

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative Avila offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (3) of section
8 112.061, Florida Statutes, is amended, paragraph (c) of
9 subsection (14) is redesignated as paragraph (e), and new
10 paragraphs (c) and (d) are added to that subsection to read:

11 112.061 Per diem and travel expenses of public officers,
12 employees, and authorized persons.—

13 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

14 (a)1. All travel must be authorized and approved by the
15 head of the agency, or his or her designated representative,
16 from whose funds the traveler is paid. The head of the agency

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17 shall not authorize or approve such a request unless it is
18 accompanied by a signed statement by the traveler's supervisor
19 stating that such travel is on the official business of the
20 state and also stating the purpose of such travel.

21 2. Notwithstanding subparagraph 1., for county or municipal
22 public officers requesting authorization to travel outside of
23 the state or for foreign travel, such travel must be on the
24 official business of the county or municipality and must be
25 approved by the county's or municipality's governing body at a
26 regularly scheduled meeting before the officer's travel, unless
27 ratified for good cause at the next regularly scheduled meeting.
28 Good cause requires a written explanation for why the travel
29 request could not be approved in advance. A request for travel
30 authorization must include an itemized list detailing all
31 anticipated travel expenses, including, but not limited to, the
32 anticipated costs of all means of travel, lodging, and
33 subsistence. All travel approved in accordance with this
34 subparagraph must be posted on the county's or municipality's
35 website. If a municipality does not maintain a website, it must
36 request that the applicable county post the approved travel on
37 the county's website and the county must comply with such
38 request. All such approved travel must be posted on the
39 applicable website as soon as practicable, but no later than 10
40 days after approval, and must remain on the website until the
41 end of the next fiscal year. This subparagraph does not apply to

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42 a county constitutional officer, as defined in s. 1(d), Art.
43 VIII of the State Constitution, who is elected by the electors
44 of the county.

45 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
46 SCHOOL BOARDS, MUNICIPALITIES, SPECIAL DISTRICTS, AND
47 METROPOLITAN PLANNING ORGANIZATIONS.-

48 (a) The following entities may establish rates that vary
49 from the per diem rate provided in paragraph (6)(a), the
50 subsistence rates provided in paragraph (6)(b), or the mileage
51 rate provided in paragraph (7)(d) if those rates are not less
52 than the statutorily established rates that are in effect for
53 the 2005-2006 fiscal year:

54 1. The governing body of a county by the enactment of an
55 ordinance or resolution;

56 2. A county constitutional officer, pursuant to s. 1(d),
57 Art. VIII of the State Constitution, by the establishment of
58 written policy;

59 3. The governing body of a district school board by the
60 adoption of rules;

61 4. The governing body of a special district, as defined in
62 s. 189.012, except those special districts that are subject to
63 s. 166.021(9), by the enactment of a resolution; or

64 5. Any metropolitan planning organization created pursuant
65 to s. 339.175 or any other separate legal or administrative
66 entity created pursuant to s. 339.175 of which a metropolitan

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67 | planning organization is a member, by the enactment of a
68 | resolution.

69 | (b) Rates established pursuant to paragraph (a) must apply
70 | uniformly to all travel by the county, county constitutional
71 | officer and entity governed by that officer, district school
72 | board, special district, or metropolitan planning organization.

73 | (c) Each county, county constitutional officer as defined
74 | in s. 1(d), Art. VIII of the State Constitution, and
75 | municipality, shall adopt a uniform travel policy consistent
76 | with the provisions of this section and the policy shall be
77 | applicable to all of its public officers and employees.

78 | (d) Each county, county constitutional officer as defined
79 | in s. 1(d), Art. VIII of the State Constitution, and
80 | municipality shall include a separate line item in the budget
81 | for the county, county constitutional officer, or municipality
82 | for total expenses for travel under the provisions of this
83 | section.

84 | Section 2. Subsection (9) of section 166.021, Florida
85 | Statutes, is amended to read:

86 | 166.021 Powers.—

87 | ~~(9)(a) As used in this subsection, the term:~~

88 | 1. ~~"Authorized person" means a person:~~

89 | a. ~~Other than an officer or employee, as defined in this~~
90 | ~~paragraph, whether elected or commissioned or not, who is~~

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91 ~~authorized by a municipality or agency thereof to incur travel~~
92 ~~expenses in the performance of official duties;~~

93 ~~b. Who is called upon by a municipality or agency thereof~~
94 ~~to contribute time and services as consultant or advisor; or~~

95 ~~e. Who is a candidate for an executive or professional~~
96 ~~position with a municipality or agency thereof.~~

97 ~~2. "Employee" means an individual, whether commissioned or~~
98 ~~not, other than an officer or authorized person as defined in~~
99 ~~this paragraph, who is filling a regular or full-time authorized~~
100 ~~position and is responsible to a municipality or agency thereof.~~

101 ~~3. "Officer" means an individual who, in the performance~~
102 ~~of his or her official duties, is vested by law with sovereign~~
103 ~~powers of government and who is either elected by the people, or~~
104 ~~commissioned by the Governor and who has jurisdiction extending~~
105 ~~throughout the municipality, or any person lawfully serving~~
106 ~~instead of either of the foregoing two classes of individuals as~~
107 ~~initial designee or successor.~~

108 ~~4. "Traveler" means an officer, employee, or authorized~~
109 ~~person, when performing travel authorized by a municipality or~~
110 ~~agency thereof.~~

111 ~~(b) Notwithstanding s. 112.061, the governing body of a~~
112 ~~municipality or an agency thereof may provide for a per diem and~~
113 ~~travel expense policy for its travelers which varies from the~~
114 ~~provisions of s. 112.061. Any such policy provided by a~~
115 ~~municipality or an agency thereof on January 1, 2003, shall be~~

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116 ~~valid and in effect for that municipality or agency thereof~~
117 ~~until otherwise amended. A municipality or agency thereof that~~
118 ~~provides any per diem and travel expense policy pursuant to this~~
119 ~~subsection shall be deemed to be exempt from all provisions of~~
120 ~~s. 112.061. A municipality or agency thereof that does not~~
121 ~~provide a per diem and travel expense policy pursuant to this~~
122 ~~subsection remains subject to all provisions of s. 112.061.~~

123 ~~(c) Travel claims submitted by a traveler in a~~
124 ~~municipality or agency thereof which is exempted from the~~
125 ~~provisions of s. 112.061, pursuant to paragraph (b), shall not~~
126 ~~be required to be sworn to before a notary public or other~~
127 ~~officer authorized to administer oaths, but any claim authorized~~
128 ~~or required to be made under any per diem and travel expense~~
129 ~~policy of a municipality or agency thereof must contain a~~
130 ~~statement that the expenses were actually incurred by the~~
131 ~~traveler as necessary travel expenses in the performance of~~
132 ~~official duties and shall be verified by a written declaration~~
133 ~~that it is true and correct as to every material matter; and any~~
134 ~~person who willfully makes and subscribes any such claim that he~~
135 ~~or she does not believe to be true and correct as to every~~
136 ~~material matter, or who willfully aids or assists in, or~~
137 ~~procures, counsels, or advises the preparation or presentation~~
138 ~~of such a claim that is fraudulent or is false as to any~~
139 ~~material matter, whether or not such falsity or fraud is with~~
140 ~~the knowledge or consent of the person authorized or required to~~

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141 ~~present such claim, commits a misdemeanor of the second degree,~~
142 ~~punishable as provided in s. 775.082 or s. 775.083. Whoever~~
143 ~~receives an allowance or reimbursement by means of a false claim~~
144 ~~is civilly liable in the amount of the overpayment for the~~
145 ~~reimbursement of the public fund from which the claim was paid.~~

146 Section 3. This act shall take effect July 1, 2018.

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

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Remove everything before the enacting clause and insert:

151

An act relating to county and municipal public officer

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transparency; amending s. 112.061, F.S.; requiring that requests

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for travel authorization by county or municipal public officers

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be approved by the governing body of the county or municipality

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at a regularly scheduled meeting; specifying requirements for

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such requests; requiring that approved travel be posted on the

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county's or municipality's website for a specified timeframe;

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providing exceptions; requiring a county, county constitutional

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officer, or municipality to adopt a travel policy; requiring a

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county, county constitutional officer, or municipality to

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include travel expenses as a separate budget item; amending s.

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166.021, F.S.; removing provisions concerning municipality

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travel policies; providing an effective date.