

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 to
29 | provide such awards; authorizing an employee to
30 | designate an authorized agent, trustee, or custodian
31 | to accept such award on behalf of the employee;
32 | amending s. 216.1366, F.S.; revising requirements for
33 | certain public agency contracts; abrogating the
34 | scheduled expiration of provisions relating to
35 | requirements for certain public agency contracts;
36 | amending s. 287.057, F.S.; revising provisions
37 | relating to contractual services and commodities that
38 | are not subject to competitive-solicitation
39 | requirements; prohibiting certain state employees from
40 | participating in the negotiation or award of state
41 | contracts; providing exceptions; creating s.
42 | 288.00001, F.S.; prohibiting tax incentives from being
43 | awarded or paid to a state contractor or
44 | subcontractor; amending s. 1001.20, F.S.; requiring
45 | the Office of Inspector General of the Department of
46 | Education to conduct investigations relating to waste,
47 | fraud, abuse, or mismanagement against a district
48 | school board or Florida College System institution;
49 | authorizing the Office of the Auditor General to use
50 | carryforward funds to fund the Florida Integrity

51 Office; providing effective dates.

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 submitted
87 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(17).

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 2022-2023 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 2022-2023 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 to the
456 agency head employees whose reports under the Whistle-blower's
457 Act resulted in savings or recovery of public funds in excess of
458 \$1,000. Awards shall be awarded by each agency to the employee,
459 or his or her designee, whose report led to the savings or
460 recovery, and each agency head is authorized to incur
461 expenditures to provide such awards. The award shall be paid
462 from the specific appropriation or trust fund from which the
463 savings or recovery resulted, unless otherwise prohibited by
464 federal law. The agency inspector general to whom the report was
465 made or referred shall certify the savings or recovery resulting
466 from the investigation. If more than one employee makes a
467 relevant report, the award shall be shared in proportion to each
468 employee's contribution to the investigation as certified by the
469 agency inspector general. Awards shall be made in the following
470 amounts:

471 (a) A career service employee shall receive 10 percent of
472 the savings or recovery certified, but not less than \$500 and
473 not more than a total of \$50,000 for whistle-blower reports in
474 any 1 year. If the employee had any fault for the misspending or
475 attempted misspending of public funds identified in the
476 investigation that resulted in the savings or recovery, the
477 award may be denied at the discretion of the agency head. If the
478 award is not denied by the agency head, the award may not exceed
479 \$500. The agency inspector general shall certify any fault on
480 the part of the employee.

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

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

496 custodian to accept an award for which the employee is eligible
497 on behalf of the employee.

498 Section 8. Effective June 30, 2021, section 216.1366,
499 Florida Statutes, is amended to read:

500 216.1366 Contract terms.—

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

505 (a) Financial records, papers, and documents of the
506 contractor that are directly related to the execution
507 ~~performance~~ of the contract or the expenditure of state funds.

508 (b) Programmatic records, papers, and documents of the
509 contractor that ~~which the public agency determines~~ are necessary
510 to monitor the performance of the contract or to ensure that the
511 terms of the contract are being met, as determined by the public
512 agency.

513 (2) The contract shall require the contractor to provide
514 such records, papers, and documents requested by the public
515 agency within 10 business days after the request is made.

516 ~~(3) This section expires July 1, 2021.~~

517 Section 9. Paragraph (e) of subsection (3) of section
518 287.057, Florida Statutes, is amended, and subsection (24) is
519 added to that section, to read:

520 287.057 Procurement of commodities or contractual
521 services.—

522 (3) If the purchase price of commodities or contractual
523 services exceeds the threshold amount provided in s. 287.017 for
524 CATEGORY TWO, purchase of commodities or contractual services
525 may not be made without receiving competitive sealed bids,
526 competitive sealed proposals, or competitive sealed replies
527 unless:

528 (e) The following contractual services and commodities are
529 not subject to the competitive-solicitation requirements of this
530 section:

531 1. Artistic services. As used in this subsection, the term
532 "artistic services" does not include advertising or typesetting.
533 As used in this subparagraph, the term "advertising" means the
534 making of a representation in any form in connection with a
535 trade, business, craft, or profession in order to promote the
536 supply of commodities or services by the person promoting the
537 commodities or contractual services.

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

540 3. Lectures by individuals.

541 4. Legal services, including attorney, paralegal, expert
542 witness, appraisal, or mediator services.

543 5. Health services involving examination, diagnosis,
544 treatment, prevention, medical consultation, or administration.

545 The term also includes, but is not limited to, substance abuse
546 and mental health services involving examination, diagnosis,
547 treatment, prevention, or medical consultation if such services
548 are offered to eligible individuals participating in a specific
549 program that qualifies multiple providers and uses a standard
550 payment methodology. Reimbursement of administrative costs for
551 providers of services purchased in this manner are also exempt.
552 For purposes of this subparagraph, the term "providers" means
553 health professionals and health facilities, or organizations
554 that deliver or arrange for the delivery of health services.

555 6. Services provided to persons with mental or physical
556 disabilities by not-for-profit corporations that have obtained
557 exemptions under s. 501(c)(3) of the United States Internal
558 Revenue Code or when such services are governed by Office of
559 Management and Budget Circular A-122. However, in acquiring such
560 services, the agency shall consider the ability of the vendor,
561 past performance, willingness to meet time requirements, and
562 price.

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

565 8. Family placement services.

566 9. Prevention services related to mental health, including
567 drug abuse prevention programs, child abuse prevention programs,
568 and shelters for runaways, operated by not-for-profit
569 corporations. However, in acquiring such services, the agency

570 shall consider the ability of the vendor, past performance,
571 willingness to meet time requirements, and price.

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

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

575 12. Services or commodities provided by governmental
576 entities.

577 13. ~~Statewide~~ Public service announcement programs that
578 ~~provided by a Florida statewide nonprofit corporation under s.~~
579 ~~501(e)(6) of the Internal Revenue Code which~~ have a guaranteed
580 documented match of at least \$3 to \$1.

581 (24) Notwithstanding any other provision of law, a state
582 employee who is registered to lobby the Legislature, other than
583 an agency head, may not participate in the negotiation or award
584 of any contract required or expressly funded under a specific
585 legislative appropriation or proviso in an appropriation act.
586 This subsection does not apply to a state employee who is:

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

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

590 (c) Employed by the Office of Policy and Budget in the
591 Executive Office of the Governor.

592 Section 10. Section 288.00001, Florida Statutes, is
593 created to read:

594 288.00001 Use of state or local incentive funds to pay for
595 services.—Notwithstanding any other provision of law, a tax
596 incentive may not be awarded or paid to a state contractor or
597 any subcontractor for services provided or expenditures incurred
598 pursuant to a state contract.

599 Section 11. Paragraph (e) of subsection (4) of section
600 1001.20, Florida Statutes, is amended to read:

601 1001.20 Department under direction of state board.—

602 (4) The Department of Education shall establish the
603 following offices within the Office of the Commissioner of
604 Education which shall coordinate their activities with all other
605 divisions and offices:

606 (e) Office of Inspector General.—Organized using existing
607 resources and funds and responsible for promoting
608 accountability, efficiency, and effectiveness and detecting
609 fraud and abuse within school districts, the Florida School for
610 the Deaf and the Blind, and Florida College System institutions
611 in Florida. If the Commissioner of Education determines that a
612 district school board, the Board of Trustees for the Florida
613 School for the Deaf and the Blind, or a Florida College System
614 institution board of trustees is unwilling or unable to address
615 substantiated allegations made by any person relating to waste,
616 fraud, abuse, or financial mismanagement within the school
617 district, the Florida School for the Deaf and the Blind, or the
618 Florida College System institution, the office shall conduct,

619 coordinate, or request investigations into such substantiated
620 allegations. The office shall investigate allegations or reports
621 of possible waste, fraud, ~~or~~ abuse, or mismanagement against a
622 district school board or Florida College System institution made
623 by any member of the Cabinet, ~~†~~ the presiding officer of either
624 house of the Legislature, ~~†~~ a chair of a substantive or
625 appropriations legislative committee with jurisdiction, ~~†~~ or a
626 member of the board for which an investigation is sought. The
627 office shall have access to all information and personnel
628 necessary to perform its duties and shall have all of its
629 current powers, duties, and responsibilities authorized in s.
630 20.055.

631 Section 12. The Office of the Auditor General is
632 authorized to use carryforward funds to fund the establishment
633 and operations of the Florida Integrity Office as created by
634 this act.

635 Section 13. Except as otherwise expressly provided in this
636 act and except for this section, which shall take effect upon
637 this act becoming law, this act shall take effect July 1, 2021.