

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: CS/SB 1180

INTRODUCER: Ethics and Elections Committee and Senators Steube and Brandes

SUBJECT: County and Municipal Public Officers and Employees

DATE: February 13, 2018      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Ulrich	EE	<b>Fav/CS</b>
2.			CA	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1180 requires official travel by county and municipal officers to be approved by the governing body at a publicly noticed meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. The request for travel must contain all travel expense details and be approved by a majority of the members present and voting. The bill requires all travel approved to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted within 10 days from the date of approval until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

The bill is effective July 1, 2018.

**II. Present Situation:**

**Per Diem and Travel Expenses**

The Legislature has largely preempted the area of law addressing per diem and travel expenses.<sup>1</sup> Section 112.061, F.S., establishes the authority to incur travel expenses, and conditions and

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<sup>1</sup> This limited preemption applies to the extent that there is no specific exemption in general law, special act, or local law. If there is a conflict between s. 112.061, F.S., and a specific exemption in general law, special act, or local law, then the exemption prevails to the extent of the conflict. *See*, s. 112.061(1)(b), F.S.

limitations thereon, reimbursement rates for time spent traveling, per diem and subsistence rates, transportation costs, and certain other authorized expenses. The statute also requires an authorization form and voucher forms. Currently, there are no statutory restrictions on reimbursement of out of state or foreign per diem and travel expenses. There is no requirement that travel or per diem and travel expenses be approved by the whole governing body at a meeting. A county or municipal officer need only file the appropriate forms in order to be reimbursed.

Lodging expenses are reimbursable on an actual cost basis. The rate of reimbursement is the single occupancy rate of the lodging.<sup>2</sup> There is no requirement that a county or municipal officer's per diem and travel expenses be reported.

### **III. Effect of Proposed Changes:**

CS/SB 1180 requires official travel by county and municipal officers to be approved by the governing body at a publicly noticed meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. "Good cause" requires a written explanation for why the travel authorization could not be approved in advance. The request for travel must contain all travel expense details including means of travel, lodging, and subsistence. The bill requires all travel approved to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted within 10 days from the date of approval until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

The bill is effective July 1, 2018.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>2</sup> Section 106.07(6)(a)2., F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 112.061 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Elections on February 13, 2018:**

The committee substitute differs from the original bill in that it:

- No longer requires campaign and political committee expense reports to be posted on county and municipal websites;
- No longer includes the verbiage specifically authorizing travel expenses to be incurred during the 24 hours prior to, or after, the event for which a public officer is travelling;
- No longer caps the lodging costs eligible for reimbursement at \$120 per day;
- No longer requires the travel expenses to be reported to a local ethics commission or the Florida Commission on Ethics; and
- No longer requires elected municipal officers to file a full and public disclosure of their financial interests pursuant to s. 112.3144, F.S. (they will still be required to file a statement of financial interests pursuant to s. 112.3145, F.S.).

**B. Amendments:**

None.