

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.; revising purchasing requirements for  
7           state motor vehicles used by state attorneys  
8           and public defenders; amending s. 287.16, F.S.,  
9           relating to the powers of the Division of Motor  
10          Pool of the Department of Management Services;  
11          removing the power to require transfer of  
12          ownership, custody, or control of aircraft and  
13          motor vehicles used principally for state fire  
14          marshal purposes; requiring a report on  
15          break-even mileage to be submitted biennially  
16          to agency inspectors general; amending s.  
17          287.17, F.S.; providing definitions; providing  
18          criteria to be followed by an agency head in  
19          assigning a state-owned motor vehicle to an  
20          employee; providing an effective date.

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

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

26           20.055 Agency inspectors general.--

27           (9) Each state agency's head shall, by December 31,  
28 2000, conduct a review of motor vehicle utilization with  
29 oversight from the agency's inspector general. This review  
30 shall consist of two parts. The first part of the review shall  
31 determine the number of miles that each assigned motor vehicle

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

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

18 287.151 Limitation on classes of motor vehicles  
19 procured.--

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

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1           Section 3. Subsection (3) of section 287.16, Florida  
2 Statutes, is amended, and subsection (11) is added to that  
3 section, to read:

4           287.16 Powers and duties of division.--The Division of  
5 Motor Pool shall have the following powers, duties, and  
6 responsibilities:

7           (3) In its discretion, to require every state agency  
8 to transfer its ownership, custody, and control of every  
9 aircraft and motor vehicle, and associated maintenance  
10 facilities and equipment, except those used principally for  
11 law enforcement, state fire marshal, or fire control purposes,  
12 to the Department of Management Services, including all right,  
13 title, interest, and equity therein.

14           (11) To calculate biennially the break-even mileage at  
15 which it becomes cost-effective for the state to provide  
16 assigned motor vehicles to employees. The division shall  
17 provide the information to agency heads and agency inspectors  
18 general to assist them in meeting the reporting requirements  
19 of s. 20.055.

20           Section 4. Section 287.17, Florida Statutes, is  
21 amended to read:

22           287.17 Limitation on use of motor vehicles and  
23 aircraft.--

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

28           (2) The following criteria shall be considered in  
29 determining appropriate uses of motor vehicles and aircraft:  
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1 (a) Whether the use of a motor vehicle or aircraft is  
2 necessary to carry out state official or employee job  
3 assignments.

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

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

12 (d) Whether an emergency exists requiring the use of a  
13 motor vehicle or aircraft for the protection of life or  
14 property.

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

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

26 (a) An agency head may assign a motor vehicle to a  
27 state officer or employee only if the officer or employee is  
28 projected to drive the motor vehicle a minimum of 10,000 miles  
29 annually on official state business, unless an agency head  
30 annually provides written justification for the need of the  
31 assignment of a motor vehicle. Commuting mileage incidental to

1 use of the motor vehicle on official state business shall be  
2 excluded from calculating the projected mileage. Priority in  
3 assigning motor vehicles shall be given to those employees who  
4 drive over 15,000 miles annually on state business.

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

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

30 (6)(5) It is the intention of the Legislature that  
31 persons traveling on state aircraft for purposes consistent

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

10           Section 5. This act shall take effect July 1, 1998.

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