

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Tomkow offered the following:

**Amendment (with title amendment)**

Remove lines 45-172 and insert:

(2) DEFINITIONS.-

(a) "Appointed public official" means either a local officer as defined in s. 112.3145(1) (a)2. or a state officer as defined in s. 112.3145(1) (c)2. and 3.

(b) "Executive officer" means the chief executive officer of a governmental entity to which an appointed public official is appointed.

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12 (c) "General counsel" means the chief legal counsel of a  
13 governmental entity to which an appointed public official or an  
14 executive officer is appointed or hired.

15 (d) "Governmental entity" means the entity, or a board, a  
16 council, a commission, an authority, or other body thereof, to  
17 which an appointed public official or an executive officer is  
18 appointed or hired.

19 (3) FIDUCIARY DUTY OF CARE.—Each appointed public official  
20 and executive officer owes a fiduciary duty of care to the  
21 applicable entity he or she serves in accordance with law and  
22 has a duty to:

23 (a) Act in accordance with the laws, ordinances, rules,  
24 policies, and terms governing his or her office or employment.

25 (b) Act with the care, competence, and diligence normally  
26 exercised by a reasonably prudent person in similar corporate  
27 and proprietary circumstances.

28 (c) Act only within the scope of his or her authority.

29 (d) Refrain from conduct that is likely to damage the  
30 financial or economic interests of the governmental entity.

31 (e) Use reasonable efforts to maintain documentation in  
32 accordance with applicable laws.

33 (f) Maintain reasonable oversight of any delegated  
34 authority and discharge his or her duties with the care that a  
35 reasonably prudent person in a like business position would  
36 believe appropriate under the circumstances, and must:

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37 1. Become reasonably informed in connection with any  
38 decisionmaking function;

39 2. Become reasonably informed when devoting attention to  
40 any oversight function;

41 3. Keep reasonably informed concerning the affairs of the  
42 governmental entity; and

43 4. Keep reasonably informed concerning the performance of  
44 a governmental entity's executive officers or other officers,  
45 agents, or employees.

46  
47 Upon appointment or hiring, each appointed public official and  
48 executive officer subject to the fiduciary duty of care  
49 requirements of this subsection must provide a written  
50 declaration, as provided for under s. 92.525(2), that he or she  
51 has read, understood, and will comply with such requirements at  
52 all times during his or her service to the governmental entity.  
53 Such declaration shall be submitted to and maintained by the  
54 governmental entity's custodian of records.

55 (4) APPOINTMENT OF EXECUTIVE OFFICERS AND GENERAL  
56 COUNSELS.—The appointment of any executive officer or general  
57 counsel is subject to approval by a majority vote of the  
58 governmental entity.

59 (5) STANDARDS FOR LEGAL COUNSEL.—All legal counsel  
60 employed by a governmental entity must represent the legal  
61 interests and positions of the governmental entity and not the

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62 interests of any individual or employee of the governmental  
63 entity, unless such representation is directed by the  
64 governmental entity or as authorized by law.

65 (6) Nothing in this section shall be construed to create a  
66 cause of action against an executive officer, an appointed  
67 public official or a governmental entity.

68 Section 3. Section 11.421, Florida Statutes, is created to  
69 read:

70 11.421 Florida Integrity Office.—

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

75 (2) The Florida Integrity Officer shall be a legislative  
76 employee and be appointed by and serve at the pleasure of the  
77 Auditor General. The Florida Integrity Officer shall oversee the  
78 efficient operation of the office and report to and be under the  
79 general supervision of the Auditor General.

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

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

83 (a) "Appropriations project" means a specific  
84 appropriation or proviso that provides funding for a specified  
85 entity that is a local government, private entity, or privately

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86 operated program. The term does not include an appropriation or  
87 proviso:

88 1. Specifically authorized by statute;

89 2. That is part of a statewide distribution to local  
90 governments;

91 3. Recommended by a commission, council, or other similar  
92 entity created in statute to make annual funding  
93 recommendations, provided that such appropriation does not  
94 exceed the amount of funding recommended by the commission,  
95 council, or other similar entity;

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

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

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

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

106 (5) The Florida Integrity Officer may receive and  
107 investigate a complaint alleging fraud, waste, abuse,  
108 mismanagement, or misconduct in connection with the expenditure  
109 of public funds.

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

112 (a) The President of the Senate.

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

114 (c) The chair of an appropriations committee of the Senate  
115 or the House of Representatives.

116 (d) The Auditor General.

117 (7) (a) Upon receipt of a complaint, the Florida Integrity  
118 Officer shall determine whether the complaint is supported by  
119 sufficient information indicating a reasonable probability of  
120 fraud, waste, abuse, mismanagement, or misconduct. If the  
121 Florida Integrity Officer determines that the complaint is not  
122 supported by sufficient information indicating a reasonable  
123 probability of fraud, waste, abuse, mismanagement, or  
124 misconduct, the Florida Integrity Officer shall notify the  
125 complainant in writing and the complaint shall be closed.

126 (b) If the complaint is supported by sufficient  
127 information indicating a reasonable probability of fraud, waste,  
128 abuse, mismanagement, or misconduct, the Florida Integrity  
129 Officer shall determine whether an investigation into the matter  
130 has already been initiated by a law enforcement agency, the  
131 Commission on Ethics, the Chief Financial Officer, the Office of  
132 Chief Inspector General, or the applicable agency inspector  
133 general. If such an investigation has been initiated, the

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134 Florida Integrity Officer shall notify the complainant in  
135 writing and the complaint may be closed.

136 (c) If the complaint is supported by sufficient  
137 information indicating a reasonable probability of fraud, waste,  
138 abuse, mismanagement, or misconduct, and an investigation into  
139 the matter has not already been initiated as described in  
140 paragraph (b), the Florida Integrity Officer shall, within  
141 available resources, conduct an investigation and issue a report  
142 of the investigative findings to the complainant and to the  
143 President of the Senate and the Speaker of the House of  
144 Representatives. The Florida Integrity Officer may refer the  
145 matter to the Auditor General, the appropriate law enforcement  
146 agency, the Chief Financial Officer, the Office of the Chief  
147 Inspector General, or the applicable agency inspector general.  
148 The Auditor General may provide staff and other resources to  
149 assist the Florida Integrity Officer.

150 (8) (a) The Florida Integrity Officer, or his or her  
151 designee, may inspect and investigate the books, records,  
152 papers, documents, data, operation, and physical location of any  
153 public agency in this state, including any confidential  
154 information, and the public records of any entity that has  
155 received direct appropriations. The Florida Integrity Officer  
156 may agree to retain the confidentiality of confidential  
157 information pursuant to s. 11.0431(2) (a).

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158        (b) Upon the request of the Florida Integrity Officer, the  
159 Legislative Auditing Committee or any other committee of the  
160 Legislature may issue subpoenas and subpoenas duces tecum, as  
161 provided in s. 11.143, to compel testimony or the production of  
162 evidence when deemed necessary to an investigation authorized by  
163 this section. Consistent with s. 11.143, such subpoenas and  
164 subpoenas duces tecum may be issued as provided by applicable  
165 legislative rules or, in the absence of applicable legislative  
166 rules, by the chair of the Legislative Auditing Committee with  
167 the approval of the Legislative Auditing Committee and the  
168 President of the Senate and the Speaker of the House of  
169 Representatives, or with the approval of the President of the  
170 Senate or the Speaker of the House of Representatives if such  
171 officer alone designated the Legislative Auditing Committee as  
172 defined in s. 1.01.

173        (c) If a witness fails or refuses to comply with a lawful  
174 subpoena or subpoena duces tecum issued pursuant to this  
175 subsection at a time when the Legislature is not in session, the  
176 subpoena or subpoena duces tecum may be enforced as provided in  
177 s. 11.143 and, in addition, the Auditor General, on behalf of  
178 the committee issuing the subpoena or subpoena duces tecum, may  
179 file a complaint before any circuit court of the state to  
180 enforce the subpoena or subpoena duces tecum. Upon the filing of  
181 such complaint, the court shall take jurisdiction of the witness  
182 and the subject matter of the complaint and shall direct the

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183 witness to respond to all lawful questions and to produce all  
184 documentary evidence in the possession of the witness which is  
185 lawfully demanded. The failure of a witness to comply with such  
186 order constitutes a direct and criminal contempt of court, and  
187 the court shall punish the witness accordingly.

188 (d) When the Legislature is in session, upon the request  
189 of the Florida Integrity Officer directed to the committee  
190 issuing the subpoena or subpoena duces tecum, either house of  
191 the Legislature may seek compliance with the subpoena or  
192 subpoena duces tecum in accordance with the State Constitution,  
193 general law, the joint rules of the Legislature, or the rules of  
194 the house of the Legislature whose committee issued the subpoena  
195 or subpoena duces tecum.

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

198 (10) (a) Beginning with the 2021-2022 fiscal year, the  
199 Auditor General and the Florida Integrity Officer, within  
200 available resources, shall randomly select and review  
201 appropriations projects appropriated in the prior fiscal year  
202 and, if appropriate, investigate and recommend an audit of such  
203 projects. The review, investigation, or audit may be delayed on  
204 a selected project until a subsequent year if the timeline of  
205 the project warrants such delay. Each review, investigation, or  
206 audit must include, but is not limited to, evaluating whether  
207 the recipient of the appropriations project administered the

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208 project in an efficient and effective manner. When an audit is  
209 recommended by the Florida Integrity Officer under this  
210 subsection, the Auditor General shall determine whether the  
211 audit is appropriate.

212 (b) Beginning with the 2021-2022 fiscal year, the Auditor  
213 General and the Florida Integrity Officer, within available  
214 resources, shall select and review, investigate, or audit the  
215 financial activities of any political subdivision, special  
216 district, public authority, public hospital, state or local  
217 council or commission, unit of local government, or public  
218 education entity in this state, as well as any authority,  
219 council, commission, direct-support organization, institution,  
220 foundation, or similar entity created by law or ordinance to  
221 pursue a public purpose, entitled by law or ordinance to any  
222 distribution of tax or fee revenues, or organized for the sole  
223 purpose of supporting one of the public entities listed in this  
224 paragraph.

225 Section 4. Paragraphs (i) through (m) of subsection (1) of  
226 section 11.45, Florida Statutes, are redesignated as paragraphs  
227 (j) through (n), respectively, paragraphs (a) and (e) of  
228 subsection (1), paragraph (f) of subsection (2), and paragraph  
229 (j) of subsection (7) are amended, and a new paragraph (i) is  
230 added to subsection (1) of that section, to read:

231 11.45 Definitions; duties; authorities; reports; rules.—

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

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233 (a) "Abuse" means behavior that is deficient or improper  
234 when compared with behavior that a prudent person would consider  
235 a reasonable and necessary operational practice given the facts  
236 and circumstances. The term includes the misuse of authority or  
237 position for personal gain or for the gain of an immediate or  
238 close family member or business associate.

239 (e) "Fraud" means obtaining something of value through  
240 willful misrepresentation, including, but not limited to,  
241 intentional misstatements or intentional omissions of amounts or  
242 disclosures in financial statements to deceive users of  
243 financial statements, theft of an entity's assets, bribery, or  
244 the use of one's position for personal enrichment through the  
245 deliberate misuse or misapplication of an entity's  
246 organization's resources.

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

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

250 (f) At least every 3 years, conduct operational audits of  
251 the accounts and records of state agencies, state universities,  
252 state colleges, district school boards, the Florida Clerks of  
253 Court Operations Corporation, water management districts, and  
254 the Florida School for the Deaf and the Blind. At the conclusion  
255 of each 3-year cycle, the Auditor General shall publish a report  
256 consolidating common operational audit findings for all state

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257 agencies, state universities, state colleges, and district  
258 school boards.

259

260 The Auditor General shall perform his or her duties  
261 independently but under the general policies established by the  
262 Legislative Auditing Committee. This subsection does not limit  
263 the Auditor General's discretionary authority to conduct other  
264 audits or engagements of governmental entities as authorized in  
265 subsection (3).

266 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

267 (j) The Auditor General shall notify the Legislative  
268 Auditing Committee of any financial or operational audit report  
269 prepared pursuant to this section which indicates that a  
270 district school board, state university, or Florida College  
271 System institution has failed to take full corrective action in  
272 response to a recommendation that was included in the two  
273 preceding financial ~~or operational~~ audit reports or a preceding  
274 operational audit report.

275 1. The committee may direct the district school board or  
276 the governing body of the state university or Florida College  
277 System institution to provide a written statement to the  
278 committee explaining why full corrective action has not been  
279 taken or, if the governing body intends to take full corrective  
280 action, describing the corrective action to be taken and when it  
281 will occur.

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282           2. If the committee determines that the written statement  
283 is not sufficient, the committee may require the chair of the  
284 district school board or the chair of the governing body of the  
285 state university or Florida College System institution, or the  
286 chair's designee, to appear before the committee.

287           3. If the committee determines that the district school  
288 board, state university, or Florida College System institution  
289 has failed to take full corrective action for which there is no  
290 justifiable reason or has failed to comply with committee  
291 requests made pursuant to this section, the committee shall  
292 refer the matter to the State Board of Education or the Board of  
293 Governors, as appropriate, to proceed in accordance with s.  
294 1008.32 or s. 1008.322, respectively.

295           Section 5. Subsections (1) through (5) of section 14.32,  
296 Florida Statutes, are renumbered as subsections (2) through (6),  
297 respectively, and new subsections (1) and (7) are added to that  
298 section to read:

299           14.32 Office of Chief Inspector General.—

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

301           (a) "Abuse" means behavior that is deficient or improper  
302 when compared with behavior that a prudent person would consider  
303 a reasonable and necessary operational practice given the facts  
304 and circumstances. The term includes the misuse of authority or  
305 position for personal gain or for the benefit of another.

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306 (b) "Fraud" means obtaining something of value through  
307 willful misrepresentation, including, but not limited to, the  
308 intentional misstatements or intentional omissions of amounts or  
309 disclosures in financial statements to deceive users of  
310 financial statements, theft of an entity's assets, bribery, or  
311 the use of one's position for personal enrichment through the  
312 deliberate misuse or misapplication of an entity's resources.

313 (c) "Independent contractor" has the same meaning as in s.  
314 112.3187(3) (d) .

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

317 (e) "Waste" means the act of using or expending resources  
318 unreasonably, carelessly, extravagantly, or for no useful  
319 purpose.

320 (7) (a) Within 6 months after the initiation of an  
321 investigation of fraud, waste, abuse, mismanagement, or  
322 misconduct in government, the Chief Inspector General or an  
323 agency inspector general must determine whether there is  
324 reasonable probability that fraud, waste, abuse, mismanagement,  
325 or misconduct in government has occurred. If there has not been  
326 a determination of such reasonable probability and the  
327 investigation continues, a new determination must be made every  
328 3 months until the investigation is closed or such reasonable  
329 probability is found to exist.

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330 (b) If the Chief Inspector General or an agency inspector  
331 general determines that there is reasonable probability that a  
332 public official, independent contractor, or agency has committed  
333 fraud, waste, abuse, mismanagement, or misconduct in government,  
334 the inspector general shall report such determination to the  
335 Florida Integrity Officer.

336 (c) If the findings of an investigation conducted pursuant  
337 to this subsection conclude that a public official, independent  
338 contractor, or agency has committed fraud, waste, abuse,  
339 mismanagement, or misconduct in government, the Chief Inspector  
340 General or agency inspector general shall report such findings  
341 to the Chief Financial Officer within 30 days after the  
342 investigation is closed. Such public official, independent  
343 contractor, or person responsible within the agency is  
344 personally liable for repayment of the funds that were diverted  
345 or lost as a result of the fraud, waste, abuse, mismanagement,  
346 or misconduct in government. If the person liable fails to repay  
347 such funds voluntarily and the state does not agree to a  
348 settlement, the Chief Financial Officer shall bring a civil  
349 action to recover the funds within 60 days after receipt of such  
350 findings.

351 Section 6. Section 17.04, Florida Statutes, is amended to  
352 read:

353 17.04 To audit and adjust accounts of officers and those  
354 indebted to the state.—The Chief Financial Officer, using

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355 generally accepted auditing procedures for testing or sampling,  
356 shall examine, audit, adjust, and settle the accounts of all the  
357 officers of this state, and any other person in anywise  
358 entrusted with, or who may have received any property, funds, or  
359 moneys of this state, or who may be in anywise indebted or  
360 accountable to this state for any property, funds, or moneys,  
361 and require such officer or persons to render full accounts  
362 thereof, and to yield up such property or funds according to  
363 law, or pay such moneys into the treasury of this state, or to  
364 such officer or agent of the state as may be appointed to  
365 receive the same, and on failure so to do, to cause to be  
366 instituted and prosecuted proceedings, criminal or civil, at law  
367 or in equity, against such persons, according to law. The Chief  
368 Financial Officer may conduct investigations within or outside  
369 of this state as it deems necessary to aid in the enforcement of  
370 this section. The Chief Financial Officer may commence an  
371 investigation pursuant to this section based on a complaint or  
372 referral from any source. An employee of a state agency or a  
373 state contractor having knowledge of suspected misuse of state  
374 funds may report such information to the Chief Financial  
375 Officer. If during an investigation the Chief Financial Officer  
376 has reason to believe that any criminal statute of this state  
377 has or may have been violated, the Chief Financial Officer shall  
378 refer any records tending to show such violation to state or

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379 federal law enforcement or prosecutorial agencies and shall  
380 provide investigative assistance to those agencies as required.

381 Section 7. Subsections (4) and (5) of section 17.325,  
382 Florida Statutes, are renumbered as subsections (5) and (6),  
383 respectively, and a new subsection (4) is added to that section  
384 to read:

385 17.325 Governmental efficiency hotline; duties of Chief  
386 Financial Officer.—

387 (4) A copy of each suggestion or item of information  
388 received through the hotline or website that is logged pursuant  
389 to this section must be reported to the Florida Integrity  
390 Officer by the 15th of the month following receipt of the  
391 suggestion or item of information.

392 Section 8. Paragraph (g) is added to subsection (7) of  
393 section 20.055, Florida Statutes, to read:

394 20.055 Agency inspectors general.—

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

402 (g) Make determinations and reports as required by s.  
403 14.32(7).

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404 Section 9. Paragraphs (a) and (b) of subsection (1) and  
405 subsection (2) of section 110.1245, Florida Statutes, are  
406 amended, and subsections (6) and (7) are added to that section,  
407 to read:

408 110.1245 Savings sharing program; bonus payments; other  
409 awards.—

410 (1) (a) The Department of Management Services shall adopt  
411 rules that prescribe procedures and promote a savings sharing  
412 program for an individual or group of employees who propose  
413 procedures or ideas that are adopted and that result in  
414 eliminating or reducing state expenditures, including employees  
415 reporting under the Whistle-blower's Act, if such proposals are  
416 placed in effect and may be implemented under current statutory  
417 authority.

418 (b) Each agency head shall recommend employees  
419 individually or by group to be awarded an amount of money, which  
420 amount shall be directly related to the cost savings realized.  
421 Each proposed award and amount of money must be approved by the  
422 Legislative Budget Commission, except an award issued under  
423 subsection (6).

424 (2) In June of each year, bonuses shall be paid to  
425 employees from funds authorized by the Legislature in an  
426 appropriation specifically for bonuses. For purposes of this  
427 subsection, awards issued under subsection (6) are not  
428 considered bonuses. Each agency shall develop a plan for

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429 awarding lump-sum bonuses, which plan shall be submitted no  
430 later than September 15 of each year and approved by the Office  
431 of Policy and Budget in the Executive Office of the Governor.  
432 Such plan shall include, at a minimum, but is not limited to:

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

435 (b) Eligibility criteria as follows:

436 1. The employee must have been employed before ~~prior to~~  
437 July 1 of that fiscal year and have been continuously employed  
438 through the date of distribution.

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

441 3. The employee must have had no sustained disciplinary  
442 action during the period beginning July 1 through the date the  
443 bonus checks are distributed. Disciplinary actions include  
444 written reprimands, suspensions, dismissals, and involuntary or  
445 voluntary demotions that were associated with a disciplinary  
446 action.

447 4. The employee must have demonstrated a commitment to the  
448 agency mission by reducing the burden on those served,  
449 continually improving the way business is conducted, producing  
450 results in the form of increased outputs, and working to improve  
451 processes.

452 5. The employee must have demonstrated initiative in work  
453 and have exceeded normal job expectations.

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

457           (c) A periodic evaluation process of the employee's  
458 performance.

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

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

463           (f) A limitation on bonus distributions equal to 35  
464 percent of the agency's total authorized positions. This  
465 requirement may be waived by the Office of Policy and Budget in  
466 the Executive Office of the Governor upon a showing of  
467 exceptional circumstances.

468           (6) Each agency inspector general shall report employees  
469 whose reports under the Whistle-blower's Act resulted in savings  
470 or recovery of public funds in excess of \$1,000. Awards shall be  
471 awarded by each agency to the employee, or his or her designee,  
472 whose report led to the savings or recovery, and each agency  
473 head is authorized to incur expenditures to provide such awards.  
474 The award shall be paid from the specific appropriation or trust  
475 fund from which the savings or recovery resulted, unless  
476 otherwise prohibited by federal law. The agency inspector  
477 general to whom the report was made or referred shall certify  
478 the savings or recovery resulting from the investigation. If

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479 more than one employee makes a relevant report, the award shall  
480 be shared in proportion to each employee's contribution to the  
481 investigation as certified by the agency inspector general.

482 Awards shall be made in the following amounts:

483 (a) A career service employee shall receive 10 percent of  
484 the savings or recovery certified, but not less than \$500 and  
485 not more than a total of \$50,000 for whistle-blower reports in  
486 any 1 year. If the employee had any fault for the misspending or  
487 attempted misspending of public funds identified in the  
488 investigation that resulted in the savings or recovery, the  
489 award may be denied at the discretion of the agency head. If the  
490 award is not denied by the agency head, the award may not exceed  
491 \$500. The agency inspector general shall certify any fault on  
492 the part of the employee.

493 (b) A Senior Management Service employee or an employee in  
494 a select exempt position shall receive 5 percent of the savings  
495 or recovery certified, but not more than a total of \$1,000 for  
496 whistle-blower reports in any 1 year. An employee may not  
497 receive an award under this paragraph if he or she had any fault  
498 for the misspending or attempted misspending of public funds  
499 identified in the investigation that resulted in the savings or  
500 recovery. The agency inspector general shall certify any fault  
501 on the part of the employee.

502 (7) Notwithstanding any other provision of law, an  
503 employee whose name or identity is confidential or exempt from

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504 disclosure under state or federal law may participate in the  
505 savings sharing program authorized in this section. To maintain  
506 confidentiality, upon notice of eligibility for an award, such  
507 employee may designate an authorized agent, trustee, or  
508 custodian to accept an award for which the employee is eligible  
509 on behalf of the employee.

510 Section 10. Section 216.1366, Florida Statutes, is created  
511 to read:

512 216.1366 Contract terms.—

513 (1) In order to preserve the interest of the state in the  
514 prudent expenditure of state funds, each public agency contract  
515 for services entered into or amended on or after July 1, 2020,  
516 shall authorize the public agency to inspect the:

517 (a) Financial records, papers, and documents of the  
518 contractor directly related to the execution of the contract or  
519 the expenditure of state funds; and

520 (b) Programmatic records, papers, and documents of the  
521 contractor that are necessary to monitor the performance of the  
522 contract or ensure that the terms of the contract are being met,  
523 as determined by the public agency.

524 (2) The contract shall require the contractor to provide  
525 any such records, papers, and documents requested by the public  
526 agency within 10 business days after such request.

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527 Section 11. Paragraph (e) of subsection (3) of section  
528 287.057, Florida Statutes, is amended, and subsection (24) is  
529 added to that section, to read:

530 287.057 Procurement of commodities or contractual  
531 services.—

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

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

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

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

550 3. Lectures by individuals.

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551 4. Legal services, including attorney, paralegal, expert  
552 witness, appraisal, or mediator services.

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

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

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

575 8. Family placement services.

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

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

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

585 12. Services or commodities provided by governmental  
586 entities.

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

591 (24) Notwithstanding any other provision of law, a state  
592 employee who is registered to lobby the Legislature, other than  
593 an agency head, may not participate in the negotiation or award  
594 of any contract required or expressly funded under a specific  
595 legislative appropriation or proviso in an appropriation act.  
596 This subsection does not apply to a state employee who is:

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

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

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

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601 Section 12. Section 288.00001, Florida Statutes, is  
602 created to read:

603 288.00001 Use of state or local incentive funds to pay for  
604 services.—Notwithstanding any other provision of law, a tax  
605 incentive may not be awarded or paid to a state contractor or  
606 any subcontractor for services provided or expenditures incurred  
607 pursuant to a state contract.

608 Section 13. Paragraph (e) of subsection (4) of section  
609 1001.20, Florida Statutes, is amended to read:

610 1001.20 Department under direction of state board.—

611 (4) The Department of Education shall establish the  
612 following offices within the Office of the Commissioner of  
613 Education which shall coordinate their activities with all other  
614 divisions and offices:

615 (e) Office of Inspector General.—Organized using existing  
616 resources and funds and responsible for promoting  
617 accountability, efficiency, and effectiveness and detecting  
618 fraud and abuse within school districts, the Florida School for  
619 the Deaf and the Blind, and Florida College System institutions  
620 in Florida. If the Commissioner of Education determines that a  
621 district school board, the Board of Trustees for the Florida  
622 School for the Deaf and the Blind, or a Florida College System  
623 institution board of trustees is unwilling or unable to address  
624 substantiated allegations made by any person relating to waste,  
625 fraud, abuse, or financial mismanagement within the school

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626 district, the Florida School for the Deaf and the Blind, or the  
 627 Florida College System institution, the office shall conduct,  
 628 coordinate, or request investigations into such substantiated  
 629 allegations. The office shall investigate allegations or reports  
 630 of possible waste, fraud, ~~or~~ abuse, or mismanagement against a  
 631 district school board or Florida College System institution made  
 632 by any member of the Cabinet, † the presiding officer of either  
 633 house of the Legislature, † a chair of a substantive or  
 634 appropriations legislative committee with jurisdiction, † or a  
 635 member of the board for which an investigation is sought. The  
 636 office shall have access to all information and personnel  
 637 necessary to perform its duties and shall have all of its  
 638 current powers, duties, and responsibilities authorized in s.  
 639 20.055.

640 Section 14. The Office of the Auditor General is  
 641 authorized to use carryforward funds to fund the establishment  
 642 and operations of the Florida Integrity Office as created by  
 643 this act.

644  
 645 -----

646 **T I T L E A M E N D M E N T**

647 Remove lines 2-24 and insert:  
 648 An act relating to government accountability;  
 649 providing a directive to the Division of Law Revision  
 650 to create part IX of ch. 112, F.S.; creating s.

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651 112.89, F.S.; providing legislative findings and  
652 purpose; defining terms; establishing standards for  
653 the fiduciary duty of care for appointed public  
654 officials and executive officers of specified  
655 governmental entities; providing such duties of care  
656 do not create a cause of action against an executive  
657 officer, an appointed public official or a  
658 governmental entity; specifying requirements for the  
659 appointment of executive officers and general counsels  
660 of governmental entities; specifying standards for  
661 legal counsel; creating s. 11.421, F.S.; creating the  
662 Florida Integrity Office under the Auditor General;  
663 providing definitions; providing duties and powers of  
664 the Florida Integrity Officer and the Auditor General;  
665 amending s. 11.45, F.S.; providing a definition;  
666 providing and revising Auditor General reporting  
667 requirements; amending s. 14.32, F.S.; providing  
668 definitions; providing investigative duties of the  
669 Chief Inspector General and agency inspectors general;  
670 requiring such inspectors general to provide a report  
671 to the Chief Financial Officer within a specified  
672 timeframe in certain circumstances; providing  
673 liability for certain officials, contractors, and  
674 persons in certain circumstances; amending s. 17.04,  
675 F.S.; authorizing the Chief Financial Officer to

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676 commence an investigation based on certain complaints  
677 or referrals; authorizing state agency employees and  
678 state contractors to report certain information to the  
679 Chief Financial Officer; amending s. 17.325, F.S.;  
680 requiring certain records to be sent to the Florida  
681 Integrity Officer within a specified timeframe;  
682 amending s. 20.055, F.S.; requiring agency inspectors  
683 general to make certain determinations and reports;  
684 amending s. 110.1245, F.S.; providing requirements for  
685 awards given to employees who report under the  
686 Whistle-blower's Act; authorizing expenditures for  
687 such awards; creating s. 216.1366, F.S.; providing  
688 requirements for certain public agency contracts;  
689 amending s. 287.057, F.S.; revising provisions  
690 relating to contractual services and commodities that  
691 are not subject to competitive-solicitation  
692 requirements; prohibiting certain state employees from  
693 participating in the negotiation or award of state  
694 contracts; creating s. 288.00001, F.S.; prohibiting  
695 tax incentives from being awarded or paid to a state  
696 contractor or subcontractor; amending s. 1001.20,  
697 F.S.; requiring the Office of Inspector General of the  
698 Department of Education to conduct investigations  
699 relating to waste, fraud, abuse, or mismanagement  
700 against a district school board or Florida College

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701 System institution; authorizing the Office of Auditor  
702 General to use carryforward funds to fund the Florida  
703 Integrity Office; providing an effective date.

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