

By Senator Williams

4-649-98

1 A bill to be entitled
2 An act relating to vehicles used by state
3 agencies; requiring a report from agency
4 inspectors general on employee use of state
5 motor vehicles; amending s. 287.16, F.S.,
6 relating to the powers of the Division of Motor
7 Pool of the Department of Management Services;
8 authorizing the division to operate a
9 centralized vehicle leasing program; providing
10 for the deposit of lease payments; specifying
11 the use of lease payments; requiring a report
12 to be submitted biennially to agency inspectors
13 general; amending s. 287.17, F.S.; providing
14 definitions; providing criteria to be followed
15 by an agency head in assigning a state-owned
16 motor vehicle to an employee; providing an
17 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. Each state agency's inspector general
22 shall, by December 30, 2000, conduct or oversee a review of
23 motor vehicle utilization. This review shall consist of two
24 parts. The first part of the review shall determine the number
25 of miles that each assigned motor vehicle has been driven on
26 official state business in the past fiscal year. Commuting
27 mileage shall be excluded from calculating vehicle use. The
28 purpose of this review is to determine whether employees with
29 assigned motor vehicles are driving the vehicles a sufficient
30 number of miles to warrant continued vehicle assignment. The
31 second part of the review shall identify employees who have

1 driven personal vehicles extensively on state business in the
2 past fiscal year. The purpose of this review is to determine
3 whether it would be cost-effective to provide state motor
4 vehicles to such employees. In making this determination, the
5 inspector general shall use the break-even mileage criteria
6 developed by the Department of Management Services. A copy of
7 the review shall be presented to the Office of Program Policy
8 Analysis and Government Accountability and to the agency head.

9 Section 2. Section 287.16, Florida Statutes, is
10 amended to read:

11 287.16 Powers and duties of division.--The Division of
12 Motor Pool shall have the following powers, duties, and
13 responsibilities:

14 (1) To obtain the most effective and efficient use of
15 motor vehicles, watercraft, and aircraft for state purposes.

16 (2) To establish and operate central facilities for
17 the acquisition, disposal, operation, maintenance, repair,
18 storage, supervision, control, and regulation of all
19 state-owned or state-leased aircraft and motor vehicles and to
20 operate any state facilities for those purposes. Acquisition
21 may be by purchase, lease, loan, or in any other legal manner.

22 (3) Effective July 1, 1999, to establish and operate a
23 centralized state vehicle leasing program through which a
24 state agency may lease vehicles from the division. All lease
25 payments submitted to the division shall be deposited into the
26 Motor Vehicle Operating Trust Fund for the replacement,
27 operation, or maintenance of the vehicles.

28 (4)~~(3)~~ In its discretion, to require every state
29 agency to transfer its ownership, custody, and control of
30 every aircraft and motor vehicle, and associated maintenance
31 facilities and equipment, except those used principally for

1 law enforcement or fire control purposes, to the Department of
2 Management Services, including all right, title, interest, and
3 equity therein.

4 (5)~~(4)~~ Upon requisition and showing of need, to assign
5 suitable aircraft or motor vehicles, on a temporary (for a
6 period up to and including 1 month) or permanent (for a period
7 from 1 month up to and including 1 full year) basis, to any
8 state agency.

9 (6)~~(5)~~ To allocate and charge fees to the state
10 agencies to which aircraft or motor vehicles are furnished,
11 based upon any reasonable criteria.

12 (7)~~(6)~~ To adopt and enforce rules and regulations for
13 the efficient and safe use, operation, maintenance, repair,
14 and replacement of all state-owned or state-leased aircraft
15 and motor vehicles and to require the placement of appropriate
16 stickers, decals, or other markings upon the aircraft and
17 motor vehicles of the state. The division may delegate to the
18 respective heads of the agencies to which aircraft and motor
19 vehicles are assigned the duty of enforcing the rules and
20 regulations adopted by the division.

21 (8)~~(7)~~ To contract for specialized maintenance
22 services.

23 (9)~~(8)~~ To require any state agency to keep records and
24 make reports regarding aircraft and motor vehicles to the
25 division as may be required. The Department of Highway Safety
26 and Motor Vehicles may use the reporting system in effect on
27 October 1, 1983, until July 1, 1984. Beginning July 1, 1984,
28 the Department of Highway Safety and Motor Vehicles shall use
29 a reporting system approved by the division. The division
30 shall assist the Department of Highway Safety and Motor
31 Vehicles in developing or implementing a reporting system

1 prior to July 1, 1984, which shall specifically address the
2 needs and requirements of the division and the Department of
3 Highway Safety and Motor Vehicles.

4 (10)~~(9)~~ To establish and operate central facilities to
5 determine the mode of transportation to be used by state
6 employees traveling on official state business and to schedule
7 and coordinate use of state-owned or state-leased aircraft and
8 passenger-carrying vehicles to assure maximum utilization of
9 state aircraft, motor vehicles, and employee time by assuring
10 that employees travel by the most practical and economical
11 mode of travel. The division shall consider the number of
12 employees making the trip to the same location, the most
13 efficient and economical means of travel considering the time
14 of the employee, transportation cost and subsistence required,
15 the urgency of the trip, and the nature and purpose of the
16 trip.

17 (11)~~(10)~~ To provide the Legislature annual reports at
18 the end of each calendar year concerning the utilization of
19 all aircraft in the executive pool and special purpose
20 aircraft.

21 (12) To calculate biennially the break-even mileage at
22 which it becomes cost-effective for the state to provide
23 assigned motor vehicles to employees. The division shall
24 provide the information to agency inspectors general to assist
25 them in meeting the reporting requirements of s. 20.055.

26 Section 3. Section 287.17, Florida Statutes, is
27 amended to read:

28 287.17 Limitation on use of motor vehicles and
29 aircraft.--

30 (1) The aircraft and motor vehicles owned, leased, or
31 operated by any state agency, as defined in s. 287.012, shall

1 be available for official state business only as authorized by
2 agency heads, as defined in s. 287.012.

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

5 (a) Whether the use of a motor vehicle or aircraft is
6 necessary to carry out state official or employee job
7 assignments.

8 (b) Whether the use of a motor vehicle or aircraft is
9 for transporting an employee, state official, or other person
10 authorized by the agency head for purposes of conducting
11 official state business or for purposes of performing services
12 for the state.

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

16 (d) Whether an emergency exists requiring the use of a
17 motor vehicle or aircraft for the protection of life or
18 property.

19 (3) The term "official state business" may not be
20 construed to permit the use of a motor vehicle or aircraft for
21 ~~personal business or~~ commuting purposes, unless special
22 assignment of a motor vehicle is authorized as a perquisite by
23 the Department of Management Services, required by an employee
24 after normal duty hours to perform duties of the position to
25 which assigned, or authorized for an employee whose home is
26 the official base of operation.

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

30 (a) An agency head may assign a motor vehicle to a
31 state officer or employee only if the officer or employee is

1 projected to drive the motor vehicle a minimum of 10,000 miles
2 annually on official state business, unless an agency head
3 annually provides written justification for the need of the
4 assignment of a motor vehicle. Commuting mileage incidental to
5 use of the motor vehicle on official state business shall be
6 excluded from calculating the projected mileage. Priority in
7 assigning motor vehicles shall be given to those employees who
8 drive over 15,000 miles annually on state business.

9 (b) An agency head may assign motor vehicles to state
10 officers and employees who perform duties related to law
11 enforcement. However, the agency head shall not assign a
12 pursuit motor vehicle to an officer or employee whose job
13 duties do not routinely require performance of a patrol or law
14 enforcement function requiring a pursuit vehicle.

15 (5)~~(4)~~ A person who is not otherwise authorized in
16 this section may accompany the Governor, the Lieutenant
17 Governor, a member of the Cabinet, the President of the
18 Senate, the Speaker of the House of Representatives, or the
19 Chief Justice of the Supreme Court when such official is
20 traveling on state aircraft for official state business and
21 the aircraft is traveling with seats available.

22 Transportation of a person accompanying any official specified
23 in this subsection shall be approved by the official, who
24 shall also guarantee payment of the transportation charges.
25 When the person accompanying such official is not traveling on
26 official state business as provided in this section, the
27 transportation charge shall be a prorated share of all fixed
28 and variable expenses related to the ownership, operation, and
29 use of such state aircraft. The spouse of any official
30 specified in this subsection may, without payment of
31 transportation charges, accompany the official when such

1 official is traveling for official state business and the
2 aircraft has seats available.
3 (6)~~(5)~~ It is the intention of the Legislature that
4 persons traveling on state aircraft for purposes consistent
5 with, but not necessarily constituting, official state
6 business may travel only when accompanying persons who are
7 traveling on official state business and that such persons
8 shall pay the state for all costs associated with such travel.
9 A person traveling on state aircraft for purposes other than
10 official state business shall pay for any trip not exclusively
11 for state business by paying a prorated share of all fixed and
12 variable expenses related to the ownership, operation, and use
13 of such aircraft.

14 Section 4. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Requires a report from agency inspectors general on employee use of state motor vehicles. Authorizes the Division of Motor Pool of the Department of Management Services to operate a centralized vehicle leasing program. Requires the division to submit a biennial report to agency inspectors general. Provides criteria for the assignment of a state-owned motor vehicle to an employee.