A bill to be entitled
An act relating to government integrity; creating s. 11.421, F.S.; creating the Florida Accountability Office under the Auditor General; providing definitions; providing duties and powers of the Florida Accountability Officer; amending s. 14.32, F.S.; providing definitions; providing investigative duties to the Chief Inspector General and agency inspectors general; requiring such inspectors general to provide a report to the Chief Financial Officer within a specified timeframe in certain circumstances; providing liability; amending s. 17.04, F.S.; authorizing the Chief Financial Officer to commence an investigation based on a complaint or referral from a state employee; amending s. 17.325, F.S.; requiring certain records to be sent to the Florida Accountability Officer within a specified timeframe; amending s. 20.055, F.S.; requiring agency inspectors general to make certain determinations and reports; amending s. 110.1245, F.S.; providing requirements for awards given to employees who make a report under the Whistle-blower's Act; authorizing expenditures for such awards; amending s. 112.3187, F.S.; revising the definition of the term "gross mismanagement" and revising terminology; conforming provisions to changes
made by the act; creating s. 286.31, F.S.; requiring certain claims for legal fees to be documented with reasonable particularity of the services provided; amending s. 287.057, F.S.; requiring certain state contracts to include a good faith estimate of gross profit; requiring a determination of reasonableness; prohibiting certain state employees from participating in the negotiation or award of state contracts; providing definitions; revising the list of contractual services and commodities that are not subject to competitive-solicitation requirements; creating s. 288.00001, F.S.; prohibiting tax incentive funds from being paid to a state contractor or subcontractor; amending s. 1001.42, F.S.; providing that an individual school board member shall receive certain documents upon request; requiring certain school districts to employ an internal auditor; providing the duties of such internal auditor; amending ss. 112.3188, 112.3189, and 112.31895, F.S.; conforming provisions to changes made by the act; authorizing the Office of the Auditor General to use carryforward funds to fund the Florida Accountability Office; providing an effective date.

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

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CODING: Words stricken are deletions; words underlined are additions.
Section 1. Section 11.421, Florida Statutes, is created to read:

11.421 Florida Accountability Office.—

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

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

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

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

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

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

1. Specifically authorized by statute;
2. That is part of a statewide distribution to local governments;
3. Recommended by a commission, council, or other similar entity created in statute to make annual funding recommendations, provided that such appropriation does not exceed the amount of funding recommended by the commission, council, or other similar entity;
4. For a specific transportation facility that is part of the Department of Transportation's 5-year work program submitted pursuant to s. 339.135;
5. For an education fixed capital outlay project that is submitted pursuant to s. 1013.60 or s. 1013.64; or
6. For a specified program, research initiative, institute, center, or similar entity at a specific state college or university recommended by the Board of Governors or the State Board of Education in its Legislative Budget Request.

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

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

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

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

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

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

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

(a) The President of the Senate.

(b) The Speaker of the House of Representatives.

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

(d) The Auditor General.

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

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

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

(8)(a) The Florida Accountability Officer, or his or her designee, may investigate the books, records, papers, documents, data, operation, and physical location of any public agency in this state, including any confidential information, and the public records of any entity that has received public funds.

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

(c) If a witness fails or refuses to comply with a lawful subpoena or subpoena duces tecum issued pursuant to this subsection at a time when the Legislature is not in session, the Florida Accountability Officer may file a complaint before any circuit court of the state to enforce the subpoena or subpoena duces tecum. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness which is lawfully demanded. The failure of a witness to comply with such order constitutes a direct and criminal contempt of court, and the court shall punish the witness accordingly.

(d) When the Legislature is in session, upon the request of the Florida Accountability Officer to the committee issuing the subpoena or subpoena duces tecum, either house of the Legislature may seek compliance with the subpoena and subpoena duces tecum in accordance with the state constitution, general law, the joint rules of the Legislature, or the rules of the house issuing the subpoena.

(9) The Florida Accountability Officer shall receive copies of all reports required by ss. 14.32, 17.325, and 20.055.
(10)(a) Beginning with the 2019-2020 fiscal year, the Auditor General and the Florida Accountability Officer, within available resources, shall randomly select and review appropriations projects appropriated in the prior fiscal year and, if appropriate, investigate and recommend an audit of such projects. The review, investigation, or audit may be delayed on a selected project until a subsequent year if the timeline of the project warrants such a delay. Each investigation or audit must include, but is not limited to, evaluating whether the recipient of the appropriations project administered the project in an efficient and effective manner. When an audit is recommended by the Florida Accountability Officer under this subsection, the Auditor General shall determine whether the audit is appropriate.

(b) Beginning with the 2019-2020 fiscal year, the Auditor General and the Florida Accountability Officer, within available resources, shall select and review, audit, or investigate the financial activities of political subdivisions, special districts, public authorities, public hospitals, state and local councils or commissions, units of local government, or public education entities in this state; as well as any authorities, councils, commissions, direct-support organizations, institutions, foundations, or similar entities created by law or ordinance to pursue a public purpose, entitled by law or ordinance to any distribution of tax or fee revenues, or
organized for the sole purpose of supporting one of the public entities listed in this paragraph.

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

14.32 Office of Chief Inspector General.—

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

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

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

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

(d) "Misconduct" means conduct which, though not illegal, is inappropriate for a person in his or her specified position.
(e) "Mismanagement" has the same meaning as in s. 112.3187.

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

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

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

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

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

17.04 To audit and adjust accounts of officers and those indebted to the state.—The Chief Financial Officer, using generally accepted auditing procedures for testing or sampling, shall examine, audit, adjust, and settle the accounts of all the officers of this state, and any other person in anywise entrusted with, or who may have received any property, funds, or
moneys of this state, or who may be in anywise indebted or accountable to this state for any property, funds, or moneys, and require such officer or persons to render full accounts thereof, and to yield up such property or funds according to law, or pay such moneys into the treasury of this state, or to such officer or agent of the state as may be appointed to receive the same, and on failure so to do, to cause to be instituted and prosecuted proceedings, criminal or civil, at law or in equity, against such persons, according to law. The Chief Financial Officer may conduct investigations within or outside of this state as it deems necessary to aid in the enforcement of this section. The Chief Financial Officer may commence an investigation pursuant to this section based on a complaint or referral from any source. An employee of a state agency or a state contractor having knowledge of suspected misuse of state funds may report such information to the Chief Financial Officer. If during an investigation the Chief Financial Officer has reason to believe that any criminal statute of this state has or may have been violated, the Chief Financial Officer shall refer any records tending to show such violation to state or federal law enforcement or prosecutorial agencies and shall provide investigative assistance to those agencies as required.

Section 4. Subsections (4) and (5) of section 17.325, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section,
17.325  Governmental efficiency hotline; duties of Chief Financial Officer.—

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

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

20.055  Agency inspectors general.—

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

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

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

110.1245  Savings sharing program; bonus payments; other
(1)(a) The Department of Management Services shall adopt rules that prescribe procedures and promote a savings sharing program for an individual or group of employees who propose procedures or ideas that are adopted and that result in eliminating or reducing state expenditures, including employees reporting under the Whistle-blower's Act, if such proposals are placed in effect and may be implemented under current statutory authority.

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

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

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

(b) Eligibility criteria as follows:

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

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

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

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

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

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

(c) A periodic evaluation process of the employee's performance.
(d) A process for peer input that is fair, respectful of employees, and affects the outcome of the bonus distribution.

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

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

(6) Each agency inspector general shall report employees whose reports under the Whistle-blower's Act resulted in savings or recovery of public funds in excess of $1,000 to the agency head. Whistle-blower awards shall be awarded by each agency, and each agency head is authorized to incur expenditures to provide such awards. The award shall be paid from the specific appropriation or trust fund from which the savings or recovery resulted. The agency inspector general to whom the whistle-blower report was made or referred shall certify the identity of the employee and, along with the agency head or his or her designee, the savings or recovery resulting from the investigation. If more than one employee makes a relevant report, the award shall be shared in proportion to each employee's contribution to the investigation as certified by the agency inspector general. Whistle-blower awards shall be made in the following amounts:
(a) A career service employee shall receive 10 percent of the savings or recovery certified, but not less than $500 and not more than a total of $50,000 for whistle-blower reports in any 1 year. If the employee had any fault for the misspending or attempted misspending of public funds identified in the investigation that resulted in the savings, the award may be denied at the discretion of the agency head. If the award is not denied by the agency head, the award may not exceed $500. The agency inspector general shall certify any fault on the part of the employee.

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

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

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—
(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

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

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

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

(b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.
Section 8. Subsection (1) of section 112.3188, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

(4) If the Chief Inspector General or agency inspector

general under subsection (3) determines that the information disclosed is not the type of information described in s. 112.3187(5), or that the source of the information is not a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, or that the information disclosed does not demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general shall notify the complainant of such fact and copy and return, upon request of the complainant, any documents and other materials that were provided by the complainant.

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor...
contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

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

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

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

4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 110.
5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.

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

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

112.31895 Investigative procedures in response to prohibited personnel actions.—

(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

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

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

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

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

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

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

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

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

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

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

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

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

286.31 Use of state or local funds to pay legal fees.—Notwithstanding any other provision of law, a claim for legal fees under any provision of law to be compensated, credited, or approved, in whole or in part, by any state or local agency shall be documented with reasonable particularity of the services provided, including for each date services were rendered, an itemization of each task performed and the time expended on each task.

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

287.057 Procurement of commodities or contractual services.—

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

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

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

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

3. Lectures by individuals.

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

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

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

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

8. Family placement services.

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

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

11. Contracts entered into pursuant to s. 337.11.

12. Services or commodities provided by governmental entities.

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

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

(24)(a) For any contract in excess of $50,000 that is awarded through an invitation to negotiate or awarded without competitive solicitation under paragraph (3)(c) or paragraph (3)(e) or subsection (10), the proposal, offer, or response of the contractor must include a good faith estimate of gross profit for each year of the proposed contract, including renewal years. If, in determining the good faith estimate of gross profit, the contractor includes the cost of products or services expected to be provided by a participant closely associated with the contractor, the contractor must also identify such participant, describe the association, and provide a good faith estimate of gross profit for such participant for each year of the contract, which must be attested to by an authorized representative of the participant. The agency must, before
awarding the contract, make a written determination that the estimated gross profit is not excessive and specify the reasons for such determination. Notwithstanding any provision of the contract, a contractor is liable to the agency for three times the amount or value of any misrepresentation of estimated gross profit as liquidated damages for such misrepresentation.

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

1. "Closely associated with the contractor" means the contractor, a principal of the contractor, or a family member or business associate of a principal of the contractor is a principal of the participant. "Principal" means a person who owns at least 5 percent interest in the business or entity or is a manager of the business or entity. "Business associate" means a person or entity with whom a principal of the contractor has substantial investment, employment, or partnership interests.

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

3. "Participant" means a person or entity with whom the contractor expects to subcontract for services or commodities in carrying out a contract with an agency.
(25) Notwithstanding any other provision of law, a state employee who is registered to lobby the Legislature, other than an agency head, may not participate in the negotiation or award of any contract required or expressly funded under a specific legislative appropriation or proviso in an appropriation act.

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

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

Section 14. Paragraphs (b) and (l) of subsection (12) of section 1001.42, Florida Statutes, are amended to read:

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

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

(b) Annual budget.—

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

2. If requested, an individual school board member shall receive any proposed, tentative, or official budget documents, including all supporting and background information.

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

   1. The internal auditor shall perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining:

   a. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.

   b. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

   c. The efficiency of operations.

   d. The reliability of financial records and reports.

   e. The safeguarding of assets.


   g. Projected revenues and expenditures.

   h. The rate of change in the general fund balance.
2. The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.

3. Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct an authorized audit or examination by the internal auditor is subject to the provisions of s. 11.47(3) and (4).

Section 15. The Office of the Auditor General is authorized to use carryforward funds to fund the establishment and operations of the Florida Accountability Office as created by this act.

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