

1                                   A bill to be entitled  
2           An act relating to governmental per diem and  
3           travel expenses; amending s. 166.021, F.S.;  
4           providing definitions; authorizing  
5           municipalities and agencies thereof to adopt  
6           per diem and travel expense policies for  
7           travelers, notwithstanding s. 112.061, F.S.;  
8           providing for retroactive application;  
9           providing for applicability of s. 112.061,  
10          F.S., if per diem and travel expense policies  
11          are or are not adopted; providing for offenses  
12          related to false or fraudulent travel claims;  
13          providing misdemeanor penalties; providing for  
14          civil liability; amending s. 112.061, F.S.;  
15          establishing per diem and subsistence ranges  
16          for travel expenses of public employees;  
17          conforming provisions and deleting obsolete  
18          provisions; specifying agency head  
19          responsibilities to establish state traveler  
20          rates; providing for future adjustments of such  
21          rates; providing that counties, county  
22          officers, district school boards, and certain  
23          special districts may increase specified rates;  
24          providing effective dates.

25  
26           WHEREAS, the Municipal Home Rule Powers Act, chapter  
27   166, Florida Statutes, provides that the governing body of  
28   each municipality has the power to enact legislation  
29   concerning any subject matter upon which the Legislature may  
30   act, and  
31

1           WHEREAS, the Florida Attorney General, in AGO 1974-18,  
2 stated that municipalities, under the Municipal Home Rule  
3 Powers Act, have the home rule powers to enact per diem and  
4 travel allowances that vary from those specified in section  
5 112.061, Florida Statutes, and

6           WHEREAS, numerous municipalities in the state have  
7 relied on the grant of home rule powers and AGO 1974-18 to  
8 enact reasonable per diem and travel allowances as determined  
9 by the governing body of the municipality, and

10           WHEREAS, the Florida Attorney General, in AGO 2003-01,  
11 has essentially reversed the opinion set forth in AGO 1974-18  
12 and has now stated that section 112.061, Florida Statutes,  
13 applies to municipalities and controls the maximum rate of per  
14 diem and other allowances paid to officers, employees, or  
15 others authorized to act on behalf of the municipality, and

16           WHEREAS, AGO 2003-01 clearly violates the intent of the  
17 Municipal Home Rule Powers Act, and places municipalities that  
18 have relied on AGO 1974-18 into the position of having to  
19 repeal their policies on reasonable per diem and travel  
20 allowances in order to comply with AGO 2003-01, NOW,  
21 THEREFORE,

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

24  
25           Section 1. Subsection (10) is added to section  
26 166.021, Florida Statutes, to read:

27           166.021 Powers.--

28           (10)(a) As used in this subsection, the term:

29           1. "Authorized person" means a person:

30           a. Other than an officer or employee, as defined in  
31 this paragraph, whether elected or commissioned or not, who is

1 authorized by a municipality or agency thereof to incur travel  
2 expenses in the performance of official duties;

3 b. Who is called upon by a municipality or agency  
4 thereof to contribute time and services as consultant or  
5 advisor; or

6 c. Who is a candidate for an executive or professional  
7 position with a municipality or agency thereof.

8 2. "Employee" means an individual, whether  
9 commissioned or not, other than an officer or authorized  
10 person as defined in this paragraph, who is filling a regular  
11 or full-time authorized position and is responsible to a  
12 municipality or agency thereof.

13 3. "Officer" means an individual who, in the  
14 performance of his or her official duties, is vested by law  
15 with sovereign powers of government and who is either elected  
16 by the people, or commissioned by the Governor and who has  
17 jurisdiction extending throughout the municipality, or any  
18 person lawfully serving instead of either of the foregoing two  
19 classes of individuals as initial designee or successor.

20 4. "Traveler" means an officer, employee, or  
21 authorized person, when performing travel authorized by a  
22 municipality or agency thereof.

23 (b) Notwithstanding s. 112.061, the governing body of  
24 a municipality or an agency thereof may provide for a per diem  
25 and travel expense policy for its travelers which varies from  
26 the provisions of s. 112.061. Any such policy provided by a  
27 municipality or an agency thereof on January 1, 2003, shall be  
28 valid and in effect for that municipality or agency thereof  
29 until otherwise amended. A municipality or agency thereof that  
30 provides any per diem and travel expense policy pursuant to  
31 this subsection shall be deemed to be exempt from all

1 provisions of s. 112.061. A municipality or agency thereof  
2 that does not provide a per diem and travel expense policy  
3 pursuant to this subsection remains subject to all provisions  
4 of s. 112.061.

5 (c) Travel claims submitted by a traveler in a  
6 municipality or agency thereof which is exempted from the  
7 provisions of s. 112.061, pursuant to paragraph (b), shall not  
8 be required to be sworn to before a notary public or other  
9 officer authorized to administer oaths, but any claim  
10 authorized or required to be made under any per diem and  
11 travel expense policy of a municipality or agency thereof must  
12 contain a statement that the expenses were actually incurred  
13 by the traveler as necessary travel expenses in the  
14 performance of official duties and shall be verified by a  
15 written declaration that it is true and correct as to every  
16 material matter; and any person who willfully makes and  
17 subscribes any such claim that he or she does not believe to  
18 be true and correct as to every material matter, or who  
19 willfully aids or assists in, or procures, counsels, or  
20 advises the preparation or presentation of such a claim that  
21 is fraudulent or is false as to any material matter, whether  
22 or not such falsity or fraud is with the knowledge or consent  
23 of the person authorized or required to present such claim,  
24 commits a misdemeanor of the second degree, punishable as  
25 provided in s. 775.082 or s. 775.083. Whoever receives an  
26 allowance or reimbursement by means of a false claim is  
27 civilly liable in the amount of the overpayment for the  
28 reimbursement of the public fund from which the claim was  
29 paid.

30 Section 2. Section 112.061, Florida Statutes, is  
31 amended to read:

1           112.061 Per diem and travel expenses of public  
2 officers, employees, and authorized persons.--

3           (1) LEGISLATIVE INTENT.--There are inequities,  
4 conflicts, inconsistencies, and lapses in the numerous laws  
5 regulating or attempting to regulate travel expenses of public  
6 officers, employees, and authorized persons in the state. It  
7 is the intent of the Legislature:

8           (a) To remedy same and to establish uniform travel  
9 reimbursement ranges for state agencies, maximum travel  
10 reimbursement rates for nonstate public agencies, and  
11 limitations for all public agencies, with certain justifiable  
12 exceptions, applicable to all public travelers ~~officers,~~  
13 ~~employees, and authorized persons~~ whose travel expenses are  
14 paid by a public agency.

15           (b) To preserve the standardization and uniformity  
16 established by this law:

17           1. The provisions of this section shall prevail over  
18 any conflicting provisions in a general law, present or  
19 future, to the extent of the conflict; but if any such general  
20 law contains a specific exemption from this section, including  
21 a specific reference to this section, such general law shall  
22 prevail, but only to the extent of the exemption.

23           2. The provisions of any special or local law, present  
24 or future, shall prevail over any conflicting provisions in  
25 this section, but only to the extent of the conflict.

26           (2) DEFINITIONS.--For the purposes of this section,  
27 the following words shall have the meanings indicated:

28           (a) Agency or public agency--Any office, department,  
29 agency, division, subdivision, political subdivision, board,  
30 bureau, commission, authority, district, public body, body  
31

1 politic, county, city, town, village, municipality, or any  
2 other separate unit of government created pursuant to law.

3 (b) Agency head or head of the agency--The highest  
4 policymaking authority of a public agency, as herein defined.

5 (c) Officer or public officer--An individual who in  
6 the performance of his or her official duties is vested by law  
7 with sovereign powers of government and who is either elected  
8 by the people, or commissioned by the Governor and has  
9 jurisdiction extending throughout the state, or any person  
10 lawfully serving instead of either of the foregoing two  
11 classes of individuals as initial designee or successor.

12 (d) Employee or public employee--An individual,  
13 whether commissioned or not, other than an officer or  
14 authorized person as defined herein, who is filling a regular  
15 or full-time authorized position and is responsible to an  
16 agency head.

17 (e) Authorized person--

18 1. A person other than a public officer or employee as  
19 defined herein, whether elected or commissioned or not, who is  
20 authorized by an agency head to incur travel expenses in the  
21 performance of official duties.

22 2. A person who is called upon by an agency to  
23 contribute time and services as consultant or adviser.

24 3. A person who is a candidate for an executive or  
25 professional position.

26 (f) Traveler--A public officer, public employee, or  
27 authorized person, when performing authorized travel.

28 (g) Travel expense, traveling expenses, necessary  
29 expenses while traveling, actual expenses while traveling, or  
30 words of similar nature--The usual ordinary and incidental  
31 expenditures necessarily incurred by a traveler.

1 (h) Common carrier--Train, bus, commercial airline  
2 operating scheduled flights, or rental cars of an established  
3 rental car firm.

4 (i) Travel day--A period of 24 hours consisting of  
5 four quarters of 6 hours each.

6 (j) Travel period--A period of time between the time  
7 of departure and time of return.

8 (k) Class A travel--Continuous travel of 24 hours or  
9 more away from official headquarters.

10 (l) Class B travel--Continuous travel of less than 24  
11 hours which involves overnight absence from official  
12 headquarters.

13 (m) Class C travel--Travel for short or day trips  
14 where the traveler is not away from his or her official  
15 headquarters overnight.

16 (n) Foreign travel--Travel outside the United States.

17 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

18 (a) All travel must be authorized and approved by the  
19 head of the agency, or his or her designated representative,  
20 from whose funds the traveler is paid. The head of the agency  
21 shall not authorize or approve such a request unless it is  
22 accompanied by a signed statement by the traveler's supervisor  
23 stating that such travel is on the official business of the  
24 state and also stating the purpose of such travel.

25 (b) Travel expenses of travelers shall be limited to  
26 those expenses necessarily incurred by them in the performance  
27 of a public purpose authorized by law to be performed by the  
28 agency and must be within the limitations prescribed by this  
29 section.

30 (c) Travel by public officers or employees serving  
31 temporarily in behalf of another agency or partly in behalf of

1 more than one agency at the same time, or authorized persons  
2 who are called upon to contribute time and services as  
3 consultants or advisers, may be authorized by the agency head.  
4 Complete explanation and justification must be shown on the  
5 travel expense voucher or attached thereto.

6 (d) Travel expenses of public employees for the sole  
7 purpose of taking merit system or other job placement  
8 examinations, written or oral, shall not be allowed under any  
9 circumstances, except that upon prior written approval of the  
10 agency head or his or her designee, candidates for executive  
11 or professional positions may be allowed travel expenses  
12 pursuant to this section.

13 (e) The agency head, or a designated representative,  
14 may pay by advancement or reimbursement, or a combination  
15 thereof, the costs of per diem of travelers ~~and authorized~~  
16 ~~persons~~ for foreign travel at the current rates as specified  
17 in the federal publication "Standardized Regulations  
18 (Government Civilians, Foreign Areas)" and incidental expenses  
19 as provided in this section.

20 (f) A traveler who becomes sick or injured while away  
21 from his or her official headquarters and is therefore unable  
22 to perform the official business of the agency may continue to  
23 receive subsistence as provided in subsection (6) during this  
24 period of illness or injury until such time as he or she is  
25 able to perform the official business of the agency or returns  
26 to his or her official headquarters, whichever is earlier.  
27 Such subsistence may be paid when approved by the agency head  
28 or his or her designee.

29 (g) The secretary of the Department of Health or a  
30 designee may authorize travel expenses incidental to the  
31 rendering of medical services for and on behalf of clients of

1 the Department of Health. The Department of Health may  
2 establish rates lower than the range ~~maximum~~ provided in this  
3 section for these travel expenses.

4 (4) OFFICIAL HEADQUARTERS.--The official headquarters  
5 of an officer or employee assigned to an office shall be the  
6 city or town in which the office is located except that:

7 (a) The official headquarters of a person located in  
8 the field shall be the city or town nearest to the area where  
9 the majority of the person's work is performed, or such other  
10 city, town, or area as may be designated by the agency head  
11 provided that in all cases such designation must be in the  
12 best interests of the agency and not for the convenience of  
13 the person.

14 (b) When any state employee is stationed in any city  
15 or town for a period of over 30 continuous workdays, such city  
16 or town shall be deemed to be the employee's official  
17 headquarters, and he or she shall not be allowed per diem or  
18 subsistence, as provided in this section, after the said  
19 period of 30 continuous workdays has elapsed, unless this  
20 period of time is extended by the express approval of the  
21 agency head or his or her designee.

22 (c) A traveler may leave his or her assigned post to  
23 return home overnight, over a weekend, or during a holiday,  
24 but any time lost from regular duties shall be taken as annual  
25 leave and authorized in the usual manner. The traveler shall  
26 not be reimbursed for travel expenses in excess of the  
27 established rate for per diem allowable had he or she remained  
28 at his or her assigned post. However, when a traveler has  
29 been temporarily assigned away from his or her official  
30 headquarters for an approved period extending beyond 30 days,  
31 he or she shall be entitled to reimbursement for travel

1 expenses at the established rate of one round trip for each  
2 30-day period actually taken to his or her home in addition to  
3 pay and allowances otherwise provided.

4 (5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For  
5 purposes of reimbursement and methods of calculating  
6 fractional days of travel, the following principles are  
7 prescribed:

8 (a) The travel day for Class A travel shall be a  
9 calendar day (midnight to midnight). The travel day for Class  
10 B travel shall begin at the same time as the travel period.  
11 For Class A and Class B travel, the traveler shall be  
12 reimbursed one-fourth of the authorized rate of per diem for  
13 each quarter, or fraction thereof, of the travel day included  
14 within the travel period. Class A and Class B travel shall  
15 include any assignment on official business outside of regular  
16 office hours and away from regular places of employment when  
17 it is considered reasonable and necessary to stay overnight  
18 and for which travel expenses are approved.

19 (b) A traveler shall not be reimbursed on a per diem  
20 basis for Class C travel, but shall receive subsistence as  
21 provided in this section, which allowance for meals shall be  
22 based on the following schedule:

23 1. Breakfast--When travel begins before 6 a.m. and  
24 extends beyond 8 a.m.

25 2. Lunch--When travel begins before 12 noon and  
26 extends beyond 2 p.m.

27 3. Dinner--When travel begins before 6 p.m. and  
28 extends beyond 8 p.m., or when travel occurs during nighttime  
29 hours due to special assignment.

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31

1 No allowance shall be made for meals when travel is confined  
2 to the city or town of the official headquarters or immediate  
3 vicinity; except assignments of official business outside the  
4 traveler's regular place of employment if travel expenses are  
5 approved. The Chief Financial Officer ~~Comptroller~~ shall  
6 establish a schedule for processing Class C travel subsistence  
7 payments at least on a monthly basis.

8 ~~(c) For the 2002-2003 fiscal year only and~~  
9 ~~notwithstanding the other provisions of this subsection, for~~  
10 ~~Class C travel, a state traveler shall not be reimbursed on a~~  
11 ~~per diem basis nor shall a traveler receive subsistence~~  
12 ~~allowance. This paragraph expires July 1, 2003.~~

13 (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For  
14 purposes of reimbursement rates and methods of calculation,  
15 per diem and subsistence allowances are divided into the  
16 following groups and rates:

17 (a) All travelers shall be allowed for subsistence  
18 when traveling to a convention or conference or when traveling  
19 within or outside the state in order to conduct bona fide  
20 state business, which convention, conference, or business  
21 serves a direct and lawful public purpose with relation to the  
22 public agency served by the person attending such meeting or  
23 conducting such business, either of the following for each day  
24 of such travel at the option of the traveler:

25 1. Between \$50 and \$94 ~~Fifty dollars~~ per diem for  
26 state travelers, or up to \$94 per diem for nonstate travelers;

27 or

28 2. If actual expenses exceed~~\$50~~, the amounts  
29 permitted in paragraphs (a) and paragraph (b) for per diem and  
30 meals, plus actual expenses for lodging at a single-occupancy  
31 rate to be substantiated by paid bills therefor.

1  
2 When lodging or meals are provided at a state institution, the  
3 traveler shall be reimbursed only for the actual expenses of  
4 such lodging or meals, not to exceed the maximum provided for  
5 in this subsection.

6 (b) All travelers shall be allowed the following  
7 amounts for subsistence while on Class C travel on official  
8 business as provided in paragraph (5)(b):

9 1. Breakfast....State travelers are allowed between \$3  
10 and \$5 and nonstate travelers up to \$5

11 2. Lunch....State travelers are allowed between \$6 and  
12 \$11 and nonstate travelers up to \$11

13 3. Dinner..State travelers are allowed between \$12 and  
14 \$22 and nonstate travelers up to \$22

15 (c) No one, whether traveling out of state or in  
16 state, shall be reimbursed for any meal or lodging included in  
17 a convention or conference registration fee paid by the state.

18 ~~(d) For the 2002-2003 fiscal year only and~~  
19 ~~notwithstanding the other provisions of this subsection, for~~  
20 ~~Class C travel, a state traveler shall not be reimbursed on a~~  
21 ~~per diem basis nor shall a traveler receive subsistence~~  
22 ~~allowance. This paragraph expires July 1, 2003.~~

23 (7) TRANSPORTATION.--

24 (a) All travel must be by a usually traveled route.  
25 In case a person travels by an indirect route for his or her  
26 own convenience, any extra costs shall be borne by the  
27 traveler; and reimbursement for expenses shall be based only  
28 on such charges as would have been incurred by a usually  
29 traveled route. The agency head or his or her designee shall  
30 designate the most economical method of travel for each trip,  
31 keeping in mind the following conditions:

1           1. The nature of the business.

2           2. The most efficient and economical means of travel  
3 (considering time of the traveler, impact on the productivity  
4 of the traveler, cost of transportation, and per diem or  
5 subsistence required). When it is more efficient and  
6 economical to either the traveler or the agency head, jet  
7 service offered by any airline, whether on state contract or  
8 not, may be used when the cost is within an approved threshold  
9 determined by the agency head or his or her designee.

10          3. The number of persons making the trip and the  
11 amount of equipment or material to be transported.

12           (b) The Department of Financial Services ~~Banking and~~  
13 ~~Finance~~ may provide any form it deems necessary to cover  
14 travel requests for traveling on official business and when  
15 paid by the state.

16           (c) Transportation by common carrier when traveling on  
17 official business and paid for personally by the traveler,  
18 shall be substantiated by a receipt therefor. Federal tax  
19 shall not be reimbursable to the traveler unless the state and  
20 other public agencies are also required by federal law to pay  
21 such tax. In the event transportation other than the most  
22 economical class as approved by the agency head is provided by  
23 a common carrier on a flight check or credit card, the charges  
24 in excess of the most economical class shall be refunded by  
25 the traveler to the agency charged with the transportation  
26 provided in this manner.

27           (d)1. The use of privately owned vehicles for official  
28 travel in lieu of publicly owned vehicles or common carriers  
29 may be authorized by the agency head or his or her designee.  
30 Whenever travel is by privately owned vehicle: ~~the~~

31

1           a. A state traveler shall be entitled to a mileage  
2 allowance at a ~~fixed~~ rate of 29 to 37 ~~25~~ cents per mile; ~~for~~  
3 ~~state fiscal year 1994-1995 and 29~~

4           b. A nonstate traveler shall be entitled to a mileage  
5 allowance up to 37 cents per mile; or

6           c. The traveler shall be entitled to ~~thereafter~~ ~~or~~ the  
7 common carrier fare for such travel, as determined by the  
8 agency head.

9           2. Reimbursement for expenditures related to the  
10 operation, maintenance, and ownership of a vehicle shall not  
11 be allowed when privately owned vehicles are used on public  
12 business and reimbursement is made pursuant to this paragraph,  
13 except as provided in subsection (8).

14           ~~3.2.~~ All mileage shall be shown from point of origin  
15 to point of destination and, when possible, shall be computed  
16 on the basis of the current map of the Department of  
17 Transportation. Vicinity mileage necessary for the conduct of  
18 official business is allowable but must be shown as a separate  
19 item on the expense voucher.

20           (e) Transportation by chartered vehicles when  
21 traveling on official business may be authorized by the agency  
22 head when necessary or where it is to the advantage of the  
23 agency, provided the cost of such transportation does not  
24 exceed the cost of transportation by privately owned vehicle  
25 pursuant to paragraph (d).

26           (f) The agency head or his or her designee may grant  
27 monthly allowances in fixed amounts for use of privately owned  
28 automobiles on official business in lieu of the mileage rate  
29 provided in paragraph (d). Allowances granted pursuant to  
30 this paragraph shall be reasonable, taking into account the  
31 customary use of the automobile, the roads customarily

1 traveled, and whether any of the expenses incident to the  
2 operation, maintenance, and ownership of the automobile are  
3 paid from funds of the agency or other public funds. Such  
4 allowance may be changed at any time, and shall be made on the  
5 basis of a signed statement of the traveler, filed before the  
6 allowance is granted or changed, and at least annually  
7 thereafter. The statement shall show the places and distances  
8 for an average typical month's travel on official business,  
9 and the amount that would be allowed under the approved rate  
10 per mile for the travel shown in the statement, if payment had  
11 been made pursuant to paragraph (d).

12 (g) No contract may be entered into between a public  
13 officer or employee, or any other person, and a public agency,  
14 in which a depreciation allowance is used in computing the  
15 amount due by the agency to the individual for the use of a  
16 privately owned vehicle on official business; provided, any  
17 such existing contract shall not be impaired.

18 (h) No traveler shall be allowed either mileage or  
19 transportation expense when gratuitously transported by  
20 another person or when transported by another traveler who is  
21 entitled to mileage or transportation expense. However, a  
22 traveler on a private aircraft shall be reimbursed the actual  
23 amount charged and paid for the fare for such transportation  
24 up to the cost of a commercial airline ticket for the same  
25 flight, even though the owner or pilot of such aircraft is  
26 also entitled to transportation expense for the same flight  
27 under this subsection.

28 (8) OTHER EXPENSES.--

29 (a) The following incidental travel expenses of the  
30 traveler may be reimbursed:

31 1. Taxi fare.

- 1           2. Ferry fares; and bridge, road, and tunnel tolls.  
2           3. Storage or parking fees.  
3           4. Communication expense.  
4           5. Convention registration fee while attending a  
5 convention or conference which will serve a direct public  
6 purpose with relation to the public agency served by the  
7 person attending such meetings. A traveler may be reimbursed  
8 the actual and necessary fees for attending events which are  
9 not included in a basic registration fee that directly enhance  
10 the public purpose of the participation of the agency in the  
11 conference. Such expenses may include, but not be limited to,  
12 banquets and other meal functions. It shall be the  
13 responsibility of the traveler to substantiate that the  
14 charges were proper and necessary. However, any meals or  
15 lodging included in the registration fee will be deducted in  
16 accordance with the allowances provided in subsection (6).  
17           (b) Other expenses which are not specifically  
18 authorized by this section may be approved by the Department  
19 of Financial Services ~~Banking and Finance~~ pursuant to rules  
20 adopted by it. Expenses approved pursuant to this paragraph  
21 shall be reported by the Department of Financial Services  
22 ~~Banking and Finance~~ to the Auditor General annually.  
23           (9) RULES AND REGULATIONS.--  
24           (a) The Department of Financial Services ~~Banking and~~  
25 ~~Finance~~ shall adopt ~~promulgate~~ such rules and regulations,  
26 including, but not limited to, the general criteria to be used  
27 by a state agency to predetermine justification for attendance  
28 by state officers, and employees, and authorized persons at  
29 conventions and conferences, and prescribe such forms as may  
30 be necessary to effectuate the purposes of this section. The  
31 department may also adopt rules prescribing the proper

1 disposition and use of promotional items and rebates offered  
2 by common carriers and other entities in connection with  
3 travel at public expense; however, before adopting such rules,  
4 the department shall consult with the appropriation committees  
5 of the Legislature.

6 (b) Each state agency shall promulgate such additional  
7 specific rules and regulations and specific criteria to be  
8 used by it to predetermine justification for attendance by  
9 state officers and employees and authorized persons at  
10 conventions and conferences, not in conflict with the rules  
11 and regulations of the Department of Financial Services  
12 ~~Banking and Finance~~ or with the general criteria to be used by  
13 a state agency to predetermine justification for attendance by  
14 state officers, and employees, and authorized persons at  
15 conventions, as may be necessary to effectuate the purposes of  
16 this section.

17 (10) FRAUDULENT CLAIMS.--Claims submitted pursuant to  
18 this section shall not be required to be sworn to before a  
19 notary public or other officer authorized to administer oaths,  
20 but any claim authorized or required to be made under any  
21 provision of this section shall contain a statement that the  
22 expenses were actually incurred by the traveler as necessary  
23 travel expenses in the performance of official duties and  
24 shall be verified by a written declaration that it is true and  
25 correct as to every material matter; and any person who  
26 willfully makes and subscribes any such claim which he or she  
27 does not believe to be true and correct as to every material  
28 matter, or who willfully aids or assists in, or procures,  
29 counsels, or advises the preparation or presentation under the  
30 provisions of this section of a claim which is fraudulent or  
31 is false as to any material matter, whether or not such

1 falsity or fraud is with the knowledge or consent of the  
2 person authorized or required to present such claim, is guilty  
3 of a misdemeanor of the second degree, punishable as provided  
4 in s. 775.082 or s. 775.083. Whoever shall receive an  
5 allowance or reimbursement by means of a false claim shall be  
6 civilly liable in the amount of the overpayment for the  
7 reimbursement of the public fund from which the claim was  
8 paid.

9 (11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.--

10 (a) Authorization forms.--The Department of Financial  
11 Services ~~Banking and Finance~~ shall furnish a uniform travel  
12 authorization request form which shall be used by all state  
13 officers and employees and authorized persons when requesting  
14 approval for the performance of travel to a convention or  
15 conference. The form shall include, but not be limited to,  
16 provision for the name of each traveler, purpose of travel,  
17 period of travel, estimated cost to the state, and a statement  
18 of benefits accruing to the state by virtue of such travel. A  
19 copy of the program or agenda of the convention or conference,  
20 itemizing registration fees and any meals or lodging included  
21 in the registration fee, shall be attached to, and filed with,  
22 the copy of the travel authorization request form on file with  
23 the agency. The form shall be signed by the traveler and by  
24 the traveler's supervisor stating that the travel is to be  
25 incurred in connection with official business of the state.  
26 The head of the agency or his or her designated representative  
27 shall not authorize or approve such request in the absence of  
28 the appropriate signatures. A copy of the travel authorization  
29 form shall be attached to, and become a part of, the support  
30 of the agency's copy of the travel voucher.

31 (b) Voucher forms.--

1           1. The Department of Financial Services ~~Banking and~~  
2 ~~Finance~~ shall furnish a uniform travel voucher form which  
3 shall be used by all state officers and employees and  
4 authorized persons when submitting travel expense statements  
5 for approval and payment. No travel expense statement shall  
6 be approved for payment by the Chief Financial Officer  
7 ~~Comptroller~~ unless made on the form prescribed and furnished  
8 by the department. The travel voucher form shall provide for,  
9 among other things, the purpose of the official travel and a  
10 certification or affirmation, to be signed by the traveler,  
11 indicating the truth and correctness of the claim in every  
12 material matter, that the travel expenses were actually  
13 incurred by the traveler as necessary in the performance of  
14 official duties, that per diem claimed has been appropriately  
15 reduced for any meals or lodging included in the convention or  
16 conference registration fees claimed by the traveler, and that  
17 the voucher conforms in every respect with the requirements of  
18 this section. The original copy of the executed uniform  
19 travel authorization request form shall be attached to the  
20 uniform travel voucher on file with the respective agency.

21           2. Statements for travel expenses incidental to the  
22 rendering of medical services for and on behalf of clients of  
23 the Department of Health shall be on forms approved by the  
24 Financial Services ~~Department of Banking and Finance~~.

25           (12) ADVANCEMENTS.--Notwithstanding any of the  
26 foregoing restrictions and limitations, an agency head or his  
27 or her designee may make, or authorize the making of, advances  
28 to cover anticipated costs of travel to travelers. Such  
29 advancements may include the costs of subsistence and travel  
30 of any person transported in the care or custody of the  
31 traveler in the performance of his or her duties.

1           (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever  
2 an agency requires an employee to incur either Class A or  
3 Class B travel on emergency notice to the traveler, such  
4 traveler may request the agency to pay his or her expenses for  
5 meals and lodging directly to the vendor, and the agency may  
6 pay the vendor the actual expenses for meals and lodging  
7 during the travel period, limited to an amount not to exceed  
8 that authorized pursuant to this section. In emergency  
9 situations, the agency head or his or her designee may  
10 authorize an increase in the amount paid for a specific meal,  
11 provided that the total daily cost of meals does not exceed  
12 the total amount authorized for meals each day. The agency  
13 head or his or her designee may also grant prior approval for  
14 a state agency to make direct payments of travel expenses in  
15 other situations that result in cost savings to the state, and  
16 such cost savings shall be documented in the voucher submitted  
17 to the Chief Financial Officer~~Comptroller~~ for the direct  
18 payment of travel expenses. The provisions of this subsection  
19 shall not be deemed to apply to any legislator or to any  
20 employee of the Legislature.

21           (14) TRAVEL REIMBURSEMENT RANGES AND ADJUSTMENTS.--

22           (a) For the 2002-2003 fiscal year, state travelers may  
23 receive no more than the minimum amounts for per diem as  
24 provided in subparagraph (6)(a)1., subsistence as provided in  
25 paragraph 6(b), and mileage as provided in subparagraph  
26 (7)(d)1.

27           (b) On or before June 30, 2003, and annually  
28 thereafter, the specific amounts to be paid, selected from the  
29 ranges specified in this section, during the following fiscal  
30 year to state travelers for per diem as provided in  
31 subparagraph (6)(a)1., subsistence as provided in paragraph

1 (6)(b), and mileage as provided in subparagraph (7)(d)1.,  
2 shall be established as follows:

3 1. The Attorney General shall establish amounts that  
4 apply uniformly to all travel by the Department of Legal  
5 Affairs;

6 2. The Chief Financial Officer shall establish amounts  
7 that apply uniformly to all travel by the Department of  
8 Financial Services;

9 3. The Commissioner of Agriculture shall establish  
10 amounts that apply uniformly to all travel by the Department  
11 of Agriculture;

12 4. The Governor shall establish amounts that apply  
13 uniformly to all travel by executive branch agencies, except  
14 as otherwise provided in this paragraph;

15 5. The presiding officers of the Legislature shall  
16 establish amounts that apply uniformly to all travel by  
17 legislative branch agencies; and

18 6. The Chief Justice of the State Supreme Court shall  
19 establish amounts that apply uniformly to all travel by  
20 judicial branch agencies.

21 (c) On June 1, 2005, and annually thereafter, the  
22 Department of Financial Services shall, by rule, adjust the  
23 amounts for per diem provided in subparagraph (6)(a)1., the  
24 amounts for subsistence provided in paragraph (6)(b), and the  
25 amounts for mileage provided in subparagraph (7)(d)1. to  
26 reflect the percentage change in the Consumer Price Index for  
27 All Urban Consumers, U.S. City Average since June 1, 2003. The  
28 annually adjusted amounts shall be rounded downward to the  
29 nearest whole dollar for per diem and subsistence and to the  
30 nearest whole cent for mileage, and shall be effective for the  
31 following fiscal year.

1           (15) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,  
2 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

3           (a) Rates that exceed the maximum travel reimbursement  
4 rates for nonstate travelers specified in s. 112.061(6)(a) for  
5 per diem, in s. 112.061(6)(b) for subsistence, and in s.  
6 112.061(7)(d)1. for mileage may be established by:

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

9           2. A county constitutional officer, pursuant to  
10 Article VIII, s.1.(d) of the State Constitution, by the  
11 establishment of written policy;

12           3. The governing body of a district school board by  
13 the adoption of rules; or

14           4. The governing body of a special district, as  
15 defined in s. 189.403(1), except those special districts that  
16 are subject to s. 166.021(10), by the enactment of a  
17 resolution.

18           (b) Rates established pursuant to paragraph (15)(a)  
19 must apply uniformly to all travel by the county, county  
20 constitutional officer and entity governed by that officer,  
21 district school board, or special district.

22           (c) Except as otherwise provided in this subsection,  
23 counties, county constitutional officers and entities governed  
24 by those officers, district school boards, and special  
25 districts, other than those subject to s. 166.021(10), remain  
26 subject to the requirements of this section.

27           Section 3. This act shall take effect upon becoming a  
28 law and section 166.021(10)(a) and (b), Florida Statutes, as  
29 created in section 1, of this act shall apply retroactively to  
30 January 1, 2003.

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