

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Government Accountability  
2 Committee

3 Representative Metz offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 11.421, Florida Statutes, is created to  
8 read:

9 11.421 Florida Accountability Office.-

10 (1) There is created under the Auditor General the Florida  
11 Accountability Office for the purpose of ensuring accountability  
12 and integrity in state and local government and facilitating the  
13 elimination of fraud, waste, abuse, mismanagement, and  
14 misconduct in government.

15 (2) The Florida Accountability Officer shall be a  
16 legislative employee and be appointed by and serve at the

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17 pleasure of the Auditor General. The Florida Accountability  
18 Officer shall oversee the efficient operation of the office and  
19 report to and be under the general supervision of the Auditor  
20 General.

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

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

24 (a) "Abuse" means behavior that is deficient or improper  
25 when compared with behavior that a prudent person would consider  
26 a reasonable and necessary operational practice given the facts  
27 and circumstances. The term includes the misuse of authority or  
28 position for personal gain.

29 (b) "Appropriations project" means a specific appropriation  
30 or proviso that provides funding for a specified entity that is  
31 a local government, private entity, or privately-operated  
32 program. The term does not include an appropriation or proviso:

33 1. Specifically authorized by statute;

34 2. That is part of a statewide distribution to local  
35 governments;

36 3. Recommended by a commission, council, or other similar  
37 entity created in statute to make annual funding  
38 recommendations, provided that such appropriation does not  
39 exceed the amount of funding recommended by the commission,  
40 council, or other similar entity;

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

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

46 6. For a specified program, research initiative, institute,  
47 center, or similar entity at a specific state college or  
48 university recommended by the Board of Governors or the State  
49 Board of Education in its Legislative Budget Request.

50 (c) "Fraud" means obtaining something of value through  
51 willful misrepresentation, including, but not limited to, the  
52 intentional misstatements or intentional omissions of amounts or  
53 disclosures in financial statements to deceive users of  
54 financial statements, theft of an organization's assets,  
55 bribery, or the use of one's position for personal enrichment  
56 through the deliberate misuse or misapplication of an  
57 organization's resources.

58 (d) "Mismanagement" has the same meaning as in s. 112.3187.

59 (e) "Misconduct" means conduct which, though not illegal,  
60 is inappropriate for a person in his or her specified position.

61 (f) "Office" means the Florida Accountability Office.

62 (g) "Waste" means the act of using or expending resources  
63 unreasonably, carelessly, extravagantly, or for no useful  
64 purpose.

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65 (5) The Florida Accountability Officer may receive and  
66 investigate a complaint alleging fraud, waste, abuse,  
67 mismanagement, or misconduct in connection with the expenditure  
68 of public funds.

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

71 (a) The President of the Senate.

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

73 (c) The chair of an appropriations committee in the Senate  
74 or House of Representatives.

75 (d) The Auditor General.

76 (7) (a) Upon receipt of a complaint, the Florida  
77 Accountability Officer shall determine whether the complaint is  
78 supported by sufficient information indicating a reasonable  
79 probability of fraud, waste, abuse, mismanagement, or  
80 misconduct. If the Florida Accountability Officer determines  
81 that the complaint is not supported by sufficient information  
82 indicating a reasonable probability of fraud, waste, abuse,  
83 mismanagement, or misconduct, the Florida Accountability Officer  
84 shall notify the complainant in writing and the complaint shall  
85 be closed.

86 (b) If the complaint is supported by sufficient information  
87 indicating a reasonable probability of fraud, waste, abuse,  
88 mismanagement, or misconduct, the Florida Accountability Officer  
89 shall determine whether an investigation into the matter has

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90 already been initiated by a law enforcement agency, the  
91 Commission on Ethics, the Chief Financial Officer, the Office of  
92 Chief Inspector General, or the applicable agency inspector  
93 general. If such an investigation has been initiated, the  
94 Florida Accountability Officer shall notify the complainant in  
95 writing and the complaint may be closed.

96 (c) If the complaint is supported by sufficient information  
97 indicating a reasonable probability of fraud, waste, abuse,  
98 mismanagement, or misconduct, and an investigation into the  
99 matter has not already been initiated by a law enforcement  
100 agency, the Commission on Ethics, the Chief Financial Officer,  
101 the Office of Chief Inspector General, or the applicable agency  
102 inspector general, the Florida Accountability Officer shall,  
103 within available resources, conduct an investigation and issue a  
104 report of the investigative findings to the complainant and to  
105 the President of the Senate and the Speaker of the House of  
106 Representatives. The Florida Accountability Officer may refer  
107 the matter to the Auditor General, the appropriate law  
108 enforcement agency, the Commission on Ethics, the Chief  
109 Financial Officer, the Office of the Chief Inspector General, or  
110 the applicable agency inspector general. The Auditor General may  
111 provide staff and other resources to assist the Florida  
112 Accountability Officer.

113 (8) (a) The Florida Accountability Officer, or his or her  
114 designee, may investigate the books, records, papers, documents,

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115 data, operation, and physical location of any public agency in  
116 this state, including any confidential information, and the  
117 public records of any entity that has received public funds.

118 (b) Upon the request of the Florida Accountability Officer,  
119 the Legislative Auditing Committee or any other committee of the  
120 Legislature may issue subpoenas and subpoenas duces tecum, as  
121 provided in s. 11.143, to compel testimony or the production of  
122 evidence when deemed necessary to an investigation authorized by  
123 this section. Consistent with s. 11.143, such subpoenas and  
124 subpoenas duces tecum may be issued as provided by applicable  
125 legislative rules, or in the absence of applicable rules, by the  
126 chair of the Legislative Auditing Committee with the approval of  
127 the Legislative Auditing Committee and of the President of the  
128 Senate and the Speaker of the House of Representatives, or  
129 either the President or Speaker if such officer alone designated  
130 the Legislative Auditing Committee under s. 1.01(17).

131 (c) If a witness fails or refuses to comply with a lawful  
132 subpoena or subpoena duces tecum issued pursuant to this  
133 subsection at a time when the Legislature is not in session, the  
134 Florida Accountability Officer may file a complaint before any  
135 circuit court of the state to enforce the subpoena or subpoena  
136 duces tecum. On the filing of such complaint, the court shall  
137 take jurisdiction of the witness and the subject matter of the  
138 complaint and shall direct the witness to respond to all lawful  
139 questions and to produce all documentary evidence in the

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140 possession of the witness which is lawfully demanded. The  
141 failure of a witness to comply with such order constitutes a  
142 direct and criminal contempt of court, and the court shall  
143 punish the witness accordingly.

144 (d) When the Legislature is in session, upon the request of  
145 the Florida Accountability Officer to the committee issuing the  
146 subpoena, either house may seek compliance with a subpoena or  
147 subpoena duces tecum in accordance with the constitution, laws  
148 and the joint rules or the rules of such house.

149 (9) The Florida Accountability Officer shall receive copies  
150 of all reports required by ss. 14.32, 17.325, and 20.055.

151 (10) (a) Beginning with the 2019-2020 fiscal year, the  
152 Auditor General and the Florida Accountability Officer, within  
153 available resources, shall randomly select and review  
154 appropriations projects appropriated in the prior fiscal year  
155 and, if appropriate, investigate and recommend an audit of such  
156 project. Review, investigation or audit may be delayed on a  
157 selected project until a subsequent year if the timeline of the  
158 project warrants such delay. Each investigation or audit shall  
159 include, but not be limited to, evaluating whether the recipient  
160 of the appropriations project administered the appropriations  
161 project in an efficient and effective manner. When an audit is  
162 recommended by the Florida Accountability Officer under this  
163 provision, the Auditor General shall determine whether an audit  
164 is appropriate.

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165 (b) Beginning with the 2019-2020 fiscal year, the Auditor  
166 General and the Florida Accountability Officer shall inspect,  
167 audit, or investigate the financial activities of a sampling of  
168 political subdivisions, special districts, public authorities,  
169 public hospitals, councils, commissions, units of local  
170 government, or public education entities in this state; as well  
171 as any authorities, councils, commissions, direct-support  
172 organizations, institutions, foundations, or similar entities  
173 created by law or ordinance to pursue a public purpose, entitled  
174 by law or ordinance to any distribution of tax or fee revenues,  
175 or organized for the sole purpose of supporting one of the  
176 public entities listed in this subsection.

177 Section 2. Subsections (1) through (5) of section 14.32,  
178 Florida Statutes, are renumbered as subsections (2) through (6),  
179 respectively, and new subsections (1) and (7) are added to that  
180 section, to read:

181 14.32 Office of Chief Inspector General.—

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

183 (a) "Abuse" means behavior that is deficient or improper  
184 when compared with behavior that a prudent person would consider  
185 a reasonable and necessary operational practice given the facts  
186 and circumstances. The term includes the misuse of authority or  
187 position for personal gain.

188 (b) "Fraud" means obtaining something of value through  
189 willful misrepresentation, including, but not limited to, the



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190 intentional misstatements or intentional omissions of amounts or  
191 disclosures in financial statements to deceive users of  
192 financial statements, theft of an organization's assets,  
193 bribery, or the use of one's position for personal enrichment  
194 through the deliberate misuse or misapplication of an  
195 organization's resources.

196 (c) "Independent contractor" has the same meaning as in s.  
197 112.3187.

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

200 (e) "Mismanagement" has the same meaning as in s. 112.3187.

201 (f) "Waste" means the act of using or expending resources  
202 unreasonably, carelessly, extravagantly, or for no useful  
203 purpose.

204 (7) (a) Within 6 months of the initiation of an  
205 investigation of fraud, waste, abuse, mismanagement, or  
206 misconduct in government, the Chief Inspector General or an  
207 agency inspector general must determine whether there is  
208 reasonable probability that fraud, waste, abuse, mismanagement,  
209 or misconduct in government has occurred. If the determination  
210 is that reasonable probability that fraud, waste, abuse,  
211 mismanagement, or misconduct in government has not been found to  
212 exist and the investigation continues, a new determination must  
213 be made every 3 months until the investigation is closed or  
214 reasonable probability is found to exist.

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215 (b) If the Chief Inspector General or an agency inspector  
216 general determines that there is reasonable probability to  
217 believe a public official, independent contractor, or agency has  
218 committed fraud, waste, abuse, mismanagement, or misconduct in  
219 government, the inspector general shall report such findings to  
220 the Florida Accountability Officer and to the Commission on  
221 Ethics, Chief Financial Officer's Office of Fiscal Integrity or  
222 other proper law enforcement agency, if the commission or law  
223 enforcement agency has jurisdiction over the subject matter.

224 (c) If the findings of an investigation conducted pursuant  
225 to this subsection conclude that a public official, independent  
226 contractor, or agency has committed fraud, waste, abuse,  
227 mismanagement, or misconduct in government, the Chief Inspector  
228 General or agency inspector general shall report such findings  
229 to the Chief Financial Officer within 30 days after the  
230 investigation is closed. Such public official, independent  
231 contractor, or person responsible within the agency is  
232 personally liable for repayment of the funds that were diverted  
233 or lost as a result of the fraud, waste, abuse, mismanagement,  
234 or misconduct in government. If the person liable fails to repay  
235 such funds voluntarily and the state does not agree to a  
236 settlement, the Chief Financial Officer shall bring a civil  
237 action to recover the funds within 60 days after receipt of such  
238 findings.

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239 Section 3. Section 17.04, Florida Statutes, is amended to  
240 read:

241 17.04 To audit and adjust accounts of officers and those  
242 indebted to the state.—The Chief Financial Officer, using  
243 generally accepted auditing procedures for testing or sampling,  
244 shall examine, audit, adjust, and settle the accounts of all the  
245 officers of this state, and any other person in anywise  
246 entrusted with, or who may have received any property, funds, or  
247 moneys of this state, or who may be in anywise indebted or  
248 accountable to this state for any property, funds, or moneys,  
249 and require such officer or persons to render full accounts  
250 thereof, and to yield up such property or funds according to  
251 law, or pay such moneys into the treasury of this state, or to  
252 such officer or agent of the state as may be appointed to  
253 receive the same, and on failure so to do, to cause to be  
254 instituted and prosecuted proceedings, criminal or civil, at law  
255 or in equity, against such persons, according to law. The Chief  
256 Financial Officer may conduct investigations within or outside  
257 of this state as it deems necessary to aid in the enforcement of  
258 this section. The Chief Financial Officer may commence an  
259 investigation pursuant to this section based on a complaint or  
260 referral from any source. An employee of a state agency or state  
261 contractor having knowledge of suspected misuse of state funds  
262 may report such information to the Chief Financial Officer. If  
263 during an investigation the Chief Financial Officer has reason

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264 to believe that any criminal statute of this state has or may  
265 have been violated, the Chief Financial Officer shall refer any  
266 records tending to show such violation to state or federal law  
267 enforcement or prosecutorial agencies and shall provide  
268 investigative assistance to those agencies as required.

269 Section 4. Subsections (4) and (5) of section 17.325,  
270 Florida Statutes, are renumbered as subsections (5) and (6),  
271 respectively, and a new subsection (4) is added to that section,  
272 to read:

273 17.325 Governmental efficiency hotline; duties of Chief  
274 Financial Officer.—

275 (4) A copy of each suggestion or item of information  
276 received through the hotline that is logged pursuant to this  
277 section must be provided to the Florida Accountability Officer  
278 by the 15th of the month following receipt of the suggestion or  
279 item of information.

280 Section 5. Paragraph (g) is added to subsection (7) of  
281 section 20.055, Florida Statutes, to read:

282 20.055 Agency inspectors general.—

283 (7) In carrying out the investigative duties and  
284 responsibilities specified in this section, each inspector  
285 general shall initiate, conduct, supervise, and coordinate  
286 investigations designed to detect, deter, prevent, and eradicate  
287 fraud, waste, mismanagement, misconduct, and other abuses in

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288 state government. For these purposes, each inspector general  
289 shall:

290 (g) Make determinations and reports as required by s.  
291 14.32(7).

292 Section 6. Paragraphs (a) and (b) of subsection (1) and  
293 subsection (2) of section 110.1245, Florida Statutes, are  
294 amended, and a new subsection (6) is added to that section, to  
295 read:

296 110.1245 Savings sharing program; bonus payments; other  
297 awards.—

298 (1) (a) The Department of Management Services shall adopt  
299 rules that prescribe procedures and promote a savings sharing  
300 program for an individual or group of employees who propose  
301 procedures or ideas that are adopted and that result in  
302 eliminating or reducing state expenditures, including employees  
303 reporting under the Whistle-blower's Act, if such proposals are  
304 placed in effect and may be implemented under current statutory  
305 authority.

306 (b) Each agency head shall recommend employees  
307 individually or by group to be awarded an amount of money, which  
308 amount shall be directly related to the cost savings realized.  
309 Each proposed award and amount of money must be approved by the  
310 Legislative Budget Commission, except an award under subsection  
311 (6).

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312 (2) In June of each year, bonuses shall be paid to  
313 employees from funds authorized by the Legislature in an  
314 appropriation specifically for bonuses. For purposes of this  
315 subsection, awards issued under subsection (6) are not  
316 considered bonuses. Each agency shall develop a plan for  
317 awarding lump-sum bonuses, which plan shall be submitted no  
318 later than September 15 of each year and approved by the Office  
319 of Policy and Budget in the Executive Office of the Governor.  
320 Such plan shall include, at a minimum, but is not limited to:

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

323 (b) Eligibility criteria as follows:

324 1. The employee must have been employed before ~~prior to~~  
325 July 1 of that fiscal year and have been continuously employed  
326 through the date of distribution.

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

329 3. The employee must have had no sustained disciplinary  
330 action during the period beginning July 1 through the date the  
331 bonus checks are distributed. Disciplinary actions include  
332 written reprimands, suspensions, dismissals, and involuntary or  
333 voluntary demotions that were associated with a disciplinary  
334 action.

335 4. The employee must have demonstrated a commitment to the  
336 agency mission by reducing the burden on those served,

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337 continually improving the way business is conducted, producing  
338 results in the form of increased outputs, and working to improve  
339 processes.

340 5. The employee must have demonstrated initiative in work  
341 and have exceeded normal job expectations.

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

345 (c) A periodic evaluation process of the employee's  
346 performance.

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

349 (e) A division of the agency by work unit for purposes of  
350 peer input and bonus distribution.

351 (f) A limitation on bonus distributions equal to 35  
352 percent of the agency's total authorized positions. This  
353 requirement may be waived by the Office of Policy and Budget in  
354 the Executive Office of the Governor upon a showing of  
355 exceptional circumstances.

356 (6) Each agency inspector general shall report employees  
357 whose reports under the Whistle-blower's Act resulted in savings  
358 or recovery of public funds in excess of \$1,000 to the agency  
359 head. Whistle-blower awards shall be awarded by each agency, and  
360 each agency head is authorized to incur expenditures to provide  
361 such awards. The award shall be paid from the specific

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362 appropriation or trust fund from which the savings or recovery  
363 resulted. The agency inspector general to whom the whistle-  
364 blower report was made or referred shall certify the identity of  
365 the employee and, along with the agency head or his or her  
366 designee, the savings or recovery resulting from the  
367 investigation. If more than one employee makes a relevant  
368 report, the award shall be shared in proportion to each  
369 employee's contribution to the investigation as certified by the  
370 agency inspector general. Whistle-blower awards shall be made in  
371 the following amounts:

372 (a) A career service employee shall receive 10 percent of  
373 the savings or recovery certified, but not less than \$500 and  
374 not more than a total of \$50,000 for whistle-blower reports in  
375 any 1 year. If the employee had any fault for the misspending or  
376 attempted misspending of public funds identified in the  
377 investigation that resulted in the savings, the award may be  
378 denied at the discretion of the agency head. If the award is not  
379 denied by the agency head, the award may not exceed \$500. The  
380 agency inspector general shall certify any fault on the part of  
381 the employee.

382 (b) A Senior Management Service employee or employee in a  
383 select exempt position shall receive 5 percent of the savings or  
384 recovery certified, but not more than a total of \$1,000 for  
385 whistle-blower reports in any 1 year. An employee may not  
386 receive an award under this subsection if he or she had any



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387 fault for the misspending or attempted misspending of public  
388 funds identified in the investigation that resulted in the  
389 savings or recovery. The agency inspector general shall certify  
390 any fault on the part of the employee.

391 Section 7. Subsection (2), paragraph (e) of subsection  
392 (3), and paragraph (b) of subsection (5) of section 112.3187,  
393 Florida Statutes, are amended to read:

394 112.3187 Adverse action against employee for disclosing  
395 information of specified nature prohibited; employee remedy and  
396 relief.—

397 (2) LEGISLATIVE INTENT.—It is the intent of the  
398 Legislature to prevent agencies or independent contractors from  
399 taking retaliatory action against an employee who reports to an  
400 appropriate agency violations of law on the part of a public  
401 employer or independent contractor that create a substantial and  
402 specific danger to the public's health, safety, or welfare. It  
403 is further the intent of the Legislature to prevent agencies or  
404 independent contractors from taking retaliatory action against  
405 any person who discloses information to an appropriate agency  
406 alleging improper use of governmental office, ~~gross~~ waste of  
407 funds, or any other abuse or ~~gross~~ neglect of duty on the part  
408 of an agency, public officer, or employee.

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

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

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

418 (b) Any act or suspected act of ~~gross~~ mismanagement,  
419 malfeasance, misfeasance, ~~gross~~ waste of public funds, suspected  
420 or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty  
421 committed by an employee or agent of an agency or independent  
422 contractor.

423 Section 8. Subsection (1) of section 112.3188, Florida  
424 Statutes, is amended to read:

425 112.3188 Confidentiality of information given to the Chief  
426 Inspector General, internal auditors, inspectors general, local  
427 chief executive officers, or other appropriate local officials.—

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

433 (a) Has violated or is suspected of having violated any  
434 federal, state, or local law, rule, or regulation, thereby  
435 creating and presenting a substantial and specific danger to the  
436 public's health, safety, or welfare; or

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437 (b) Has committed an act of ~~gross~~ mismanagement,  
438 malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~  
439 neglect of duty  
440  
441 may not be disclosed to anyone other than a member of the Chief  
442 Inspector General's, agency inspector general's, internal  
443 auditor's, local chief executive officer's, or other appropriate  
444 local official's staff without the written consent of the  
445 individual, unless the Chief Inspector General, internal  
446 auditor, agency inspector general, local chief executive  
447 officer, or other appropriate local official determines that:  
448 the disclosure of the individual's identity is necessary to  
449 prevent a substantial and specific danger to the public's  
450 health, safety, or welfare or to prevent the imminent commission  
451 of a crime; or the disclosure is unavoidable and absolutely  
452 necessary during the course of the audit, evaluation, or  
453 investigation.

454 Section 9. Paragraph (c) of subsection (3), subsection  
455 (4), and paragraph (a) of subsection (5) of section 112.3189,  
456 Florida Statutes, are amended to read:

457 112.3189 Investigative procedures upon receipt of whistle-  
458 blower information from certain state employees.—

459 (3) When a person alleges information described in s.  
460 112.3187(5), the Chief Inspector General or agency inspector

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461 general actually receiving such information shall within 20 days  
462 of receiving such information determine:

463 (c) Whether the information actually disclosed  
464 demonstrates reasonable cause to suspect that an employee or  
465 agent of an agency or independent contractor has violated any  
466 federal, state, or local law, rule, or regulation, thereby  
467 creating and presenting a substantial and specific danger to the  
468 public's health, safety, or welfare, or has committed an act of  
469 ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of  
470 public funds, or ~~gross~~ neglect of duty.

471 (4) If the Chief Inspector General or agency inspector  
472 general under subsection (3) determines that the information  
473 disclosed is not the type of information described in s.  
474 112.3187(5), or that the source of the information is not a  
475 person who is an employee or former employee of, or an applicant  
476 for employment with, a state agency, as defined in s. 216.011,  
477 or that the information disclosed does not demonstrate  
478 reasonable cause to suspect that an employee or agent of an  
479 agency or independent contractor has violated any federal,  
480 state, or local law, rule, or regulation, thereby creating and  
481 presenting a substantial and specific danger to the public's  
482 health, safety, or welfare, or has committed an act of ~~gross~~  
483 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public  
484 funds, or ~~gross~~ neglect of duty, the Chief Inspector General or  
485 agency inspector general shall notify the complainant of such

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486 fact and copy and return, upon request of the complainant, any  
487 documents and other materials that were provided by the  
488 complainant.

489 (5) (a) If the Chief Inspector General or agency inspector  
490 general under subsection (3) determines that the information  
491 disclosed is the type of information described in s.  
492 112.3187(5), that the source of the information is from a person  
493 who is an employee or former employee of, or an applicant for  
494 employment with, a state agency, as defined in s. 216.011, and  
495 that the information disclosed demonstrates reasonable cause to  
496 suspect that an employee or agent of an agency or independent  
497 contractor has violated any federal, state, or local law, rule,  
498 or regulation, thereby creating a substantial and specific  
499 danger to the public's health, safety, or welfare, or has  
500 committed an act of ~~gross~~ mismanagement, malfeasance,  
501 misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of  
502 duty, the Chief Inspector General or agency inspector general  
503 making such determination shall then conduct an investigation,  
504 unless the Chief Inspector General or the agency inspector  
505 general determines, within 30 days after receiving the  
506 allegations from the complainant, that such investigation is  
507 unnecessary. For purposes of this subsection, the Chief  
508 Inspector General or the agency inspector general shall consider  
509 the following factors, but is not limited to only the following

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510 factors, when deciding whether the investigation is not  
511 necessary:

512 1. The gravity of the disclosed information compared to  
513 the time and expense of an investigation.

514 2. The potential for an investigation to yield  
515 recommendations that will make state government more efficient  
516 and effective.

517 3. The benefit to state government to have a final report  
518 on the disclosed information.

519 4. Whether the alleged whistle-blower information  
520 primarily concerns personnel practices that may be investigated  
521 under chapter 110.

522 5. Whether another agency may be conducting an  
523 investigation and whether any investigation under this section  
524 could be duplicative.

525 6. The time that has elapsed between the alleged event and  
526 the disclosure of the information.

527 Section 10. Paragraph (a) of subsection (3) of section  
528 112.31895, Florida Statutes, is amended to read:

529 112.31895 Investigative procedures in response to  
530 prohibited personnel actions.—

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

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

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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.

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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 11. Section 286.31, Florida Statutes, is created  
582 to read:

583 286.31 Use of state or local funds to pay legal fees.—  
584 Notwithstanding any other provision of law, a claim for legal



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585 fees under any provision of law to be compensated, credited or  
586 approved in whole or in part by any state or local agency shall  
587 be documented by a description with reasonable particularity of  
588 the services provided including, for each date services were  
589 rendered, an itemization of each task performed and time  
590 expended on each task.

591 Section 12. Paragraph (e) of subsection (3) and subsection  
592 (9) of section 287.057, Florida Statutes, are amended, and new  
593 subsections (24) and (25) are added to that section, to read:

594 287.057 Procurement of commodities or contractual  
595 services.—

596 (3) If the purchase price of commodities or contractual  
597 services exceeds the threshold amount provided in s. 287.017 for  
598 CATEGORY TWO, purchase of commodities or contractual services  
599 may not be made without receiving competitive sealed bids,  
600 competitive sealed proposals, or competitive sealed replies  
601 unless:

602 (e) The following contractual services and commodities are  
603 not subject to the competitive-solicitation requirements of this  
604 section:

605 1. Artistic services. As used in this subsection, the term  
606 "artistic services" does not include advertising or typesetting.  
607 As used in this subparagraph, the term "advertising" means the  
608 making of a representation in any form in connection with a  
609 trade, business, craft, or profession in order to promote the

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610 supply of commodities or services by the person promoting the  
611 commodities or contractual services.

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

614 3. Lectures by individuals.

615 4. Legal services, including attorney, paralegal, expert  
616 witness, appraisal, or mediator services.

617 5. Health services involving examination, diagnosis,  
618 treatment, prevention, medical consultation, or administration.

619 The term also includes, but is not limited to, substance abuse  
620 and mental health services involving examination, diagnosis,

621 treatment, prevention, or medical consultation if such services  
622 are offered to eligible individuals participating in a specific

623 program that qualifies multiple providers and uses a standard  
624 payment methodology. Reimbursement of administrative costs for

625 providers of services purchased in this manner are also exempt.  
626 For purposes of this subparagraph, the term "providers" means

627 health professionals and health facilities, or organizations  
628 that deliver or arrange for the delivery of health services.

629 6. Services provided to persons with mental or physical  
630 disabilities by not-for-profit corporations that have obtained

631 exemptions under s. 501(c)(3) of the United States Internal  
632 Revenue Code or when such services are governed by Office of

633 Management and Budget Circular A-122. However, in acquiring such  
634 services, the agency shall consider the ability of the vendor,

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635 past performance, willingness to meet time requirements, and  
636 price.

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

639 8. Family placement services.

640 9. Prevention services related to mental health, including  
641 drug abuse prevention programs, child abuse prevention programs,  
642 and shelters for runaways, operated by not-for-profit  
643 corporations. However, in acquiring such services, the agency  
644 shall consider the ability of the vendor, past performance,  
645 willingness to meet time requirements, and price.

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

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

649 12. Services or commodities provided by governmental  
650 entities.

651 13. ~~Statewide~~ Public service announcement programs  
652 ~~provided by a Florida statewide nonprofit corporation under s.~~  
653 ~~501(c)(6) of the Internal Revenue Code~~ which have a guaranteed  
654 documented match of at least \$3 to \$1.

655 (9) An agency shall not divide the solicitation of  
656 commodities or contractual services so as to avoid the  
657 requirements of subsections (1)-(3) or subsection (24).

658 (24) (a) For any contract in excess of \$50,000 that is  
659 awarded through an invitation to negotiate or awarded without

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660 competitive solicitation under paragraph (3)(c) or paragraph  
661 (3)(e) or subsection (10), the proposal, offer, or response of  
662 the contractor must include a good faith estimate of gross  
663 profit for each year of the proposed contract, including renewal  
664 years. If, in determining the good faith estimate of gross  
665 profit, the contractor includes the cost of products or services  
666 expected to be provided by a participant closely associated with  
667 the contractor, the contractor must also identify such  
668 participant, describe the association, and provide a good faith  
669 estimate of gross profit for such participant for each year of  
670 the contract, which must be attested to by an authorized  
671 representative of the participant. The agency must, before  
672 awarding the contract, make a written determination that the  
673 estimated gross profit is not excessive and specify the reasons  
674 for such determination. Notwithstanding any provision of the  
675 contract, a contractor is liable to the agency for three times  
676 the amount or value of any misrepresentation of estimated gross  
677 profit as liquidated damages for such misrepresentation.

678 (b) For purposes of this subsection, the term:

679 1. "Closely associated with the contractor" means the  
680 contractor, a principal of the contractor, or a family member or  
681 business associate of a principal of the contractor is a  
682 principal of the participant. "Principal" means a person who  
683 owns at least 5 percent interest in the business or entity or is  
684 a manager of the business or entity. "Business associate" means

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685 a person or entity with whom a principal of the contractor has  
686 substantial investment, employment, or partnership interests.

687 2. "Good faith estimate of gross profit" means a good  
688 faith estimate of the total receipts expected under the contract  
689 less the cost of providing contracted commodities and services  
690 under the contract, not including overhead costs. "Overhead  
691 costs" means all costs not directly related to contract  
692 performance, including, but not limited to, marketing and  
693 administrative expenses.

694 3. "Participant" means a person or entity with whom the  
695 contractor expects to subcontract for services or commodities in  
696 carrying out a contract with an agency.

697 (25) Notwithstanding any other provision of law, a state  
698 employee who is registered to lobby the Legislature, other than  
699 an agency head, may not participate in the negotiation or award  
700 of any contract required or expressly funded under a specific  
701 legislative appropriation or proviso in an appropriation act.

702 Section 13. Section 288.00001, Florida Statutes, is  
703 created to read:

704 288.00001 Use of state or local incentive funds to pay for  
705 services.— Notwithstanding any other provision of law, no tax  
706 incentive may be awarded or paid to a state contractor or any  
707 subcontractor for services provided or expenditures incurred  
708 pursuant to a state contract.

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709 Section 14. Paragraph (b) of subsection (12) of section  
710 1001.42, Florida Statutes, is amended to read:

711 1001.42 Powers and duties of district school board.—The  
712 district school board, acting as a board, shall exercise all  
713 powers and perform all duties listed below:

714 (12) FINANCE.—Take steps to assure students adequate  
715 educational facilities through the financial procedure  
716 authorized in chapters 1010 and 1011 and as prescribed below:

717 (b) Annual budget.—

718 1. Cause to be prepared, adopt, and have submitted to the  
719 Department of Education as required by law and rules of the  
720 State Board of Education, the annual school budget, such budget  
721 to be so prepared and executed as to promote the improvement of  
722 the district school system.

723 2. An individual school board member may request and shall  
724 receive any proposed, tentative, and official budget documents,  
725 including all supporting and background information.

726 (1) Internal auditor.—May or, in the case of a school  
727 district receiving annual federal, state, and local funds in  
728 excess of \$500 million, shall employ an internal auditor. The  
729 scope of the internal auditor shall not be restricted and shall  
730 include every functional and program area of the school system.

731 1. The internal auditor shall ~~to~~ perform ongoing financial  
732 verification of the financial records of the school district, a  
733 comprehensive risk assessment of all areas of the school system

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734 every 5 years, and other audits and reviews as the district  
735 school board directs for determining:  
736 a. The adequacy of internal controls designed to prevent  
737 and detect fraud, waste, and abuse.  
738 b. Compliance with applicable laws, rules, contracts,  
739 grant agreements, district school board-approved policies, and  
740 best practices.  
741 c. The efficiency of operations.  
742 d. The reliability of financial records and reports.  
743 e. The safeguarding of assets.  
744 f. Financial solvency.  
745 g. Projected revenues and expenditures.  
746 h. The rate of change in the general fund balance.  
747 2. The internal auditor shall prepare audit reports of his  
748 or her findings and report directly to the district school board  
749 or its designee.  
750 3. Any person responsible for furnishing or producing any  
751 book, record, paper, document, data, or sufficient information  
752 necessary to conduct a proper audit or examination which the  
753 internal auditor is by law authorized to perform is subject to  
754 s. 11.47(3) and (4).  
755 Section 15. The Office of the Auditor General is  
756 authorized to use carryforward funds to fund the establishment  
757 and operations of the Florida Accountability Office as created  
758 by this act.

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759 Section 16. This act shall take effect July 1, 2018.  
760  
761

762 -----  
763 **T I T L E A M E N D M E N T**

764 Remove everything before the enacting clause and insert:  
765 An act relating to government integrity; creating s. 11.421,  
766 F.S.; creating the Florida Accountability Office under the  
767 Auditor General; providing definitions; providing duties and  
768 powers of the Florida Accountability Officer; amending s. 14.32,  
769 F.S.; providing definitions; providing investigative duties to  
770 the Chief Inspector General and agency inspectors general;  
771 providing liability; amending s. 17.04, F.S.; authorizing the  
772 Chief Financial Officer to commence an investigation based on a  
773 complaint or referral from a state employee; amending s. 17.325,  
774 F.S.; requiring certain records to be sent to the Florida  
775 Accountability Officer within a specified timeframe; amending s.  
776 20.055, F.S.; requiring agency inspectors general to make  
777 certain determinations and reports; An act relating to  
778 government integrity; creating s. 11.421, F.S.; creating the  
779 Florida Accountability Office under the Auditor General;  
780 providing definitions; providing duties and powers of the  
781 Florida Accountability Officer; amending s. 14.32, F.S.;  
782 providing definitions; providing investigative duties to the  
783 Chief Inspector General and agency inspectors general; providing



COMMITTEE/SUBCOMMITTEE AMENDMENT

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784 liability; amending s. 17.04, F.S.; authorizing the Chief  
785 Financial Officer to commence an investigation based on a  
786 complaint or referral from an employee of a state agency or  
787 state contractor; amending s. 17.325, F.S.; requiring certain  
788 records to be sent to the Florida Accountability Officer within  
789 a specified timeframe; amending s. 20.055, F.S.; requiring  
790 agency inspectors general to make certain determinations and  
791 reports; amending s. 110.1245, F.S.; providing requirements for  
792 awards given to employees who make a report under the Whistle-  
793 blower's Act; authorizing expenditures for such awards; amending  
794 s. 112.3187, F.S.; re-labeling the terms and phrases "gross  
795 mismanagement" as "mismanagement," "gross waste of public funds"  
796 as "waste of public funds," and "gross neglect of duty" as  
797 "neglect of duty"; conforming provisions to changes made by the  
798 act; creating s. 286.31, F.S.; requiring a claim for legal fees  
799 to be paid by a state or local agency to be documented by a  
800 description with reasonable particularity of the services  
801 provided, including, for each date services were rendered, an  
802 itemization of each task performed and time expended on each  
803 task; creating s. 288.00001, F.S.; prohibiting tax incentive  
804 funds from being awarded or paid to a state contractor or  
805 subcontractor for services provided or expenditures incurred  
806 pursuant to a state contract; amending s. 287.057, F.S.;  
807 requiring certain state contracts to include a good faith  
808 estimate of gross profit; requiring a determination of

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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809 | reasonablyness under certain conditions; prohibiting certain  
810 | state employees from participating in the negotiation or award  
811 | of state contracts; providing definitions; revising the list of  
812 | contractual services and commodities that are not subject to  
813 | competitive-solicitation requirements; amending ss. 112.3188,  
814 | 112.3189, and 112.31895, F.S.; conforming provisions to changes  
815 | made by the act; amending s. 1001.42, F.S.; requiring certain  
816 | school districts to employ an internal auditor; providing the  
817 | duties of such internal auditor; providing that an individual  
818 | school board member is may request and shall receive certain  
819 | budget documents and accompanying supporting and background  
820 | information; authorizing the Office of the Auditor General to  
821 | use carryforward funds to fund the Florida Accountability  
822 | Office; providing an effective date.