

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

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29 | general of the Department of Law Enforcement to bypass
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.—

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

85 agencies.

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

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

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

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

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

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

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

111 (a) Shall advise public-private partnerships, including
 112 Enterprise Florida, Inc., in their development, utilization, and

113 improvement of internal control measures necessary to ensure
 114 fiscal accountability.

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

117 (c) Shall receive and investigate complaints of fraud,
 118 abuses, and deficiencies relating to programs and operations of
 119 public-private partnerships.

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

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

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

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

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

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

138 20.055 Agency inspectors general.—

139 (1) For the purposes of this section:

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

141 to this chapter, and also includes the Executive Office of the
 142 Governor, the Cabinet agencies, the Department of Military
 143 Affairs, the Fish and Wildlife Conservation Commission, the
 144 Office of Insurance Regulation of the Financial Services
 145 Commission, the Office of Financial Regulation of the Financial
 146 Services Commission, the Public Service Commission, the Board of
 147 Governors of the State University System, the Florida Housing
 148 Finance Corporation, and the state courts system.

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

158 (c) "Individuals substantially affected" means natural
 159 persons who have established a real and sufficiently immediate
 160 injury in fact due to the findings, conclusions, or
 161 recommendations of a final report of a state agency inspector
 162 general, who are the subject of the audit or investigation, and
 163 who do not have or are not currently afforded an existing right
 164 to an independent review process. The term does not include
 165 employees of the state, including career service, probationary,
 166 other personal service, Selected Exempt Service, and Senior
 167 Management Service employees; ~~are not covered by this~~
 168 ~~definition. This definition also does not cover former employees~~

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169 of the state if the final report of the state agency inspector
170 general relates to matters arising during a former employee's
171 term of state employment; or. ~~This definition does not apply to~~
172 persons who are the subject of audits or investigations
173 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
174 which are otherwise confidential and exempt under s. 119.07.

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

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

196 (a) Advise in the development of performance measures,

197 standards, and procedures for the evaluation of state agency
 198 programs, including:-

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

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

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

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

219 (d)(f) Keep the ~~such~~ agency head and the Chief Inspector
 220 General informed concerning any fraud, abuses, or ~~and~~
 221 deficiencies relating to programs and operations administered or
 222 financed by the state agency, recommend corrective action
 223 concerning such fraud, abuses, or ~~and~~ deficiencies, and report
 224 on ~~the~~ progress made in implementing corrective action. However,

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225 if the inspector general has reasonable concerns that keeping
226 the agency head informed may compromise any related
227 investigation, the inspector general shall first report such
228 concerns to the Chief Inspector General who shall make a
229 determination about whether to report to the agency head. If the
230 Chief Inspector General concludes that such investigation should
231 not be reported to the agency head, the Chief Inspector General
232 shall report such determination to the Governor and Cabinet.

233 (e)-(g) Ensure effective coordination and cooperation
234 between the Auditor General, federal auditors, and other
235 governmental bodies in order to avoid ~~with a view toward~~
236 ~~avoiding~~ duplication.

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

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

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

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

253 ~~employment, of the agency head's intention to hire the inspector~~
 254 ~~general.~~

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

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

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

280 (4) The inspector general must be certified by the

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

286 (a) A bachelor's degree from an accredited college or
 287 university with a major in accounting, or with a major in
 288 business which includes five courses in accounting, and 5 years
 289 of experience as an internal auditor or independent postauditor,
 290 electronic data processing auditor, accountant, or any
 291 combination thereof. The experience must, ~~shall~~ at a minimum,
 292 consist of audits of units of government or private business
 293 enterprises, operating for profit or not for profit; ~~or~~

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

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

302 (5) In carrying out the auditing duties and
 303 responsibilities of this section ~~act~~, each inspector general
 304 shall review and evaluate internal controls necessary to ensure
 305 the fiscal accountability of the state agency. The inspector
 306 general shall conduct financial, compliance, electronic data
 307 processing, and performance audits of the agency and prepare
 308 audit reports of his or her findings. The scope and assignment

309 of the audits shall be determined by the inspector general;
 310 however, the agency head may at any time direct the inspector
 311 general to perform an audit of a special program, function, or
 312 organizational unit. The performance of the audit shall be under
 313 the direction of the inspector general, except that if the
 314 inspector general does not possess the qualifications specified
 315 in subsection (4), the director of auditing shall perform the
 316 functions listed in this subsection.

317 (a) Such audits shall be conducted in accordance with the
 318 current International Standards for the Professional Practice of
 319 Internal Auditing as published by the Institute of Internal
 320 Auditors, Inc., or, where appropriate, in accordance with
 321 generally accepted governmental auditing standards. All audit
 322 reports issued by internal audit staff must ~~shall~~ include a
 323 statement that the audit was conducted pursuant to the
 324 appropriate standards.

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

336 (c) The inspector general and the staff shall have access

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

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

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

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

362 (g) The Auditor General, in connection with the
363 independent postaudit of the same agency pursuant to s. 11.45,
364 shall give appropriate consideration to internal audit reports

365 and the resolution of findings therein. The Legislative Auditing
 366 Committee may inquire into the reasons or justifications for
 367 failure of the agency head to correct the deficiencies reported
 368 in internal audits that are also reported by the Auditor General
 369 and shall take appropriate action.

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

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

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393 General. The plan shall be submitted to the agency head for
394 approval. A copy of the approved plan shall be submitted to the
395 Auditor General.

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

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

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

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

415 (d)~~(e)~~ Report expeditiously to the Department of Law
416 Enforcement or other law enforcement agencies, as appropriate,
417 whenever the inspector general has reasonable grounds to believe
418 there has been a violation of criminal law. However, the
419 inspector general for the Department of Law Enforcement may
420 consult with the Chief Inspector General before reporting

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421 instances of suspected criminal acts within the Department of
422 Law Enforcement. The Chief Inspector General shall make a
423 determination of whether such investigation shall be reported to
424 the executive director of the Department of Law Enforcement. If
425 the Chief Inspector General determines that such instances
426 should not be reported to the executive director, he or she
427 shall report such determination to the Governor and Cabinet.

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

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

447 (g)~~(f)~~ Submit in a timely fashion final reports on
448 investigations conducted by the inspector general to the agency

449 head and the Chief Inspector General, except for whistle-
450 blower's investigations, which shall be conducted and reported
451 pursuant to s. 112.3189.

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

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

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

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

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

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

476 (d)4. The identification of each significant

477 recommendation described in previous annual reports on which
 478 corrective action has not been completed.

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

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

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

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

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

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

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

510 (7) EMPLOYEES AND PERSONS PROTECTED.—This section protects
511 employees and persons who disclose information on their own
512 initiative in a written and signed complaint; who are requested
513 to participate in an investigation, hearing, or other inquiry
514 conducted by any agency or federal government entity; who refuse
515 to participate in any adverse action prohibited by this section;
516 or who initiate a complaint through the whistle-blower's hotline
517 or the hotline of the Medicaid Fraud Control Unit of the
518 Department of Legal Affairs; or employees who file a ~~any~~ written
519 complaint to their supervisory officials or ~~employees~~ who submit
520 a complaint to the Chief Inspector General ~~in the Executive~~
521 ~~Office of the Governor~~, to the employee designated as agency
522 inspector general under s. 112.3189(1), or to the Florida
523 Commission on Human Relations. The provisions of this section
524 may not be used by a person while he or she is under the care,
525 custody, or control of the state correctional system or, after
526 release from the care, custody, or control of the state
527 correctional system, with respect to circumstances that occurred
528 during any period of incarceration. No remedy or other
529 protection under ss. 112.3187-112.31895 applies to any person
530 who has committed or intentionally participated in committing
531 the violation or suspected violation for which protection under
532 ss. 112.3187-112.31895 is being sought.

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

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

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

550 (12) If the investigation under this section, or any
551 subsequent criminal action, results in the recovery of state
552 funds, the employee disclosing the information may receive up to
553 15 percent of the amount recovered.

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

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

559 (1)(a) If a disclosure under s. 112.3187 includes or
560 results in alleged retaliation by an employer, the employee or

561 former employee of, or applicant for employment with, a state
 562 agency, as defined in s. 216.011, which ~~that~~ is so affected may
 563 file a complaint alleging a prohibited personnel action, which
 564 complaint must be made by filing a written complaint with the
 565 Office of the Chief Inspector General ~~in the Executive Office of~~
 566 ~~the Governor~~ or the Florida Commission on Human Relations
 567 within, ~~no later than~~ 60 days after the prohibited personnel
 568 action.

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

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

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

576 2. Protect employees and applicants for employment with
 577 such agencies from prohibited personnel practices under s.
 578 112.3187.

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

581 4. Recommend disciplinary proceedings pursuant to
 582 investigation and appropriate agency rules and procedures.

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

589 misfeasance, nonfeasance, neglect of duty, or gross waste of
590 public funds.

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

598 7. Investigate, request assistance from other governmental
599 entities, and, if appropriate, bring actions concerning,
600 allegations of retaliation by state agencies under subparagraph
601 1.

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

607 9. Intervene or otherwise participate, as a matter of
608 right, in any appeal or other proceeding arising under this
609 section before the Public Employees Relations Commission or any
610 other appropriate agency, except that the Florida Commission on
611 Human Relations must comply with the rules of the commission or
612 other agency and may not seek corrective action or intervene in
613 an appeal or other proceeding without the consent of the person
614 protected under ss. 112.3187-112.31895.

615 10. Conduct an investigation, in the absence of an
616 allegation, to determine whether reasonable grounds exist to

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617 believe that a prohibited action or a pattern of prohibited
618 action has occurred, is occurring, or is to be taken.

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

621 112.31901 Investigatory records.—

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

640 (2) The Cabinet ~~Governor~~, in the case of the Chief
641 Inspector General, or agency head, in the case of an employee
642 designated as the agency inspector general under s. 112.3189,
643 may certify that such investigatory records require an exemption
644 to protect the integrity of the investigation or avoid

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645 | unwarranted damage to an individual's good name or reputation.
646 | The certification must specify the nature and purpose of the
647 | investigation and shall be kept with the exempt records and made
648 | public when the records are made public.

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

651 | 287.0565 Purchasing cards.-

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

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

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