

1 A bill to be entitled

2 An act relating to government integrity; creating s.  
3 11.421, F.S.; creating the Florida Integrity Office  
4 under the Auditor General; providing definitions;  
5 providing duties and powers of the Florida Integrity  
6 Officer and the Auditor General; amending s. 11.45,  
7 F.S.; providing a definition; providing and revising  
8 Auditor General reporting requirements; amending s.  
9 14.32, F.S.; providing definitions; providing  
10 investigative duties of the Chief Inspector General  
11 and agency inspectors general; requiring such  
12 inspectors general to provide a report to the Chief  
13 Financial Officer within a specified timeframe in  
14 certain circumstances; providing liability for certain  
15 officials, contractors, and persons in certain  
16 circumstances; amending s. 17.04, F.S.; authorizing  
17 the Chief Financial Officer to commence an  
18 investigation based on certain complaints or  
19 referrals; authorizing state agency employees and  
20 state contractors to report certain information to the  
21 Chief Financial Officer; amending s. 17.325, F.S.;  
22 requiring certain records to be sent to the Florida  
23 Integrity Officer within a specified timeframe;  
24 amending s. 20.055, F.S.; requiring agency inspectors  
25 general to make certain determinations and reports;

26 | amending s. 110.1245, F.S.; providing requirements for  
27 | awards given to employees who report under the  
28 | Whistle-blower's Act; authorizing expenditures for  
29 | such awards; amending s. 112.3187, F.S.; revising a  
30 | definition; conforming provisions to changes made by  
31 | the act; amending s. 287.057, F.S.; revising  
32 | provisions relating to contractual services and  
33 | commodities that are not subject to competitive-  
34 | solicitation requirements; requiring certain state  
35 | contracts to include a good faith estimate of gross  
36 | profit; requiring a determination of reasonableness;  
37 | providing definitions; prohibiting certain state  
38 | employees from participating in the negotiation or  
39 | award of state contracts; creating s. 288.00001, F.S.;  
40 | prohibiting tax incentives from being awarded or paid  
41 | to a state contractor or subcontractor; amending s.  
42 | 1001.20, F.S.; requiring the Office of Inspector  
43 | General of the Department of Education to conduct  
44 | investigations relating to waste, fraud, abuse, or  
45 | mismanagement against a district school board or  
46 | Florida College System institution; authorizing the  
47 | Office of the Auditor General to use carryforward  
48 | funds to fund the Florida Integrity Office; amending  
49 | ss. 112.3188, 112.3189, and 112.31895, F.S.;  
50 | conforming provisions to changes made by the act;

51 providing an effective date.

52

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

54

55 Section 1. Section 11.421, Florida Statutes, is created to  
56 read:

57 11.421 Florida Integrity Office.—

58 (1) There is created under the Auditor General the Florida  
59 Integrity Office for the purpose of ensuring integrity in state  
60 and local government and facilitating the elimination of fraud,  
61 waste, abuse, mismanagement, and misconduct in government.

62 (2) The Florida Integrity Officer shall be a legislative  
63 employee and be appointed by and serve at the pleasure of the  
64 Auditor General. The Florida Integrity Officer shall oversee the  
65 efficient operation of the office and report to and be under the  
66 general supervision of the Auditor General.

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

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

70 (a) "Appropriations project" means a specific  
71 appropriation or proviso that provides funding for a specified  
72 entity that is a local government, private entity, or privately  
73 operated program. The term does not include an appropriation or  
74 proviso:

75 1. Specifically authorized by statute;

76        2. That is part of a statewide distribution to local  
 77 governments;

78        3. Recommended by a commission, council, or other similar  
 79 entity created in statute to make annual funding  
 80 recommendations, provided that such appropriation does not  
 81 exceed the amount of funding recommended by the commission,  
 82 council, or other similar entity;

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

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

88        6. For a specified program, research initiative,  
 89 institute, center, or similar entity at a specific state college  
 90 or university recommended by the Board of Governors or the State  
 91 Board of Education in its legislative budget request.

92        (b) "Office" means the Florida Integrity Office.

93        (5) The Florida Integrity Officer may receive and  
 94 investigate a complaint alleging fraud, waste, abuse,  
 95 mismanagement, or misconduct in connection with the expenditure  
 96 of public funds.

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

99        (a) The President of the Senate.

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

101 (c) The chair of an appropriations committee of the Senate  
 102 or the House of Representatives.

103 (d) The Auditor General.

104 (7) (a) Upon receipt of a complaint, the Florida Integrity  
 105 Officer shall determine whether the complaint is supported by  
 106 sufficient information indicating a reasonable probability of  
 107 fraud, waste, abuse, mismanagement, or misconduct. If the  
 108 Florida Integrity Officer determines that the complaint is not  
 109 supported by sufficient information indicating a reasonable  
 110 probability of fraud, waste, abuse, mismanagement, or  
 111 misconduct, the Florida Integrity Officer shall notify the  
 112 complainant in writing and the complaint shall be closed.

113 (b) If the complaint is supported by sufficient  
 114 information indicating a reasonable probability of fraud, waste,  
 115 abuse, mismanagement, or misconduct, the Florida Integrity  
 116 Officer shall determine whether an investigation into the matter  
 117 has already been initiated by a law enforcement agency, the  
 118 Commission on Ethics, the Chief Financial Officer, the Office of  
 119 Chief Inspector General, or the applicable agency inspector  
 120 general. If such an investigation has been initiated, the  
 121 Florida Integrity Officer shall notify the complainant in  
 122 writing and the complaint may be closed.

123 (c) If the complaint is supported by sufficient  
 124 information indicating a reasonable probability of fraud, waste,  
 125 abuse, mismanagement, or misconduct, and an investigation into

126 the matter has not already been initiated as described in  
127 paragraph (b), the Florida Integrity Officer shall, within  
128 available resources, conduct an investigation and issue a report  
129 of the investigative findings to the complainant and to the  
130 President of the Senate and the Speaker of the House of  
131 Representatives. The Florida Integrity Officer may refer the  
132 matter to the Auditor General, the appropriate law enforcement  
133 agency, the Chief Financial Officer, the Office of the Chief  
134 Inspector General, or the applicable agency inspector general.  
135 The Auditor General may provide staff and other resources to  
136 assist the Florida Integrity Officer.

137 (8) (a) The Florida Integrity Officer, or his or her  
138 designee, may inspect and investigate the books, records,  
139 papers, documents, data, operation, and physical location of any  
140 public agency in this state, including any confidential  
141 information, and the public records of any entity that has  
142 received direct appropriations. The Florida Integrity Officer  
143 may agree to retain the confidentiality of confidential  
144 information pursuant to s. 11.0431(2) (a).

145 (b) Upon the request of the Florida Integrity Officer, the  
146 Legislative Auditing Committee or any other committee of the  
147 Legislature may issue subpoenas and subpoenas duces tecum, as  
148 provided in s. 11.143, to compel testimony or the production of  
149 evidence when deemed necessary to an investigation authorized by  
150 this section. Consistent with s. 11.143, such subpoenas and

151 subpoenas duces tecum may be issued as provided by applicable  
152 legislative rules or, in the absence of applicable legislative  
153 rules, by the chair of the Legislative Auditing Committee with  
154 the approval of the Legislative Auditing Committee and the  
155 President of the Senate and the Speaker of the House of  
156 Representatives, or with the approval of the President of the  
157 Senate or the Speaker of the House of Representatives if such  
158 officer alone designated the Legislative Auditing Committee as  
159 defined in s. 1.01.

160 (c) If a witness fails or refuses to comply with a lawful  
161 subpoena or subpoena duces tecum issued pursuant to this  
162 subsection at a time when the Legislature is not in session, the  
163 subpoena or subpoena duces tecum may be enforced as provided in  
164 s. 11.143 and, in addition, the Auditor General, on behalf of  
165 the committee issuing the subpoena or subpoena duces tecum, may  
166 file a complaint before any circuit court of the state to  
167 enforce the subpoena or subpoena duces tecum. Upon the filing of  
168 such complaint, the court shall take jurisdiction of the witness  
169 and the subject matter of the complaint and shall direct the  
170 witness to respond to all lawful questions and to produce all  
171 documentary evidence in the possession of the witness which is  
172 lawfully demanded. The failure of a witness to comply with such  
173 order constitutes a direct and criminal contempt of court, and  
174 the court shall punish the witness accordingly.

175 (d) When the Legislature is in session, upon the request

176 of the Florida Integrity Officer directed to the committee  
177 issuing the subpoena or subpoena duces tecum, either house of  
178 the Legislature may seek compliance with the subpoena or  
179 subpoena duces tecum in accordance with the State Constitution,  
180 general law, the joint rules of the Legislature, or the rules of  
181 the house of the Legislature whose committee issued the subpoena  
182 or subpoena duces tecum.

183 (9) The Florida Integrity Officer shall receive copies of  
184 all reports required by ss. 14.32, 17.325, and 20.055.

185 (10) (a) Beginning with the 2021-2022 fiscal year, the  
186 Auditor General and the Florida Integrity Officer, within  
187 available resources, shall randomly select and review  
188 appropriations projects appropriated in the prior fiscal year  
189 and, if appropriate, investigate and recommend an audit of such  
190 projects. The review, investigation, or audit may be delayed on  
191 a selected project until a subsequent year if the timeline of  
192 the project warrants such delay. Each review, investigation, or  
193 audit must include, but is not limited to, evaluating whether  
194 the recipient of the appropriations project administered the  
195 project in an efficient and effective manner. When an audit is  
196 recommended by the Florida Integrity Officer under this  
197 subsection, the Auditor General shall determine whether the  
198 audit is appropriate.

199 (b) Beginning with the 2021-2022 fiscal year, the Auditor  
200 General and the Florida Integrity Officer, within available



201 resources, shall select and review, investigate, or audit the  
 202 financial activities of any political subdivision, special  
 203 district, public authority, public hospital, state or local  
 204 council or commission, unit of local government, or public  
 205 education entity in this state, as well as any authority,  
 206 council, commission, direct-support organization, institution,  
 207 foundation, or similar entity created by law or ordinance to  
 208 pursue a public purpose, entitled by law or ordinance to any  
 209 distribution of tax or fee revenues, or organized for the sole  
 210 purpose of supporting one of the public entities listed in this  
 211 paragraph.

212 Section 2. Paragraphs (i) through (m) of subsection (1) of  
 213 section 11.45, Florida Statutes, are redesignated as paragraphs  
 214 (j) through (n), respectively, paragraphs (a) and (e) of  
 215 subsection (1), paragraph (f) of subsection (2), and paragraph  
 216 (j) of subsection (7) are amended, and a new paragraph (i) is  
 217 added to subsection (1) of that section, to read:

218 11.45 Definitions; duties; authorities; reports; rules.—

219 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

220 (a) "Abuse" means behavior that is deficient or improper  
 221 when compared with behavior that a prudent person would consider  
 222 a reasonable and necessary operational practice given the facts  
 223 and circumstances. The term includes the misuse of authority or  
 224 position for personal gain or for the gain of an immediate or  
 225 close family member or business associate.

226 (e) "Fraud" means obtaining something of value through  
227 willful misrepresentation, including, but not limited to,  
228 intentional misstatements or intentional omissions of amounts or  
229 disclosures in financial statements to deceive users of  
230 financial statements, theft of an entity's assets, bribery, or  
231 the use of one's position for personal enrichment through the  
232 deliberate misuse or misapplication of an entity's  
233 ~~organization's~~ resources.

234 (i) "Misconduct" means conduct which, though not illegal,  
235 is inappropriate for a person in his or her specified position.

236 (2) DUTIES.—The Auditor General shall:

237 (f) At least every 3 years, conduct operational audits of  
238 the accounts and records of state agencies, state universities,  
239 state colleges, district school boards, the Florida Clerks of  
240 Court Operations Corporation, water management districts, and  
241 the Florida School for the Deaf and the Blind. At the conclusion  
242 of each 3-year cycle, the Auditor General shall publish a report  
243 consolidating common operational audit findings for all state  
244 agencies, state universities, state colleges, and district  
245 school boards.

246  
247 The Auditor General shall perform his or her duties  
248 independently but under the general policies established by the  
249 Legislative Auditing Committee. This subsection does not limit  
250 the Auditor General's discretionary authority to conduct other

251 audits or engagements of governmental entities as authorized in  
252 subsection (3).

253 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

254 (j) The Auditor General shall notify the Legislative  
255 Auditing Committee of any financial or operational audit report  
256 prepared pursuant to this section which indicates that a  
257 district school board, state university, or Florida College  
258 System institution has failed to take full corrective action in  
259 response to a recommendation that was included in the two  
260 preceding financial ~~or operational~~ audit reports or a preceding  
261 operational audit report.

262 1. The committee may direct the district school board or  
263 the governing body of the state university or Florida College  
264 System institution to provide a written statement to the  
265 committee explaining why full corrective action has not been  
266 taken or, if the governing body intends to take full corrective  
267 action, describing the corrective action to be taken and when it  
268 will occur.

269 2. If the committee determines that the written statement  
270 is not sufficient, the committee may require the chair of the  
271 district school board or the chair of the governing body of the  
272 state university or Florida College System institution, or the  
273 chair's designee, to appear before the committee.

274 3. If the committee determines that the district school  
275 board, state university, or Florida College System institution

276 | has failed to take full corrective action for which there is no  
277 | justifiable reason or has failed to comply with committee  
278 | requests made pursuant to this section, the committee shall  
279 | refer the matter to the State Board of Education or the Board of  
280 | Governors, as appropriate, to proceed in accordance with s.  
281 | 1008.32 or s. 1008.322, respectively.

282 |       Section 3. Subsections (1) through (5) of section 14.32,  
283 | Florida Statutes, are renumbered as subsections (2) through (6),  
284 | respectively, and new subsections (1) and (7) are added to that  
285 | section, to read:

286 |       14.32 Office of Chief Inspector General.—

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

288 |       (a) "Abuse" means behavior that is deficient or improper  
289 | when compared with behavior that a prudent person would consider  
290 | a reasonable and necessary operational practice given the facts  
291 | and circumstances. The term includes the misuse of authority or  
292 | position for personal gain or for the benefit of another.

293 |       (b) "Fraud" means obtaining something of value through  
294 | willful misrepresentation, including, but not limited to, the  
295 | intentional misstatements or intentional omissions of amounts or  
296 | disclosures in financial statements to deceive users of  
297 | financial statements, theft of an entity's assets, bribery, or  
298 | the use of one's position for personal enrichment through the  
299 | deliberate misuse or misapplication of an entity's resources.

300 |       (c) "Independent contractor" has the same meaning as in s.

301 112.3187(3)(d).

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

304 (e) "Waste" means the act of using or expending resources  
305 unreasonably, carelessly, extravagantly, or for no useful  
306 purpose.

307 (7)(a) Within 6 months after the initiation of an  
308 investigation of fraud, waste, abuse, mismanagement, or  
309 misconduct in government, the Chief Inspector General or an  
310 agency inspector general must determine whether there is  
311 reasonable probability that fraud, waste, abuse, mismanagement,  
312 or misconduct in government has occurred. If there has not been  
313 a determination of such reasonable probability and the  
314 investigation continues, a new determination must be made every  
315 3 months until the investigation is closed or such reasonable  
316 probability is found to exist.

317 (b) If the Chief Inspector General or an agency inspector  
318 general determines that there is reasonable probability that a  
319 public official, independent contractor, or agency has committed  
320 fraud, waste, abuse, mismanagement, or misconduct in government,  
321 the inspector general shall report such determination to the  
322 Florida Integrity Officer.

323 (c) If the findings of an investigation conducted pursuant  
324 to this subsection conclude that a public official, independent  
325 contractor, or agency has committed fraud, waste, abuse,

326 mismanagement, or misconduct in government, the Chief Inspector  
 327 General or agency inspector general shall report such findings  
 328 to the Chief Financial Officer within 30 days after the  
 329 investigation is closed. Such public official, independent  
 330 contractor, or person responsible within the agency is  
 331 personally liable for repayment of the funds that were diverted  
 332 or lost as a result of the fraud, waste, abuse, mismanagement,  
 333 or misconduct in government. If the person liable fails to repay  
 334 such funds voluntarily and the state does not agree to a  
 335 settlement, the Chief Financial Officer shall bring a civil  
 336 action to recover the funds within 60 days after receipt of such  
 337 findings.

338 Section 4. Section 17.04, Florida Statutes, is amended to  
 339 read:

340 17.04 To audit and adjust accounts of officers and those  
 341 indebted to the state.—The Chief Financial Officer, using  
 342 generally accepted auditing procedures for testing or sampling,  
 343 shall examine, audit, adjust, and settle the accounts of all the  
 344 officers of this state, and any other person in anywise  
 345 entrusted with, or who may have received any property, funds, or  
 346 moneys of this state, or who may be in anywise indebted or  
 347 accountable to this state for any property, funds, or moneys,  
 348 and require such officer or persons to render full accounts  
 349 thereof, and to yield up such property or funds according to  
 350 law, or pay such moneys into the treasury of this state, or to

351 such officer or agent of the state as may be appointed to  
352 receive the same, and on failure so to do, to cause to be  
353 instituted and prosecuted proceedings, criminal or civil, at law  
354 or in equity, against such persons, according to law. The Chief  
355 Financial Officer may conduct investigations within or outside  
356 of this state as it deems necessary to aid in the enforcement of  
357 this section. The Chief Financial Officer may commence an  
358 investigation pursuant to this section based on a complaint or  
359 referral from any source. An employee of a state agency or a  
360 state contractor having knowledge of suspected misuse of state  
361 funds may report such information to the Chief Financial  
362 Officer. If during an investigation the Chief Financial Officer  
363 has reason to believe that any criminal statute of this state  
364 has or may have been violated, the Chief Financial Officer shall  
365 refer any records tending to show such violation to state or  
366 federal law enforcement or prosecutorial agencies and shall  
367 provide investigative assistance to those agencies as required.

368 Section 5. Subsections (4) and (5) of section 17.325,  
369 Florida Statutes, are renumbered as subsections (5) and (6),  
370 respectively, and a new subsection (4) is added to that section  
371 to read:

372 17.325 Governmental efficiency hotline; duties of Chief  
373 Financial Officer.—

374 (4) A copy of each suggestion or item of information  
375 received through the hotline or website that is logged pursuant

376 | to this section must be reported to the Florida Integrity  
 377 | Officer by the 15th of the month following receipt of the  
 378 | suggestion or item of information.

379 |       Section 6. Paragraph (g) is added to subsection (7) of  
 380 | section 20.055, Florida Statutes, to read:

381 |           20.055 Agency inspectors general.—

382 |           (7) In carrying out the investigative duties and  
 383 | responsibilities specified in this section, each inspector  
 384 | general shall initiate, conduct, supervise, and coordinate  
 385 | investigations designed to detect, deter, prevent, and eradicate  
 386 | fraud, waste, mismanagement, misconduct, and other abuses in  
 387 | state government. For these purposes, each inspector general  
 388 | shall:

389 |           (g) Make determinations and reports as required by s.  
 390 | 14.32(7).

391 |       Section 7. Paragraphs (a) and (b) of subsection (1) and  
 392 | subsection (2) of section 110.1245, Florida Statutes, are  
 393 | amended, and subsections (6) and (7) are added to that section,  
 394 | to read:

395 |           110.1245 Savings sharing program; bonus payments; other  
 396 | awards.—

397 |           (1) (a) The Department of Management Services shall adopt  
 398 | rules that prescribe procedures and promote a savings sharing  
 399 | program for an individual or group of employees who propose  
 400 | procedures or ideas that are adopted and that result in



401 eliminating or reducing state expenditures, including employees  
402 reporting under the Whistle-blower's Act, if such proposals are  
403 placed in effect and may be implemented under current statutory  
404 authority.

405 (b) Each agency head shall recommend employees  
406 individually or by group to be awarded an amount of money, which  
407 amount shall be directly related to the cost savings realized.  
408 Each proposed award and amount of money must be approved by the  
409 Legislative Budget Commission, except an award issued under  
410 subsection (6).

411 (2) In June of each year, bonuses shall be paid to  
412 employees from funds authorized by the Legislature in an  
413 appropriation specifically for bonuses. For purposes of this  
414 subsection, awards issued under subsection (6) are not  
415 considered bonuses. Each agency shall develop a plan for  
416 awarding lump-sum bonuses, which plan shall be submitted no  
417 later than September 15 of each year and approved by the Office  
418 of Policy and Budget in the Executive Office of the Governor.  
419 Such plan shall include, at a minimum, but is not limited to:

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

422 (b) Eligibility criteria as follows:

423 1. The employee must have been employed before ~~prior to~~  
424 July 1 of that fiscal year and have been continuously employed  
425 through the date of distribution.

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

428           3. The employee must have had no sustained disciplinary  
429 action during the period beginning July 1 through the date the  
430 bonus checks are distributed. Disciplinary actions include  
431 written reprimands, suspensions, dismissals, and involuntary or  
432 voluntary demotions that were associated with a disciplinary  
433 action.

434           4. The employee must have demonstrated a commitment to the  
435 agency mission by reducing the burden on those served,  
436 continually improving the way business is conducted, producing  
437 results in the form of increased outputs, and working to improve  
438 processes.

439           5. The employee must have demonstrated initiative in work  
440 and have exceeded normal job expectations.

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

444           (c) A periodic evaluation process of the employee's  
445 performance.

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

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

450           (f) A limitation on bonus distributions equal to 35

451 percent of the agency's total authorized positions. This  
452 requirement may be waived by the Office of Policy and Budget in  
453 the Executive Office of the Governor upon a showing of  
454 exceptional circumstances.

455 (6) Each agency inspector general shall report employees  
456 whose reports under the Whistle-blower's Act resulted in savings  
457 or recovery of public funds in excess of \$1,000. Awards shall be  
458 awarded by each agency to the employee, or his or her designee,  
459 whose report led to the savings or recovery, and each agency  
460 head is authorized to incur expenditures to provide such awards.  
461 The award shall be paid from the specific appropriation or trust  
462 fund from which the savings or recovery resulted. The agency  
463 inspector general to whom the report was made or referred shall  
464 certify the savings or recovery resulting from the  
465 investigation. If more than one employee makes a relevant  
466 report, the award shall be shared in proportion to each  
467 employee's contribution to the investigation as certified by the  
468 agency inspector general. Awards shall be made in the following  
469 amounts:

470 (a) A career service employee shall receive 10 percent of  
471 the savings or recovery certified, but not less than \$500 and  
472 not more than a total of \$50,000 for whistle-blower reports in  
473 any 1 year. If the employee had any fault for the misspending or  
474 attempted misspending of public funds identified in the  
475 investigation that resulted in the savings or recovery, the

476 award may be denied at the discretion of the agency head. If the  
477 award is not denied by the agency head, the award may not exceed  
478 \$500. The agency inspector general shall certify any fault on  
479 the part of the employee.

480 (b) A Senior Management Service employee or an employee in  
481 a select exempt position shall receive 5 percent of the savings  
482 or recovery certified, but not more than a total of \$1,000 for  
483 whistle-blower reports in any 1 year. An employee may not  
484 receive an award under this paragraph if he or she had any fault  
485 for the mispending or attempted mispending of public funds  
486 identified in the investigation that resulted in the savings or  
487 recovery. The agency inspector general shall certify any fault  
488 on the part of the employee.

489 (7) Notwithstanding any other provision of law, an  
490 employee whose name or identity is confidential or exempt from  
491 disclosure under state or federal law may participate in the  
492 savings sharing program authorized in this section. To maintain  
493 confidentiality, upon notice of eligibility for an award, such  
494 employee may designate an authorized agent, trustee, or  
495 custodian to accept an award for which the employee is eligible  
496 on behalf of the employee.

497 Section 8. Subsection (2), paragraph (e) of subsection  
498 (3), and paragraph (b) of subsection (5) of section 112.3187,  
499 Florida Statutes, are amended to read:

500 112.3187 Adverse action against employee for disclosing

501 information of specified nature prohibited; employee remedy and  
 502 relief.—

503 (2) LEGISLATIVE INTENT.—It is the intent of the  
 504 Legislature to prevent agencies or independent contractors from  
 505 taking retaliatory action against an employee who reports to an  
 506 appropriate agency violations of law on the part of a public  
 507 employer or independent contractor that create a substantial and  
 508 specific danger to the public's health, safety, or welfare. It  
 509 is further the intent of the Legislature to prevent agencies or  
 510 independent contractors from taking retaliatory action against  
 511 any person who discloses information to an appropriate agency  
 512 alleging improper use of governmental office, ~~gross~~ waste of  
 513 funds, or any other abuse or ~~gross~~ neglect of duty on the part  
 514 of an agency, public officer, or employee.

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

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

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

524 (b) Any act or suspected act of ~~gross~~ mismanagement,  
 525 malfeasance, misfeasance, ~~gross~~ waste of public funds, suspected

526 or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty  
527 committed by an employee or agent of an agency or independent  
528 contractor.

529 Section 9. Paragraph (e) of subsection (3) and subsection  
530 (9) of section 287.057, Florida Statutes, are amended, and  
531 subsections (24) and (25) are added to that section, to read:

532 287.057 Procurement of commodities or contractual  
533 services.—

534 (3) If the purchase price of commodities or contractual  
535 services exceeds the threshold amount provided in s. 287.017 for  
536 CATEGORY TWO, purchase of commodities or contractual services  
537 may not be made without receiving competitive sealed bids,  
538 competitive sealed proposals, or competitive sealed replies  
539 unless:

540 (e) The following contractual services and commodities are  
541 not subject to the competitive-solicitation requirements of this  
542 section:

543 1. Artistic services. As used in this subsection, the term  
544 "artistic services" does not include advertising or typesetting.  
545 As used in this subparagraph, the term "advertising" means the  
546 making of a representation in any form in connection with a  
547 trade, business, craft, or profession in order to promote the  
548 supply of commodities or services by the person promoting the  
549 commodities or contractual services.

550 2. Academic program reviews if the fee for such services

551 | does not exceed \$50,000.

552 |       3. Lectures by individuals.

553 |       4. Legal services, including attorney, paralegal, expert  
554 | witness, appraisal, or mediator services.

555 |       5. Health services involving examination, diagnosis,  
556 | treatment, prevention, medical consultation, or administration.  
557 | The term also includes, but is not limited to, substance abuse  
558 | and mental health services involving examination, diagnosis,  
559 | treatment, prevention, or medical consultation if such services  
560 | are offered to eligible individuals participating in a specific  
561 | program that qualifies multiple providers and uses a standard  
562 | payment methodology. Reimbursement of administrative costs for  
563 | providers of services purchased in this manner are also exempt.  
564 | For purposes of this subparagraph, the term "providers" means  
565 | health professionals and health facilities, or organizations  
566 | that deliver or arrange for the delivery of health services.

567 |       6. Services provided to persons with mental or physical  
568 | disabilities by not-for-profit corporations that have obtained  
569 | exemptions under s. 501(c)(3) of the United States Internal  
570 | Revenue Code or when such services are governed by Office of  
571 | Management and Budget Circular A-122. However, in acquiring such  
572 | services, the agency shall consider the ability of the vendor,  
573 | past performance, willingness to meet time requirements, and  
574 | price.

575 |       7. Medicaid services delivered to an eligible Medicaid

576 recipient unless the agency is directed otherwise in law.

577 8. Family placement services.

578 9. Prevention services related to mental health, including  
 579 drug abuse prevention programs, child abuse prevention programs,  
 580 and shelters for runaways, operated by not-for-profit  
 581 corporations. However, in acquiring such services, the agency  
 582 shall consider the ability of the vendor, past performance,  
 583 willingness to meet time requirements, and price.

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

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

587 12. Services or commodities provided by governmental  
 588 entities.

589 13. ~~Statewide~~ Public service announcement programs that  
 590 ~~provided by a Florida statewide nonprofit corporation under s.~~  
 591 ~~501(c)(6) of the Internal Revenue Code which~~ have a guaranteed  
 592 documented match of at least \$3 to \$1.

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

596 (24) (a) For any contract in excess of \$50,000 that is  
 597 awarded through an invitation to negotiate or awarded without  
 598 competitive solicitation under paragraph (3) (c), paragraph  
 599 (3) (e), or subsection (10), the proposal, offer, or response of  
 600 the contractor must include a good faith estimate of gross



601 profit for each year and renewal year of the proposed contract.  
602 If, in determining the good faith estimate of gross profit, the  
603 contractor includes the cost of products or services expected to  
604 be provided by a participant closely associated with the  
605 contractor, the contractor must also identify such participant,  
606 describe the association, and provide a good faith estimate of  
607 gross profit for such participant for each year and renewal year  
608 of the proposed contract, which must be attested to by an  
609 authorized representative of the participant. The agency must,  
610 before awarding the contract, make a written determination that  
611 the estimated gross profit is not excessive and specify the  
612 reasons for such determination. Notwithstanding any provision of  
613 the contract, a contractor is liable to the agency for three  
614 times the amount or value of any misrepresentation of estimated  
615 gross profit as liquidated damages for such misrepresentation.

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

617 1. "Closely associated with the contractor" means the  
618 contractor, a principal of the contractor, or a family member or  
619 business associate of a principal of the contractor is a  
620 principal of the participant. As used in this subparagraph, the  
621 term "principal" means a person who owns at least 5 percent  
622 interest in the business or entity or is a manager of the  
623 business or entity. As used in this subparagraph, the term  
624 "business associate" means a person or entity with whom a  
625 principal of the contractor has substantial investment,

626 employment, or partnership interests.

627 2. "Good faith estimate of gross profit" means a good  
628 faith estimate of the total receipts expected under the contract  
629 less the cost of providing contracted commodities and services  
630 under the contract and excluding overhead costs. As used in this  
631 subparagraph, the term "overhead costs" means all costs that are  
632 not directly related to contract performance, including, but not  
633 limited to, marketing and administrative expenses.

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

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

642 This subsection does not apply to a state employee who is:

643 (a) Registered to lobby the Legislature, but whose primary  
644 job responsibilities do not involve lobbying.

645 (b) Employed by the Executive Office of the Governor.

646 (c) Employed by the Office of Policy and Budget.

647 Section 10. Section 288.00001, Florida Statutes, is  
648 created to read:

649 288.00001 Use of state or local incentive funds to pay for  
650 services.—Notwithstanding any other provision of law, a tax

651 incentive may not be awarded or paid to a state contractor or  
652 any subcontractor for services provided or expenditures incurred  
653 pursuant to a state contract.

654 Section 11. Paragraph (e) of subsection (4) of section  
655 1001.20, Florida Statutes, is amended to read:

656 1001.20 Department under direction of state board.—

657 (4) The Department of Education shall establish the  
658 following offices within the Office of the Commissioner of  
659 Education which shall coordinate their activities with all other  
660 divisions and offices:

661 (e) Office of Inspector General.—Organized using existing  
662 resources and funds and responsible for promoting  
663 accountability, efficiency, and effectiveness and detecting  
664 fraud and abuse within school districts, the Florida School for  
665 the Deaf and the Blind, and Florida College System institutions  
666 in Florida. If the Commissioner of Education determines that a  
667 district school board, the Board of Trustees for the Florida  
668 School for the Deaf and the Blind, or a Florida College System  
669 institution board of trustees is unwilling or unable to address  
670 substantiated allegations made by any person relating to waste,  
671 fraud, abuse, or financial mismanagement within the school  
672 district, the Florida School for the Deaf and the Blind, or the  
673 Florida College System institution, the office shall conduct,  
674 coordinate, or request investigations into such substantiated  
675 allegations. The office shall investigate allegations or reports

676 of possible waste, fraud, ~~or~~ abuse, or mismanagement against a  
 677 district school board or Florida College System institution made  
 678 by any member of the Cabinet, † the presiding officer of either  
 679 house of the Legislature, † a chair of a substantive or  
 680 appropriations legislative committee with jurisdiction, † or a  
 681 member of the board for which an investigation is sought. The  
 682 office shall have access to all information and personnel  
 683 necessary to perform its duties and shall have all of its  
 684 current powers, duties, and responsibilities authorized in s.  
 685 20.055.

686 Section 12. The Office of the Auditor General is  
 687 authorized to use carryforward funds to fund the establishment  
 688 and operations of the Florida Integrity Office as created by  
 689 this act.

690 Section 13. Subsection (1) of section 112.3188, Florida  
 691 Statutes, is amended to read:

692 112.3188 Confidentiality of information given to the Chief  
 693 Inspector General, internal auditors, inspectors general, local  
 694 chief executive officers, or other appropriate local officials.—

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

700 (a) Has violated or is suspected of having violated any

701 federal, state, or local law, rule, or regulation, thereby  
702 creating and presenting a substantial and specific danger to the  
703 public's health, safety, or welfare; or

704 (b) Has committed an act of ~~gross~~ mismanagement,  
705 malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~  
706 neglect of duty

707  
708 may not be disclosed to anyone other than a member of the Chief  
709 Inspector General's, agency inspector general's, internal  
710 auditor's, local chief executive officer's, or other appropriate  
711 local official's staff without the written consent of the  
712 individual, unless the Chief Inspector General, internal  
713 auditor, agency inspector general, local chief executive  
714 officer, or other appropriate local official determines that:  
715 the disclosure of the individual's identity is necessary to  
716 prevent a substantial and specific danger to the public's  
717 health, safety, or welfare or to prevent the imminent commission  
718 of a crime; or the disclosure is unavoidable and absolutely  
719 necessary during the course of the audit, evaluation, or  
720 investigation.

721 Section 14. Paragraph (c) of subsection (3), subsection  
722 (4), and paragraph (a) of subsection (5) of section 112.3189,  
723 Florida Statutes, are amended to read:

724 112.3189 Investigative procedures upon receipt of whistle-  
725 blower information from certain state employees.-

726 (3) When a person alleges information described in s.  
727 112.3187(5), the Chief Inspector General or agency inspector  
728 general actually receiving such information shall within 20 days  
729 of receiving such information determine:

730 (c) Whether the information actually disclosed  
731 demonstrates reasonable cause to suspect that an employee or  
732 agent of an agency or independent contractor has violated any  
733 federal, state, or local law, rule, or regulation, thereby  
734 creating and presenting a substantial and specific danger to the  
735 public's health, safety, or welfare, or has committed an act of  
736 ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of  
737 public funds, or ~~gross~~ neglect of duty.

738 (4) If the Chief Inspector General or agency inspector  
739 general under subsection (3) determines that the information  
740 disclosed is not the type of information described in s.  
741 112.3187(5), or that the source of the information is not a  
742 person who is an employee or former employee of, or an applicant  
743 for employment with, a state agency, as defined in s. 216.011,  
744 or that the information disclosed does not demonstrate  
745 reasonable cause to suspect that an employee or agent of an  
746 agency or independent contractor has violated any federal,  
747 state, or local law, rule, or regulation, thereby creating and  
748 presenting a substantial and specific danger to the public's  
749 health, safety, or welfare, or has committed an act of ~~gross~~  
750 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public

751 funds, or ~~gross~~ neglect of duty, the Chief Inspector General or  
752 agency inspector general shall notify the complainant of such  
753 fact and copy and return, upon request of the complainant, any  
754 documents and other materials that were provided by the  
755 complainant.

756 (5) (a) If the Chief Inspector General or agency inspector  
757 general under subsection (3) determines that the information  
758 disclosed is the type of information described in s.  
759 112.3187(5), that the source of the information is from a person  
760 who is an employee or former employee of, or an applicant for  
761 employment with, a state agency, as defined in s. 216.011, and  
762 that the information disclosed demonstrates reasonable cause to  
763 suspect that an employee or agent of an agency or independent  
764 contractor has violated any federal, state, or local law, rule,  
765 or regulation, thereby creating a substantial and specific  
766 danger to the public's health, safety, or welfare, or has  
767 committed an act of ~~gross~~ mismanagement, malfeasance,  
768 misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of  
769 duty, the Chief Inspector General or agency inspector general  
770 making such determination shall then conduct an investigation,  
771 unless the Chief Inspector General or the agency inspector  
772 general determines, within 30 days after receiving the  
773 allegations from the complainant, that such investigation is  
774 unnecessary. For purposes of this subsection, the Chief  
775 Inspector General or the agency inspector general shall consider

776 the following factors, but is not limited to only the following  
 777 factors, when deciding whether the investigation is not  
 778 necessary:

779 1. The gravity of the disclosed information compared to  
 780 the time and expense of an investigation.

781 2. The potential for an investigation to yield  
 782 recommendations that will make state government more efficient  
 783 and effective.

784 3. The benefit to state government to have a final report  
 785 on the disclosed information.

786 4. Whether the alleged whistle-blower information  
 787 primarily concerns personnel practices that may be investigated  
 788 under chapter 110.

789 5. Whether another agency may be conducting an  
 790 investigation and whether any investigation under this section  
 791 could be duplicative.

792 6. The time that has elapsed between the alleged event and  
 793 the disclosure of the information.

794 Section 15. Paragraph (a) of subsection (3) of section  
 795 112.31895, Florida Statutes, is amended to read:

796 112.31895 Investigative procedures in response to  
 797 prohibited personnel actions.—

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

799 (a) The Florida Commission on Human Relations, in  
 800 accordance with this act and for the sole purpose of this act,



801 is empowered to:

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

805 2. Protect employees and applicants for employment with  
806 such agencies from prohibited personnel practices under s.  
807 112.3187.

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

810 4. Recommend disciplinary proceedings pursuant to  
811 investigation and appropriate agency rules and procedures.

812 5. Coordinate with the Chief Inspector General in the  
813 Executive Office of the Governor and the Florida Commission on  
814 Human Relations to receive, review, and forward to appropriate  
815 agencies, legislative entities, or the Department of Law  
816 Enforcement disclosures of a violation of any law, rule, or  
817 regulation, or disclosures of ~~gross~~ mismanagement, malfeasance,  
818 misfeasance, nonfeasance, neglect of duty, or ~~gross~~ waste of  
819 public funds.

820 6. Review rules pertaining to personnel matters issued or  
821 proposed by the Department of Management Services, the Public  
822 Employees Relations Commission, and other agencies, and, if the  
823 Florida Commission on Human Relations finds that any rule or  
824 proposed rule, on its face or as implemented, requires the  
825 commission of a prohibited personnel practice, provide a written

826 comment to the appropriate agency.

827 7. Investigate, request assistance from other governmental  
828 entities, and, if appropriate, bring actions concerning,  
829 allegations of retaliation by state agencies under subparagraph  
830 1.

831 8. Administer oaths, examine witnesses, take statements,  
832 issue subpoenas, order the taking of depositions, order  
833 responses to written interrogatories, and make appropriate  
834 motions to limit discovery, pursuant to investigations under  
835 subparagraph 1.

836 9. Intervene or otherwise participate, as a matter of  
837 right, in any appeal or other proceeding arising under this  
838 section before the Public Employees Relations Commission or any  
839 other appropriate agency, except that the Florida Commission on  
840 Human Relations must comply with the rules of the commission or  
841 other agency and may not seek corrective action or intervene in  
842 an appeal or other proceeding without the consent of the person  
843 protected under ss. 112.3187-112.31895.

844 10. Conduct an investigation, in the absence of an  
845 allegation, to determine whether reasonable grounds exist to  
846 believe that a prohibited action or a pattern of prohibited  
847 action has occurred, is occurring, or is to be taken.

848 Section 16. This act shall take effect July 1, 2020.