

26 | certain timeframe; amending s. 20.055, F.S.; requiring
27 | agency inspectors general to make certain
28 | determinations and reports; amending s. 110.1245,
29 | F.S.; providing requirements for awards given to
30 | employees who report under the Whistle-blower's Act;
31 | providing that such awards are not bonuses and do not
32 | have to be approved by the Legislative Budget
33 | Commission; authorizing expenditures for such awards
34 | from certain funds; authorizing an award to be shared
35 | in proportion under certain circumstances; providing
36 | the amounts of such awards; authorizing an employee
37 | eligible for an award to maintain his or her
38 | confidentiality; amending ss. 112.3187, 112.3188,
39 | 112.3189, and 112.31895, F.S.; conforming provisions
40 | to changes made by the act; amending s. 287.057, F.S.;
41 | revising provisions relating to contractual services
42 | and commodities that are not subject to competitive-
43 | solicitation requirements; prohibiting certain
44 | employees from participating in the negotiation or
45 | award of certain state contracts; creating s.
46 | 288.00001, F.S.; prohibiting tax incentives from being
47 | awarded or paid to a state contractor or
48 | subcontractor; amending s. 1001.20, F.S.; requiring
49 | the Office of Inspector General of the Department of
50 | Education to conduct investigations relating to waste,

51 fraud, abuse, or financial mismanagement against a
 52 district school board, the Florida School for the Deaf
 53 and the Blind, or a Florida College System
 54 institution; providing an effective date.
 55

56 Be It Enacted by the Legislature of the State of Florida:
 57

58 Section 1. Paragraphs (a) and (e) of subsection (1),
 59 paragraph (f) of subsection (2), and paragraph (j) of subsection
 60 (7) of section 11.45, Florida Statutes, are amended to read:

61 11.45 Definitions; duties; authorities; reports; rules.—

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

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

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

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

77 (f) At least every 3 years, conduct operational audits of
 78 the accounts and records of state agencies, state universities,
 79 Florida College System institutions ~~state colleges~~, district
 80 school boards, the Florida Clerks of Court Operations
 81 Corporation, water management districts, and the Florida School
 82 for the Deaf and the Blind. At the end of each 3-year cycle, the
 83 Auditor General shall publish a report consolidating common
 84 operational audit findings for all state agencies, state
 85 universities, Florida College System institutions, and district
 86 school boards.

87
 88 The Auditor General shall perform his or her duties
 89 independently but under the general policies established by the
 90 Legislative Auditing Committee. This subsection does not limit
 91 the Auditor General's discretionary authority to conduct other
 92 audits or engagements of governmental entities as authorized in
 93 subsection (3).

94 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

95 (j) The Auditor General shall notify the Legislative
 96 Auditing Committee of any financial or operational audit report
 97 prepared pursuant to this section which indicates that a
 98 district school board, state university, or Florida College
 99 System institution has failed to take full corrective action in
 100 response to a recommendation that was included in the two

101 preceding financial ~~or operational~~ audit reports or the last
 102 preceding operational audit report.

103 1. The committee may direct the district school board or
 104 the governing body of the state university or Florida College
 105 System institution to provide a written statement to the
 106 committee explaining why full corrective action has not been
 107 taken or, if the governing body intends to take full corrective
 108 action, describing the corrective action to be taken and when it
 109 will occur.

110 2. If the committee determines that the written statement
 111 is not sufficient, the committee may require the chair of the
 112 district school board or the chair of the governing body of the
 113 state university or Florida College System institution, or the
 114 chair's designee, to appear before the committee.

115 3. If the committee determines that the district school
 116 board, state university, or Florida College System institution
 117 has failed to take full corrective action for which there is no
 118 justifiable reason or has failed to comply with committee
 119 requests made pursuant to this section, the committee shall
 120 refer the matter to the State Board of Education or the Board of
 121 Governors, as appropriate, to proceed in accordance with s.
 122 1008.32 or s. 1008.322, respectively.

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

126 section, to read:

127 14.32 Office of Chief Inspector General.—

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

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

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

141 (c) "Independent contractor" has the same meaning as in s.
 142 112.3187(3)(d).

143 (d) "Misconduct" means conduct that, though not illegal,
 144 is inappropriate for a person in his or her specified position.

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

148 (7)(a) Within 6 months after the initiation of an
 149 investigation of fraud, waste, abuse, mismanagement, or
 150 misconduct in government, the Chief Inspector General or an

151 agency inspector general must determine whether there is
152 reasonable probability that fraud, waste, abuse, mismanagement,
153 or misconduct in government has occurred. If there is no
154 determination of such reasonable probability and the
155 investigation continues, a new determination must be made every
156 3 months until the investigation is closed or such reasonable
157 probability is found to exist.

158 (b) If the Chief Inspector General or an agency inspector
159 general determines that there is reasonable probability that a
160 public official, independent contractor, or agency has committed
161 fraud, waste, abuse, mismanagement, or misconduct in government,
162 the inspector general shall report such determination to the
163 Legislative Auditing Committee.

164 (c) If the findings of an investigation conducted pursuant
165 to this subsection conclude that a public official, independent
166 contractor, or agency has committed fraud, waste, abuse,
167 mismanagement, or misconduct in government, the Chief Inspector
168 General or agency inspector general shall report such findings,
169 including the specific value of any loss resulting from the
170 fraud, waste, abuse, mismanagement, or misconduct, to the Chief
171 Financial Officer within 30 days after the investigation is
172 closed. A copy of the findings of the investigation must be
173 provided to the public official, independent contractor, or
174 person within the agency responsible for the fraud, waste,
175 abuse, mismanagement, or misconduct along with a notice of

176 liability. Such public official, independent contractor, or
177 person responsible within the agency is personally liable for
178 repayment of the funds that were diverted or lost as a result of
179 the fraud, waste, abuse, mismanagement, or misconduct in
180 government. The public official, independent contractor, or
181 person within the agency may challenge the notice of liability
182 by demanding a hearing under chapter 120 within 30 days after
183 receiving the notice of liability. A final order must be issued
184 determining the liability of the person and the amount that he
185 or she is liable for, if any, based on substantial evidence.
186 After the entry of a final order, the agency whose funds were
187 diverted or lost by the fraud, waste, abuse, mismanagement, or
188 misconduct must make a demand for recovery in the amount
189 specified in the final order. The agency may settle the claim
190 with the public official, independent contractor, or person
191 within the agency responsible if doing so is in the best
192 interests of the state. If the person liable fails to repay such
193 funds voluntarily and the agency does not agree to a settlement,
194 the Chief Financial Officer must bring a civil action to recover
195 the funds within 60 days after the notice of liability is
196 delivered or the final order is entered, whichever is later.

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

199 17.04 To audit and adjust accounts of officers and those
200 indebted to the state.—The Chief Financial Officer, using

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201 generally accepted auditing procedures for testing or sampling,
202 shall examine, audit, adjust, and settle the accounts of all the
203 officers of the ~~this~~ state, and any other person in anywise
204 entrusted with, or who may have received any property, funds, or
205 moneys of the ~~this~~ state, or who may be in anywise indebted or
206 accountable to the ~~this~~ state for any property, funds, or
207 moneys, and require such officer or persons to render full
208 accounts thereof, and to yield up such property or funds
209 according to law, or pay such moneys into the treasury of the
210 ~~this~~ state, or to such officer or agent of the state as may be
211 appointed to receive the same, and on failure so to do, to cause
212 to be instituted and prosecuted proceedings, criminal or civil,
213 at law or in equity, against such persons, according to law. The
214 Chief Financial Officer may conduct investigations within or
215 outside of the ~~this~~ state as it deems necessary to aid in the
216 enforcement of this section. The Chief Financial Officer may
217 commence an investigation under this section based on a
218 complaint or referral from any source. An employee of a state
219 agency or an independent contractor, as defined in s. 14.32(1),
220 who has knowledge of suspected misuse of state funds may report
221 such information to the Chief Financial Officer. If during an
222 investigation the Chief Financial Officer has reason to believe
223 that any criminal statute of the ~~this~~ state has or may have been
224 violated, the Chief Financial Officer shall refer any records
225 tending to show such violation to state or federal law

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226 enforcement or prosecutorial agencies and shall provide
 227 investigative assistance to those agencies as required.

228 Section 4. Subsections (4) and (5) of section 17.325,
 229 Florida Statutes, are renumbered as subsections (5) and (6),
 230 respectively, and a new subsection (4) is added to that section,
 231 to read:

232 17.325 Governmental efficiency hotline; duties of Chief
 233 Financial Officer.—

234 (4) A copy of each suggestion or item of information
 235 received through the hotline that is logged pursuant to this
 236 section must be reported to the Legislative Auditing Committee
 237 by the 15th of the month after receipt of the suggestion or item
 238 of information.

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

241 20.055 Agency inspectors general.—

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

249 (g) Make determinations and reports as required under s.
 250 14.32 (7).

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251 Section 6. Paragraphs (a) and (b) of subsection (1) and
252 subsection (2) of section 110.1245, Florida Statutes, are
253 amended, and subsections (6) and (7) are added to that section,
254 to read:

255 110.1245 Savings sharing program; bonus payments; other
256 awards.—

257 (1)(a) The Department of Management Services shall adopt
258 rules that prescribe procedures and promote a savings sharing
259 program for an individual or group of employees, including
260 employees reporting under the Whistle-blower's Act pursuant to
261 s. 112.3187, who propose procedures or ideas that are adopted
262 and that result in eliminating or reducing state expenditures,
263 if such proposals are placed in effect and may be implemented
264 under current statutory authority.

265 (b) Each agency head shall recommend employees
266 individually or by group to be awarded an amount of money, which
267 amount shall be directly related to the cost savings realized.
268 Each proposed award and amount of money must be approved by the
269 Legislative Budget Commission, except an award under subsection
270 (6).

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

276 | awarding lump-sum bonuses, which plan shall be submitted no
277 | later than September 15 of each year and approved by the Office
278 | of Policy and Budget in the Executive Office of the Governor.

279 | Such plan shall include, at a minimum, but is not limited to:

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

282 | (b) Eligibility criteria as follows:

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

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

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

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

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

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

304 (c) A periodic evaluation process of the employee's
305 performance.

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

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

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

315 (6) Each agency inspector general shall report employees
316 who submit a report under the Whistle-blower's Act that results
317 in savings or recovery of public funds in excess of \$1,000 to
318 the agency head. Awards shall be awarded by each agency to the
319 employee who made the report and each agency head is authorized
320 to incur expenditures to provide such awards. The award must be
321 paid from the specific appropriation or trust fund from which
322 the savings or recovery resulted. The agency inspector general
323 to whom the report was made or referred shall certify the
324 savings or recovery resulting from the investigation. If more
325 than one employee makes a relevant report, the award shall be

326 shared in proportion to each employee's contribution to the
327 investigation as certified by the agency inspector general.
328 Awards shall be made in the following amounts:

329 (a) A career service employee shall receive 10 percent of
330 the savings or recovery certified, but not less than \$500 and
331 not more than a total of \$50,000 for whistle-blower reports in
332 any 1 year. If the employee had any fault for the misspending or
333 attempted misspending of public funds identified in the
334 investigation that resulted in the savings or recovery, the
335 award may be denied at the discretion of the agency head. If the
336 award is not denied by the agency head, the award may not exceed
337 \$500. The agency inspector general shall certify any fault on
338 the part of the employee.

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

348 (7) Notwithstanding any other law, an employee whose name
349 or identity is confidential or exempt from disclosure under
350 state or federal law may participate in the savings sharing

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351 program under this section. However, to maintain
352 confidentiality, upon notice of eligibility for an award, the
353 employee may designate an authorized agent, trustee, or
354 custodian to accept the award on behalf of the employee.

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

357 112.3187 Adverse action against employee for disclosing
358 information of specified nature prohibited; employee remedy and
359 relief.—

360 (2) LEGISLATIVE INTENT.—It is the intent of the
361 Legislature to prevent agencies or independent contractors from
362 taking retaliatory action against an employee who reports to an
363 appropriate agency violations of law on the part of a public
364 employer or independent contractor that create a substantial and
365 specific danger to the public's health, safety, or welfare. It
366 is further the intent of the Legislature to prevent agencies or
367 independent contractors from taking retaliatory action against
368 any person who discloses information to an appropriate agency
369 alleging improper use of governmental office, ~~gross~~ waste of
370 funds, or any other abuse or ~~gross~~ neglect of duty on the part
371 of an agency, public officer, or employee.

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

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

376 or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty
 377 committed by an employee or agent of an agency or independent
 378 contractor.

379 Section 8. Paragraph (b) of subsection (1) of section
 380 112.3188, Florida Statutes, is amended to read:

381 112.3188 Confidentiality of information given to the Chief
 382 Inspector General, internal auditors, inspectors general, local
 383 chief executive officers, or other appropriate local officials.—

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

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

392
 393 may not be disclosed to anyone other than a member of the Chief
 394 Inspector General's, agency inspector general's, internal
 395 auditor's, local chief executive officer's, or other appropriate
 396 local official's staff without the written consent of the
 397 individual, unless the Chief Inspector General, internal
 398 auditor, agency inspector general, local chief executive
 399 officer, or other appropriate local official determines that:
 400 the disclosure of the individual's identity is necessary to

401 prevent a substantial and specific danger to the public's
 402 health, safety, or welfare or to prevent the imminent commission
 403 of a crime; or the disclosure is unavoidable and absolutely
 404 necessary during the course of the audit, evaluation, or
 405 investigation.

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

409 112.3189 Investigative procedures upon receipt of whistle-
 410 blower information from certain state employees.—

411 (3) When a person alleges information described in s.
 412 112.3187(5), the Chief Inspector General or agency inspector
 413 general actually receiving such information shall within 20 days
 414 of receiving such information determine:

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

423 (4) If the Chief Inspector General or agency inspector
 424 general under subsection (3) determines that the information
 425 disclosed is not the type of information described in s.

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426 112.3187(5), or that the source of the information is not a
427 person who is an employee or former employee of, or an applicant
428 for employment with, a state agency, as defined in s. 216.011,
429 or that the information disclosed does not demonstrate
430 reasonable cause to suspect that an employee or agent of an
431 agency or independent contractor has violated any federal,
432 state, or local law, rule, or regulation, thereby creating and
433 presenting a substantial and specific danger to the public's
434 health, safety, or welfare, or has committed an act of gross
435 mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public
436 funds, or ~~gross~~ neglect of duty, the Chief Inspector General or
437 agency inspector general shall notify the complainant of such
438 fact and copy and return, upon request of the complainant, any
439 documents and other materials that were provided by the
440 complainant.

441 (5)(a) If the Chief Inspector General or agency inspector
442 general under subsection (3) determines that the information
443 disclosed is the type of information described in s.
444 112.3187(5), that the source of the information is from a person
445 who is an employee or former employee of, or an applicant for
446 employment with, a state agency, as defined in s. 216.011, and
447 that the information disclosed demonstrates reasonable cause to
448 suspect that an employee or agent of an agency or independent
449 contractor has violated any federal, state, or local law, rule,
450 or regulation, thereby creating a substantial and specific

451 danger to the public's health, safety, or welfare, or has
452 committed an act of gross mismanagement, malfeasance,
453 misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of
454 duty, the Chief Inspector General or agency inspector general
455 making such determination shall then conduct an investigation,
456 unless the Chief Inspector General or the agency inspector
457 general determines, within 30 days after receiving the
458 allegations from the complainant, that such investigation is
459 unnecessary. For purposes of this subsection, the Chief
460 Inspector General or the agency inspector general shall consider
461 the following factors, but is not limited to only the following
462 factors, when deciding whether the investigation is not
463 necessary:

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

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

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

471 4. Whether the alleged whistle-blower information
472 primarily concerns personnel practices that may be investigated
473 under chapter 110.

474 5. Whether another agency may be conducting an
475 investigation and whether any investigation under this section

476 | could be duplicative.

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

479 | Section 10. Paragraph (a) of subsection (3) of section
480 | 112.31895, Florida Statutes, is amended to read:

481 | 112.31895 Investigative procedures in response to
482 | prohibited personnel actions.—

483 | (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

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

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

490 | 2. Protect employees and applicants for employment with
491 | such agencies from prohibited personnel practices under s.
492 | 112.3187.

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

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

497 | 5. Coordinate with the Chief Inspector General in the
498 | Executive Office of the Governor and the Florida Commission on
499 | Human Relations to receive, review, and forward to appropriate
500 | agencies, legislative entities, or the Department of Law

501 Enforcement disclosures of a violation of any law, rule, or
 502 regulation, or disclosures of gross mismanagement, malfeasance,
 503 misfeasance, nonfeasance, neglect of duty, or ~~gross~~ waste of
 504 public funds.

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

512 7. Investigate, request assistance from other governmental
 513 entities, and, if appropriate, bring actions concerning,
 514 allegations of retaliation by state agencies under subparagraph
 515 1.

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

521 9. Intervene or otherwise participate, as a matter of
 522 right, in any appeal or other proceeding arising under this
 523 section before the Public Employees Relations Commission or any
 524 other appropriate agency, except that the Florida Commission on
 525 Human Relations must comply with the rules of the commission or

526 other agency and may not seek corrective action or intervene in
 527 an appeal or other proceeding without the consent of the person
 528 protected under ss. 112.3187-112.31895.

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

533 Section 11. Paragraph (e) of subsection (3) of section
 534 287.057, Florida Statutes, is amended, and subsection (27) is
 535 added to that section, to read:

536 287.057 Procurement of commodities or contractual
 537 services.—

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

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

547 1. Artistic services. As used in this subsection, the term
 548 "artistic services" does not include advertising or typesetting.
 549 As used in this subparagraph, the term "advertising" means the
 550 making of a representation in any form in connection with a

551 trade, business, craft, or profession in order to promote the
552 supply of commodities or services by the person promoting the
553 commodities or contractual services.

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

556 3. Lectures by individuals.

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

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

571 6. Services provided to persons with mental or physical
572 disabilities by not-for-profit corporations that have obtained
573 exemptions under s. 501(c)(3) of the United States Internal
574 Revenue Code or when such services are governed by Office of
575 Management and Budget Circular A-122. However, in acquiring such

576 services, the agency shall consider the ability of the vendor,
 577 past performance, willingness to meet time requirements, and
 578 price.

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

581 8. Family placement services.

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

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

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

591 12. Services or commodities provided by governmental
 592 entities.

593 13. ~~Statewide~~ Public service announcement programs that
 594 ~~provided by a Florida statewide nonprofit corporation under s.~~
 595 ~~501(c)(6) of the Internal Revenue Code which~~ have a guaranteed
 596 documented match of at least \$3 to \$1.

597 (27) Notwithstanding any other law, a state employee who
 598 is registered to lobby the Legislature, other than an agency
 599 head, may not participate in the negotiation or award of any
 600 contract required or expressly funded under a specific

601 legislative appropriation or proviso in an appropriation act.
 602 This subsection does not apply to a state employee who is:
 603 (a) Registered to lobby the Legislature, but whose primary
 604 job responsibilities do not involve lobbying;
 605 (b) Employed by the Executive Office of the Governor; or
 606 (c) Employed by the Office of Policy and Budget in the
 607 Executive Office of the Governor.

608 Section 12. Section 288.00001, Florida Statutes, is
 609 created to read:

610 288.00001 Use of state or local incentive funds to pay for
 611 services.—Notwithstanding any other law, a tax incentive may not
 612 be awarded or paid to a state contractor or subcontractor for
 613 services provided or expenditures incurred under a state
 614 contract.

615 Section 13. Paragraph (e) of subsection (4) of section
 616 1001.20, Florida Statutes, is amended to read:

617 1001.20 Department under direction of state board.—

618 (4) The Department of Education shall establish the
 619 following offices within the Office of the Commissioner of
 620 Education which shall coordinate their activities with all other
 621 divisions and offices:

622 (e) Office of Inspector General.—Organized using existing
 623 resources and funds and responsible for promoting
 624 accountability, efficiency, and effectiveness and detecting
 625 waste, fraud, ~~and~~ abuse, or financial mismanagement within

626 school districts, the Florida School for the Deaf and the Blind,
 627 and Florida College System institutions in Florida. If the
 628 Commissioner of Education determines that a district school
 629 board, the Board of Trustees for the Florida School for the Deaf
 630 and the Blind, or a Florida College System institution board of
 631 trustees is unwilling or unable to address substantiated
 632 allegations made by any person relating to waste, fraud, abuse,
 633 or financial mismanagement within the school district, the
 634 Florida School for the Deaf and the Blind, or the Florida
 635 College System institution, the office shall conduct,
 636 coordinate, or request investigations into such substantiated
 637 allegations. The office shall investigate allegations or reports
 638 of possible waste, fraud, ~~or~~ abuse, or financial mismanagement
 639 against a district school board, the Florida School for the Deaf
 640 and the Blind, or a Florida College System institution made by
 641 any member of the Cabinet, † the presiding officer of either
 642 house of the Legislature, † a chair of a substantive or
 643 appropriations legislative committee with jurisdiction, † or a
 644 member of the board for which an investigation is sought. The
 645 office shall have access to all information and personnel
 646 necessary to perform its duties and shall have all of its
 647 current powers, duties, and responsibilities authorized in s.
 648 20.055.

649 Section 14. This act shall take effect July 1, 2022.