing of~~  
274 ~~the intention to terminate the inspector general at least 7 days~~  
275 ~~prior to the removal.~~

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

279 (4) The inspector general must be certified by the  
280 Association of Inspectors General. To ensure that state agency  
281 audits are performed in accordance with applicable auditing  
282 standards, the inspector general or the director of auditing  
283 within the inspector general's office must ~~shall~~ possess the  
284 following qualifications:

285 (a) A bachelor's degree from an accredited college or  
286 university with a major in accounting, or with a major in  
287 business which includes five courses in accounting, and 5 years  
288 of experience as an internal auditor or independent postauditor,  
289 electronic data processing auditor, accountant, or any  
290 combination thereof. The experience must, ~~shall~~ at a minimum,

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291 consist of audits of units of government or private business  
292 enterprises, operating for profit or not for profit; ~~or~~

293 (b) A master's degree in accounting, business  
294 administration, or public administration from an accredited  
295 college or university and 4 years of experience as required in  
296 paragraph (a); or

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

301 (5) In carrying out the auditing duties and  
302 responsibilities of this section ~~act~~, each inspector general  
303 shall review and evaluate internal controls necessary to ensure  
304 the fiscal accountability of the state agency. The inspector  
305 general shall conduct financial, compliance, electronic data  
306 processing, and performance audits of the agency and prepare  
307 audit reports of his or her findings. The scope and assignment  
308 of the audits shall be determined by the inspector general;  
309 however, the agency head may at any time direct the inspector  
310 general to perform an audit of a special program, function, or  
311 organizational unit. The performance of the audit shall be under  
312 the direction of the inspector general, except that if the  
313 inspector general does not possess the qualifications specified  
314 in subsection (4), the director of auditing shall perform the  
315 functions listed in this subsection.

316 (a) Such audits shall be conducted in accordance with the  
317 current International Standards for the Professional Practice of  
318 Internal Auditing as published by the Institute of Internal  
319 Auditors, Inc., or, where appropriate, in accordance with

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320 generally accepted governmental auditing standards. All audit  
321 reports issued by internal audit staff must ~~shall~~ include a  
322 statement that the audit was conducted pursuant to the  
323 appropriate standards.

324 (b) Audit workpapers and reports are ~~shall be~~ public  
325 records to the extent that they do not include information that  
326 ~~which~~ has been made confidential and exempt from ~~the provisions~~  
327 ~~of~~ s. 119.07(1) pursuant to law. However, if ~~when~~ the inspector  
328 general or a member of the staff receives a complaint or  
329 information from an individual which ~~a complaint or information~~  
330 ~~that~~ falls within the definition provided in s. 112.3187(5), the  
331 name or identity of the individual may ~~shall~~ not be disclosed ~~to~~  
332 ~~anyone else~~ without the written consent of the individual,  
333 unless the inspector general determines that such disclosure is  
334 unavoidable during the course of the audit or investigation.

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

341 (d) At the conclusion of each audit, the inspector general  
342 shall submit preliminary findings and recommendations to the  
343 person responsible for supervision of the program function or  
344 operational unit who shall respond to any adverse findings  
345 within 20 working days after receipt of the preliminary  
346 findings. Such response and the inspector general's rebuttal to  
347 the response shall be included in the final audit report.

348 (e) At the conclusion of an audit in which the subject of

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349 the audit is a specific entity contracting with the state or an  
350 individual substantially affected, if the audit is not  
351 confidential or otherwise exempt from disclosure by law, the  
352 inspector general shall, consistent with s. 119.07(1), submit  
353 the findings to the entity contracting with the state or the  
354 individual substantially affected, who shall be advised in  
355 writing that they may submit a written response within 20  
356 working days after receipt of the findings. The response and the  
357 inspector general's rebuttal to the response, if any, must be  
358 included in the final audit report.

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

361 (g) The Auditor General, in connection with the independent  
362 postaudit of the same agency pursuant to s. 11.45, shall give  
363 appropriate consideration to internal audit reports and the  
364 resolution of findings therein. The Legislative Auditing  
365 Committee may inquire into the reasons or justifications for  
366 failure of the agency head to correct the deficiencies reported  
367 in internal audits that are also reported by the Auditor General  
368 and shall take appropriate action.

369 (h) The inspector general shall monitor the implementation  
370 of the state agency's response to any report on the state agency  
371 issued by the Auditor General or by the Office of Program Policy  
372 Analysis and Government Accountability. Within ~~No later than~~ 6  
373 months after the Auditor General or the Office of Program Policy  
374 Analysis and Government Accountability publishes a report on the  
375 state agency, the inspector general shall provide a written  
376 response to the agency head on the status of corrective actions  
377 taken. The Inspector General shall file a copy of such response

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378 with the Legislative Auditing Committee.

379 (i) The inspector general shall develop long-term and  
380 annual audit plans based on the findings of periodic risk  
381 assessments. The plan, where appropriate, should include  
382 postaudit samplings of payments and accounts. The plan shall  
383 show the individual audits to be conducted during each year and  
384 related resources to be devoted to the respective audits. The  
385 Chief Financial Officer, to assist in fulfilling the  
386 responsibilities for examining, auditing, and settling accounts,  
387 claims, and demands pursuant to s. 17.03(1), and examining,  
388 auditing, adjusting, and settling accounts pursuant to s. 17.04,  
389 may use ~~utilize~~ audits performed by the inspectors general and  
390 internal auditors. ~~For state agencies under the Governor,~~ The  
391 audit plans shall be submitted to the ~~Governor's~~ Chief Inspector  
392 General. The plan shall be submitted to the agency head for  
393 approval. A copy of the approved plan shall be submitted to the  
394 Auditor General.

395 (6) In carrying out the investigative duties and  
396 responsibilities specified in this section, each inspector  
397 general shall initiate, conduct, supervise, and coordinate  
398 investigations designed to detect, deter, prevent, and eradicate  
399 fraud, waste, mismanagement, misconduct, and other abuses in  
400 state government. For these purposes, each inspector general  
401 shall:

402 (a) Establish an internal procedure for receiving concerns  
403 or complaints from state agency personnel and a link on the  
404 state agency's website for receiving concerns or complaints from  
405 clients or vendors of the agency or other members of the public.

406 (b) ~~(a)~~ Receive complaints and coordinate all activities of

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407 the agency as required by the Whistle-blower's Act pursuant to  
408 ss. 112.3187-112.31895.

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

414 (d) ~~(e)~~ Report expeditiously to the Department of Law  
415 Enforcement or other law enforcement agencies, as appropriate,  
416 whenever the inspector general has reasonable grounds to believe  
417 there has been a violation of criminal law. However, the  
418 inspector general for the Department of Law Enforcement may  
419 consult with the Chief Inspector General before reporting  
420 instances of suspected criminal acts within the Department of  
421 Law Enforcement. The Chief Inspector General shall make a  
422 determination of whether such investigation shall be reported to  
423 the executive director of the Department of Law Enforcement. If  
424 the Chief Inspector General determines that such instances  
425 should not be reported to the executive director, he or she  
426 shall report such determination to the Governor and Cabinet.

427 (e) ~~(d)~~ Conduct investigations and other inquiries free of  
428 actual or perceived impairment to the independence of the  
429 inspector general or the inspector general's office. This  
430 includes ~~shall include~~ freedom from any interference with  
431 investigations and timely access to records and other sources of  
432 information.

433 (f) ~~(e)~~ At the conclusion of each investigation in which the  
434 subject of the investigation is a specific entity contracting  
435 with the state or an individual substantially affected as

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436 defined by this section, and if the investigation is not  
437 confidential or otherwise exempt from disclosure by law, the  
438 inspector general shall, consistent with s. 119.07(1), submit  
439 findings to the subject that is a specific entity contracting  
440 with the state or an individual substantially affected, who  
441 shall be advised in writing that they may submit a written  
442 response within 20 working days after receipt of the findings.  
443 Such response and the inspector general's rebuttal to the  
444 response, if any, shall be included in the final investigative  
445 report.

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

451 (7) ~~(a)~~ ~~Except as provided in paragraph (b)~~, Each inspector  
452 general shall, by not later than September 30 of each year,  
453 prepare an annual report summarizing the activities of the  
454 office during the immediately preceding state fiscal year.  
455 However,

456 ~~(b)~~ the inspector general of the Florida Housing Finance  
457 Corporation shall, within not later than 90 days after the end  
458 of each fiscal year, prepare an annual report summarizing the  
459 activities of the office ~~of inspector general~~ during the  
460 immediately preceding fiscal year.

461 ~~(c)~~ The final reports ~~prepared pursuant to paragraphs (a)~~  
462 ~~and (b)~~ shall be furnished to the heads of the respective  
463 agencies and the Chief Inspector General. Such reports shall  
464 include, but need not be limited to:



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465        (a)1. A description of activities relating to the  
466 development, assessment, and validation of performance measures.

467        (b)2. A description of significant problems, abuses, and  
468 deficiencies relating to the administration of programs and  
469 operations of the agency disclosed by investigations, audits,  
470 reviews, or other activities during the reporting period.

471        (c)3. A description of the recommendations for corrective  
472 action made by the inspector general during the reporting period  
473 with respect to significant problems, abuses, or deficiencies  
474 identified.

475        (d)4. The identification of each significant recommendation  
476 described in previous annual reports on which corrective action  
477 has not been completed.

478        (e)5. A summary of each audit and investigation completed  
479 during the reporting period.

480        (8) The inspector general in each state agency shall  
481 provide to the agency head and the Chief Inspector General, upon  
482 receipt, all written complaints concerning the duties and  
483 responsibilities in this section, or any allegation of  
484 misconduct related to the office of the inspector general or its  
485 employees, ~~if~~ received from subjects of audits or investigations  
486 who are individuals substantially affected or entities  
487 contracting with the state, ~~as defined in this section. For~~  
488 ~~agencies solely under the direction of the Governor, the~~  
489 ~~inspector general shall also provide the complaint to the Chief~~  
490 ~~Inspector General.~~

491        (9) Each agency inspector general shall, to the extent ~~both~~  
492 necessary and practicable, include on his or her staff  
493 individuals with electronic data processing auditing experience.

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494 One or more of the investigators within the office must be a  
495 sworn law enforcement officer.

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

498 112.3187 Adverse action against employee for disclosing  
499 information of specified nature prohibited; employee remedy and  
500 relief.—

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

504 (d) "Independent contractor" means an individual or  
505 business entity ~~a person~~, other than an agency, engaged in any  
506 business, ~~and~~ who enters into a contract, including a provider  
507 agreement, with an agency, or who otherwise receives public  
508 funds to perform a public service.

509 (7) EMPLOYEES AND PERSONS PROTECTED.—This section protects  
510 employees and persons who disclose information on their own  
511 initiative in a written and signed complaint; who are requested  
512 to participate in an investigation, hearing, or other inquiry  
513 conducted by any agency or federal government entity; who refuse  
514 to participate in any adverse action prohibited by this section;  
515 or who initiate a complaint through the whistle-blower's hotline  
516 or the hotline of the Medicaid Fraud Control Unit of the  
517 Department of Legal Affairs; or employees who file a any written  
518 complaint to their supervisory officials or ~~employees~~ who submit  
519 a complaint to the Chief Inspector General ~~in the Executive~~  
520 ~~Office of the Governor~~, to the employee designated as agency  
521 inspector general under s. 112.3189(1), or to the Florida  
522 Commission on Human Relations. The provisions of this section

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523 may not be used by a person while he or she is under the care,  
524 custody, or control of the state correctional system or, after  
525 release from the care, custody, or control of the state  
526 correctional system, with respect to circumstances that occurred  
527 during any period of incarceration. No remedy or other  
528 protection under ss. 112.3187-112.31895 applies to any person  
529 who has committed or intentionally participated in committing  
530 the violation or suspected violation for which protection under  
531 ss. 112.3187-112.31895 is being sought.

532 Section 4. Subsection (1) of section 112.3189, Florida  
533 Statutes, is amended, and subsection (12) is added to that  
534 section, to read:

535 112.3189 Investigative procedures upon receipt of whistle-  
536 blower information from certain state employees.—

537 (1) This section ~~only~~ applies only to the disclosure of  
538 information as described in s. 112.3187(5) by an employee or  
539 former employee of, or an applicant for employment with, a state  
540 agency, as the term "state agency" is defined in s. 216.011, to  
541 the Office of the Chief Inspector General ~~of the Executive~~  
542 ~~Office of the Governor~~ or to the agency inspector general. If an  
543 agency does not have an inspector general, the head of the state  
544 agency, as defined in s. 216.011, shall designate an employee to  
545 receive such information ~~described in s. 112.3187(5)~~. For  
546 purposes of this section and s. 112.3188 only, the employee  
547 designated by the head of the state agency shall be deemed an  
548 agency inspector general.

549 (12) If the investigation under this section, or any  
550 subsequent criminal action, results in the recovery of state  
551 funds, the employee disclosing the information may receive up to

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552 15 percent of the amount recovered.

553 Section 5. Paragraph (a) of subsection (1) and paragraph  
554 (a) of subsection (3) of section 112.31895, Florida Statutes,  
555 are amended to read:

556 112.31895 Investigative procedures in response to  
557 prohibited personnel actions.—

558 (1) (a) If a disclosure under s. 112.3187 includes or  
559 results in alleged retaliation by an employer, the employee or  
560 former employee of, or applicant for employment with, a state  
561 agency, as defined in s. 216.011, which ~~that~~ is so affected may  
562 file a complaint alleging a prohibited personnel action, which  
563 complaint must be made by filing a written complaint with the  
564 Office of the Chief Inspector General ~~in the Executive Office of~~  
565 ~~the Governor~~ or the Florida Commission on Human Relations  
566 within, no later than 60 days after the prohibited personnel  
567 action.

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

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

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

575 2. Protect employees and applicants for employment with  
576 such agencies from prohibited personnel practices under s.  
577 112.3187.

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

580 4. Recommend disciplinary proceedings pursuant to

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581 investigation and appropriate agency rules and procedures.

582 5. Coordinate with the Chief Inspector General ~~in the~~  
583 ~~Executive Office of the Governor~~ and the Florida Commission on  
584 Human Relations to receive, review, and forward to appropriate  
585 agencies, legislative entities, or the Department of Law  
586 Enforcement disclosures of a violation of any law, rule, or  
587 regulation, or disclosures of gross mismanagement, malfeasance,  
588 misfeasance, nonfeasance, neglect of duty, or gross waste of  
589 public funds.

590 6. Review rules pertaining to personnel matters issued or  
591 proposed by the Department of Management Services, the Public  
592 Employees Relations Commission, and other agencies, and, if the  
593 Florida Commission on Human Relations finds that any rule or  
594 proposed rule, on its face or as implemented, requires the  
595 commission of a prohibited personnel practice, provide a written  
596 comment to the appropriate agency.

597 7. Investigate, request assistance from other governmental  
598 entities, and, if appropriate, bring actions concerning,  
599 allegations of retaliation by state agencies under subparagraph  
600 1.

601 8. Administer oaths, examine witnesses, take statements,  
602 issue subpoenas, order the taking of depositions, order  
603 responses to written interrogatories, and make appropriate  
604 motions to limit discovery, pursuant to investigations under  
605 subparagraph 1.

606 9. Intervene or otherwise participate, as a matter of  
607 right, in any appeal or other proceeding arising under this  
608 section before the Public Employees Relations Commission or any  
609 other appropriate agency, except that the Florida Commission on

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610 Human Relations must comply with the rules of the commission or  
611 other agency and may not seek corrective action or intervene in  
612 an appeal or other proceeding without the consent of the person  
613 protected under ss. 112.3187-112.31895.

614 10. Conduct an investigation, in the absence of an  
615 allegation, to determine whether reasonable grounds exist to  
616 believe that a prohibited action or a pattern of prohibited  
617 action has occurred, is occurring, or is to be taken.

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

620 112.31901 Investigatory records.—

621 (1) If certified pursuant to subsection (2), an  
622 investigatory record of the Chief Inspector General ~~within the~~  
623 ~~Executive Office of the Governor~~ or of the employee designated  
624 by an agency head as the agency inspector general under s.  
625 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
626 State Constitution until the investigation ceases to be active,  
627 or a report detailing the investigation is provided to the  
628 Governor or the agency head, or 60 days from the inception of  
629 the investigation for which the record was made or received,  
630 whichever first occurs. Investigatory records are those records  
631 that are related to the investigation of an alleged, specific  
632 act or omission or other wrongdoing, with respect to an  
633 identifiable person or group of persons, based on information  
634 compiled by the Chief Inspector General or by an agency  
635 inspector general, as named under the provisions of s. 112.3189,  
636 in the course of an investigation. An investigation is active if  
637 it is continuing with a reasonable, good faith anticipation of  
638 resolution and with reasonable dispatch.

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639           (2) The Cabinet Governor, in the case of the Chief  
640 Inspector General, or agency head, in the case of an employee  
641 designated as the agency inspector general under s. 112.3189,  
642 may certify that such investigatory records require an exemption  
643 to protect the integrity of the investigation or avoid  
644 unwarranted damage to an individual's good name or reputation.  
645 The certification must specify the nature and purpose of the  
646 investigation and shall be kept with the exempt records and made  
647 public when the records are made public.

648           Section 7. Section 287.0565, Florida Statutes, is created  
649 to read:

650           287.0565 Purchasing cards.-

651           (1) The department shall adopt rules establishing standards  
652 and procedures for the use of purchasing cards by state  
653 agencies.

654           (2) Each agency inspector general shall conduct periodic  
655 audits of the use of purchasing cards in order to monitor and  
656 confirm the actual purchase of authorized goods and services by  
657 agency employees.

658           Section 8. This act shall take effect July 1, 2012.