

By Representative Westbrook

1 A bill to be entitled
2 An act relating to vehicles used by state
3 agencies; amending s. 20.055, F.S.; requiring a
4 report from agency heads on employee use of
5 state motor vehicles; amending s. 287.151,
6 F.S.; deleting an exception to the requirement
7 that certain motor vehicles procured by the
8 state must be subcompact vehicles; amending s.
9 287.16, F.S., relating to the powers of the
10 Division of Motor Pool of the Department of
11 Management Services; requiring a report on
12 break-even mileage to be submitted biennially
13 to agency inspectors general; amending s.
14 287.17, F.S.; providing definitions; providing
15 criteria to be followed by an agency head in
16 assigning a state-owned motor vehicle to an
17 employee; providing an effective date.

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

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21 Section 1. Subsection (9) is added to section 20.055,
22 Florida Statutes, to read:

23 20.055 Agency inspectors general.--

24 (9) Each state agency's head shall, by December 31,
25 2000, conduct a review of motor vehicle utilization with
26 oversight from the agency's inspector general. This review
27 shall consist of two parts. The first part of the review shall
28 determine the number of miles that each assigned motor vehicle
29 has been driven on official state business in the past fiscal
30 year. Commuting mileage shall be excluded from calculating
31 vehicle use. The purpose of this review is to determine

1 whether employees with assigned motor vehicles are driving the
2 vehicles a sufficient number of miles to warrant continued
3 vehicle assignment. The second part of the review shall
4 identify employees who have driven personal vehicles
5 extensively on state business in the past fiscal year. The
6 purpose of this review is to determine whether it would be
7 cost-effective to provide state motor vehicles to such
8 employees. In making this determination, the inspector general
9 shall use the break-even mileage criteria developed by the
10 Department of Management Services. A copy of the review shall
11 be presented to the Office of Program Policy Analysis and
12 Government Accountability.

13 Section 2. Subsection (1) of section 287.151, Florida
14 Statutes, is amended to read:

15 287.151 Limitation on classes of motor vehicles
16 procured.--

17 (1) All motor vehicles purchased or leased by the
18 state with funds provided in the General Appropriations Act
19 shall be of the subcompact class except vehicles used for law
20 enforcement purposes by law enforcement officers of the state,
21 used as tow vehicles, routinely used to transport more than
22 three adults or bulk materials, or vehicles operated
23 frequently on unpaved roads. All vehicles purchased shall be
24 of the smallest class that can safely and adequately meet the
25 transportation requirements. ~~The exception from the~~
26 ~~subcompact vehicle requirement for law enforcement purposes~~
27 ~~shall not apply to state attorneys and public defenders.~~

28 Section 3. Subsection (11) is added to section 287.16,
29 Florida Statutes, to read:

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1 287.16 Powers and duties of division.--The Division of
2 Motor Pool shall have the following powers, duties, and
3 responsibilities:

4 (11) To calculate biennially the break-even mileage at
5 which it becomes cost-effective for the state to provide
6 assigned motor vehicles to employees. The division shall
7 provide the information to agency heads and agency inspectors
8 general to assist them in meeting the reporting requirements
9 of s. 20.055.

10 Section 4. Section 287.17, Florida Statutes, is
11 amended to read:

12 287.17 Limitation on use of motor vehicles and
13 aircraft.--

14 (1) The aircraft and motor vehicles owned, leased, or
15 operated by any state agency, as defined in s. 287.012, shall
16 be available for official state business only as authorized by
17 agency heads, as defined in s. 287.012.

18 (2) The following criteria shall be considered in
19 determining appropriate uses of motor vehicles and aircraft:

20 (a) Whether the use of a motor vehicle or aircraft is
21 necessary to carry out state official or employee job
22 assignments.

23 (b) Whether the use of a motor vehicle or aircraft is
24 for transporting an employee, state official, or other person
25 authorized by the agency head for purposes of conducting
26 official state business or for purposes of performing services
27 for the state.

28 (c) Whether the Department of Law Enforcement has been
29 directed by the agency head to provide security or
30 transportation pursuant to s. 281.20.

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1 (d) Whether an emergency exists requiring the use of a
2 motor vehicle or aircraft for the protection of life or
3 property.

4 (3) The term "official state business" may not be
5 construed to permit the use of a motor vehicle or aircraft for
6 ~~personal business or~~ commuting purposes, unless special
7 assignment of a motor vehicle is authorized as a perquisite by
8 the Department of Management Services, required by an employee
9 after normal duty hours to perform duties of the position to
10 which assigned, or authorized for an employee whose home is
11 the official base of operation.

12 (4) An agency head, as defined in s. 287.012, shall
13 comply with the following criteria for the special assignment
14 of motor vehicles:

15 (a) An agency head may assign a motor vehicle to a
16 state officer or employee only if the officer or employee is
17 projected to drive the motor vehicle a minimum of 10,000 miles
18 annually on official state business, unless an agency head
19 annually provides written justification for the need of the
20 assignment of a motor vehicle. Commuting mileage incidental to
21 use of the motor vehicle on official state business shall be
22 excluded from calculating the projected mileage. Priority in
23 assigning motor vehicles shall be given to those employees who
24 drive over 15,000 miles annually on state business.

25 (b) An agency head may assign motor vehicles to state
26 officers and employees who perform duties related to law
27 enforcement. However, the agency head shall not assign a
28 pursuit motor vehicle to an officer or employee whose job
29 duties do not routinely require performance of a patrol or law
30 enforcement function requiring a pursuit vehicle.

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1 (5)~~(4)~~ A person who is not otherwise authorized in
2 this section may accompany the Governor, the Lieutenant
3 Governor, a member of the Cabinet, the President of the
4 Senate, the Speaker of the House of Representatives, or the
5 Chief Justice of the Supreme Court when such official is
6 traveling on state aircraft for official state business and
7 the aircraft is traveling with seats available.
8 Transportation of a person accompanying any official specified
9 in this subsection shall be approved by the official, who
10 shall also guarantee payment of the transportation charges.
11 When the person accompanying such official is not traveling on
12 official state business as provided in this section, the
13 transportation charge shall be a prorated share of all fixed
14 and variable expenses related to the ownership, operation, and
15 use of such state aircraft. The spouse of any official
16 specified in this subsection may, without payment of
17 transportation charges, accompany the official when such
18 official is traveling for official state business and the
19 aircraft has seats available.

20 (6)~~(5)~~ It is the intention of the Legislature that
21 persons traveling on state aircraft for purposes consistent
22 with, but not necessarily constituting, official state
23 business may travel only when accompanying persons who are
24 traveling on official state business and that such persons
25 shall pay the state for all costs associated with such travel.
26 A person traveling on state aircraft for purposes other than
27 official state business shall pay for any trip not exclusively
28 for state business by paying a prorated share of all fixed and
29 variable expenses related to the ownership, operation, and use
30 of such aircraft.

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