

STORAGE NAME: h1489a.ca

DATE: April 19, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1489

RELATING TO: Brevard Co./Canaveral Port Auth.

SPONSOR(S): Representative Ball

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION (EDC) YEAS 11 NAYS 0
- (2) COMMUNITY AFFAIRS (PRC) YEAS 10 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

This bill amends the special act creating the Canaveral Port Authority (Authority) in Brevard County to provide for reimbursement of the costs of official travel authorized by the Authority.

The bill is estimated to have an annual fiscal impact of \$2,000 to the Authority for reimbursement of travel expenses.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Canaveral Harbor Port District, as presently structured, was created in 1953 by Chapter 28922, Laws of Florida. This special act created, organized and established a port district in Brevard County, and designated the area as the Canaveral Port District. The governing authority of the port district is the Canaveral Port Authority (Authority), which consists of five port commissioners. These five elected commissioners, act as a board of directors and have jurisdiction over all fiscal and regulatory policies and operations of the port. The port's administration and operations are carried out by an executive director and staff employed by the Authority.

Port Canaveral serves both cargo and cruise markets. Primary cargos are liquid (petroleum) and dry (cement and scrap steel) bulk products, and breakbulk, including lumber, salt, newsprint and frozen and fresh citrus. The Authority produces revenue through long-term leases of port property to businesses and through other rates and fees charged by the Authority. The Authority is authorized to levy ad valorem taxes, but in 1986, the Authority voted to cease levying taxes on property in the port district.

Per diem and travel expenses under section 112.061, Florida Statutes

Section 112.061, Florida Statutes, sets forth per diem and travel expenses for public officers, employees, and other authorized persons. The intent of the section was to resolve the inequities, conflicts, inconsistencies, and lapses in the previous laws which governed previous per diem and travel reimbursements through the establishment of uniform maximum reimbursement rates and exceptions. Paragraph (b) of section 112.061 does provide that general law may contain an exemption to this section and that any special or local law will prevail over any conflicting provisions of this section.

Section 112.061, Florida Statutes, provides definitions and describes who has the authority to incur travel expenses. This section describes how to compute travel time for reimbursement and the rates of per diem and subsistence allowance. Under section 112.061(6), Florida Statutes, the traveler can either receive a \$50 per diem or be reimbursed for the actual expenses for lodging and a set amount for meals: \$3 for breakfast, \$6 for lunch, and \$12 for dinner.

House Rule 44

Local bills filed in the Florida House of Representatives are subject to Rule 44 of the Rules of the Florida House of Representatives. House Rule 44(a) provides that "if a committee determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, that committee shall not report the bill to the Clerk." House Rule 44(b) provides that "if a committee determines that a local bill provides only an exemption from general law, it shall be reintroduced as a general bill."

House Rule 44 does not appear to be at issue for this bill. Since the Authority was created by special act, its powers must be amended by special act, the bill may not be accomplished by ordinance of the local governing body and the committee could report the bill to the clerk; thus, there does not appear to be a conflict with House Rule 44(a). With respect to House Rule 44(b), it may apply on its face as the bill provides an exemption from general law; such an exemption, however, is anticipated by statute.

C. EFFECT OF PROPOSED CHANGES:

The bill amends the Authority's special act to allow reimbursement to be paid for official travel. For in-state travel the reimbursement is the same as authorized for public officers and state employees by section 112.061, Florida Statutes. For out-of-state travel within the continental United States travel reimbursement is the same as authorized by section 112.061, Florida Statutes, except that reimbursement for meals will be \$5 for breakfast, \$11 for lunch and \$22 for dinner. These specific meal allowances will be adjusted annually based on changes in the Consumer Price Index component for "urban consumers, food away from home."

For out-of-country travel, reimbursement is the same as authorized by section 112.061, Florida Statutes, except that meal reimbursement is tied to the daily meal rate authorized by the U.S. Department of State in its Standardized Regulations. These regulations establish different daily meal rates for various foreign countries based on the costs of an average breakfast, lunch, and dinner at facilities typically used by employees at that location, including taxes, service charges, and customary tips. The bill establishes a formula for dividing this daily rate into a reimbursement rate for each of the three daily meals.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 4 of article VII of chapter 28922, Laws of Florida, 1953, to provide that official travel performed within the State of Florida shall be reimbursable in accordance with section 112.061, Florida Statutes, and official travel outside the State of Florida but within the continental United States shall be reimbursable in accordance with section 112.061, Florida Statutes, with a separate reimbursement rate for meals; provides that the reimbursement rate for meals for travel outside the State of Florida but within the continental United States shall be adjusted by the Consumer Price Index; provides that official travel outside the United States shall be reimbursable in accordance with section 112.061, Florida Statutes, except that meals are to be reimbursed at a percentage of the maximum daily rate permitted under the United States Department of State Standardized Regulations, Per Diem Supplement for all foreign area.

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Section 2: Provides that this act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 2000

WHERE? Florida Today Newspaper, Brevard County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

For information on the U.S. Department of State Standardized Regulations see the web site located at: <http://www.state.gov/www/perdiems/index.html>.

The Department of Banking and Finance had the following fiscal comments on the bill:

The Office of the Comptroller does not process the travel reimbursements of the Canaveral Port Authority and there would be no *DIRECT* Fiscal Impact. We believe this bill sets a precedent, for special districts and local governments, that is inconsistent with s. 112.061, Florida Statutes. Currently, special districts and local governments are reimbursed for travel at the same rate as specified in s. 112.061, Florida Statutes. The Comptroller believes that if there is justification for an increase for travel reimbursements for special districts and local governments, it should also be applied to all state workers. This does pass the "7-11 Rule." The Canaveral Port Authority receives state funds through various programs, therefore, an increase of indirect costs to Florida taxpayers will result.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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None

VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Phillip B. Miller

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Kyle V. Mitchell

Staff Director:

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