

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ausley offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

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

166.021 Powers.--

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

1. "Authorized person" means a person:

a. Other than an officer or employee, as defined in this paragraph, whether elected or commissioned or not, who is authorized by a municipality or agency thereof to incur travel expenses in the performance of official duties;

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

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

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

32 3. "Officer" means an individual who, in the performance
33 of his or her official duties, is vested by law with sovereign
34 powers of government and who is either elected by the people, or
35 commissioned by the Governor and who has jurisdiction extending
36 throughout the municipality, or any person lawfully serving
37 instead of either of the foregoing two classes of individuals as
38 initial designee or successor.

39 4. "Traveler" means an officer, employee, or authorized
40 person, when performing travel authorized by a municipality or
41 agency thereof.

42 (b) Notwithstanding s. 112.061, the governing body of a
43 municipality or an agency thereof may provide for a per diem and
44 travel expense policy for its travelers which varies from the
45 provisions of s. 112.061. Any such policy provided by a
46 municipality or an agency thereof on January 1, 2003, shall be
47 valid and in effect for that municipality or agency thereof
48 until otherwise amended. A municipality or agency thereof that
49 provides any per diem and travel expense policy pursuant to this
50 subsection shall be deemed to be exempt from all provisions of
51 s. 112.061. A municipality or agency thereof that does not
52 provide a per diem and travel expense policy pursuant to this
53 subsection remains subject to all provisions of s. 112.061.

54 (c) Travel claims submitted by a traveler in a
55 municipality or agency thereof which is exempted from the
56 provisions of s. 112.061, pursuant to paragraph (b), shall not

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57 be required to be sworn to before a notary public or other
58 officer authorized to administer oaths, but any claim authorized
59 or required to be made under any per diem and travel expense
60 policy of a municipality or agency thereof must contain a
61 statement that the expenses were actually incurred by the
62 traveler as necessary travel expenses in the performance of
63 official duties and shall be verified by a written declaration
64 that it is true and correct as to every material matter; and any
65 person who willfully makes and subscribes any such claim that he
66 or she does not believe to be true and correct as to every
67 material matter, or who willfully aids or assists in, or
68 procures, counsels, or advises the preparation or presentation
69 of such a claim that is fraudulent or is false as to any
70 material matter, whether or not such falsity or fraud is with
71 the knowledge or consent of the person authorized or required to
72 present such claim, commits a misdemeanor of the second degree,
73 punishable as provided in s. 775.082 or s. 775.083. Whoever
74 receives an allowance or reimbursement by means of a false claim
75 is civilly liable in the amount of the overpayment for the
76 reimbursement of the public fund from which the claim was paid.

77 Section 2. Section 112.061, Florida Statutes, is amended
78 to read:

79 112.061 Per diem and travel expenses of public officers,
80 employees, and authorized persons.--

81 (1) LEGISLATIVE INTENT.--There are inequities, conflicts,
82 inconsistencies, and lapses in the numerous laws regulating or
83 attempting to regulate travel expenses of public officers,
84 employees, and authorized persons in the state. It is the
85 intent of the Legislature:

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86 (a) To remedy same and to establish uniform travel
87 reimbursement ranges for state agencies, maximum travel
88 reimbursement rates for nonstate public agencies, and
89 limitations for all public agencies, with certain justifiable
90 exceptions, applicable to all public travelers ~~officers,~~
91 ~~employees, and authorized persons~~ whose travel expenses are paid
92 by a public agency.

93 (b) To preserve the standardization and uniformity
94 established by this law:

95 1. The provisions of this section shall prevail over any
96 conflicting provisions in a general law, present or future, to
97 the extent of the conflict; but if any such general law contains
98 a specific exemption from this section, including a specific
99 reference to this section, such general law shall prevail, but
100 only to the extent of the exemption.

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

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

106 (a) Agency or public agency--Any office, department,
107 agency, division, subdivision, political subdivision, board,
108 bureau, commission, authority, district, public body, body
109 politic, county, city, town, village, municipality, or any other
110 separate unit of government created pursuant to law.

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

113 (c) Officer or public officer--An individual who in the
114 performance of his or her official duties is vested by law with

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115 sovereign powers of government and who is either elected by the
116 people, or commissioned by the Governor and has jurisdiction
117 extending throughout the state, or any person lawfully serving
118 instead of either of the foregoing two classes of individuals as
119 initial designee or successor.

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

124 (e) Authorized person--

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

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

131 3. A person who is a candidate for an executive or
132 professional position.

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

135 (g) Travel expense, traveling expenses, necessary expenses
136 while traveling, actual expenses while traveling, or words of
137 similar nature--The usual ordinary and incidental expenditures
138 necessarily incurred by a traveler.

139 (h) Common carrier--Train, bus, commercial airline
140 operating scheduled flights, or rental cars of an established
141 rental car firm.

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

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144 (j) Travel period--A period of time between the time of
145 departure and time of return.

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

148 (l) Class B travel--Continuous travel of less than 24
149 hours which involves overnight absence from official
150 headquarters.

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

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

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

156 (a) All travel must be authorized and approved by the head
157 of the agency, or his or her designated representative, from
158 whose funds the traveler is paid. The head of the agency shall
159 not authorize or approve such a request unless it is accompanied
160 by a signed statement by the traveler's supervisor stating that
161 such travel is on the official business of the state and also
162 stating the purpose of such travel.

163 (b) Travel expenses of travelers shall be limited to those
164 expenses necessarily incurred by them in the performance of a
165 public purpose authorized by law to be performed by the agency
166 and must be within the limitations prescribed by this section.

167 (c) Travel by public officers or employees serving
168 temporarily in behalf of another agency or partly in behalf of
169 more than one agency at the same time, or authorized persons who
170 are called upon to contribute time and services as consultants
171 or advisers, may be authorized by the agency head. Complete

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172 explanation and justification must be shown on the travel
173 expense voucher or attached thereto.

174 (d) Travel expenses of public employees for the sole
175 purpose of taking merit system or other job placement
176 examinations, written or oral, shall not be allowed under any
177 circumstances, except that upon prior written approval of the
178 agency head or his or her designee, candidates for executive or
179 professional positions may be allowed travel expenses pursuant
180 to this section.

181 (e) The agency head, or a designated representative, may
182 pay by advancement or reimbursement, or a combination thereof,
183 the costs of per diem of travelers ~~and authorized persons~~ for
184 foreign travel at the current rates as specified in the federal
185 publication "Standardized Regulations (Government Civilians,
186 Foreign Areas)" and incidental expenses as provided in this
187 section.

188 (f) A traveler who becomes sick or injured while away from
189 his or her official headquarters and is therefore unable to
190 perform the official business of the agency may continue to
191 receive subsistence as provided in subsection(6) during this
192 period of illness or injury until such time as he or she is able
193 to perform the official business of the agency or returns to his
194 or her official headquarters, whichever is earlier. Such
195 subsistence may be paid when approved by the agency head or his
196 or her designee.

197 (g) The secretary of the Department of Health or a
198 designee may authorize travel expenses incidental to the
199 rendering of medical services for and on behalf of clients of
200 the Department of Health. The Department of Health may

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201 establish rates lower than the range ~~maximum~~ provided in this
202 section for these travel expenses.

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

206 (a) The official headquarters of a person located in the
207 field shall be the city or town nearest to the area where the
208 majority of the person's work is performed, or such other city,
209 town, or area as may be designated by the agency head provided
210 that in all cases such designation must be in the best interests
211 of the agency and not for the convenience of the person.

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

219 (c) A traveler may leave his or her assigned post to
220 return home overnight, over a weekend, or during a holiday, but
221 any time lost from regular duties shall be taken as annual leave
222 and authorized in the usual manner. The traveler shall not be
223 reimbursed for travel expenses in excess of the established rate
224 for per diem allowable had he or she remained at his or her
225 assigned post. However, when a traveler has been temporarily
226 assigned away from his or her official headquarters for an
227 approved period extending beyond 30 days, he or she shall be
228 entitled to reimbursement for travel expenses at the established
229 rate of one round trip for each 30-day period actually taken to

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230 his or her home in addition to pay and allowances otherwise
231 provided.

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

235 (a) The travel day for Class A travel shall be a calendar
236 day (midnight to midnight). The travel day for Class B travel
237 shall begin at the same time as the travel period. For Class A
238 and Class B travel, the traveler shall be reimbursed one-fourth
239 of the authorized rate of per diem for each quarter, or fraction
240 thereof, of the travel day included within the travel period.
241 Class A and Class B travel shall include any assignment on
242 official business outside of regular office hours and away from
243 regular places of employment when it is considered reasonable
244 and necessary to stay overnight and for which travel expenses
245 are approved.

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

250 1. Breakfast--When travel begins before 6 a.m. and extends
251 beyond 8 a.m.

252 2. Lunch--When travel begins before 12 noon and extends
253 beyond 2 p.m.

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

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

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

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

274 (a) All travelers shall be allowed for subsistence when
275 traveling to a convention or conference or when traveling within
276 or outside the state in order to conduct bona fide state
277 business, which convention, conference, or business serves a
278 direct and lawful public purpose with relation to the public
279 agency served by the person attending such meeting or conducting
280 such business, either of the following for each day of such
281 travel at the option of the traveler:

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

284 2. If actual expenses exceed ~~\$50~~, the amounts permitted in
285 paragraphs (a) and paragraph (b) for per diem and meals, plus

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286 actual expenses for lodging at a single-occupancy rate to be
287 substantiated by paid bills therefor.

288
289 When lodging or meals are provided at a state institution, the
290 traveler shall be reimbursed only for the actual expenses of
291 such lodging or meals, not to exceed the maximum provided for in
292 this subsection.

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

296 1. Breakfast....State travelers are allowed between \$3 and
297 \$5 and nonstate travelers up to \$5

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

300 3. Dinner....State travelers are allowed between \$12 and
301 \$22 and nonstate travelers up to \$22

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

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

310 (7) TRANSPORTATION.--

311 (a) All travel must be by a usually traveled route. In
312 case a person travels by an indirect route for his or her own
313 convenience, any extra costs shall be borne by the traveler; and
314 reimbursement for expenses shall be based only on such charges

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315 as would have been incurred by a usually traveled route. The
316 agency head or his or her designee shall designate the most
317 economical method of travel for each trip, keeping in mind the
318 following conditions:

319 1. The nature of the business.

320 2. The most efficient and economical means of travel
321 (considering time of the traveler, impact on the productivity of
322 the traveler, cost of transportation, and per diem or
323 subsistence required). When it is more efficient and economical
324 to either the traveler or the agency head, jet service offered
325 by any airline, whether on state contract or not, may be used
326 when the cost is within an approved threshold determined by the
327 agency head or his or her designee.

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

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

334 (c) Transportation by common carrier when traveling on
335 official business and paid for personally by the traveler, shall
336 be substantiated by a receipt therefor. Federal tax shall not
337 be reimbursable to the traveler unless the state and other
338 public agencies are also required by federal law to pay such
339 tax. In the event transportation other than the most economical
340 class as approved by the agency head is provided by a common
341 carrier on a flight check or credit card, the charges in excess
342 of the most economical class shall be refunded by the traveler

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343 to the agency charged with the transportation provided in this
344 manner.

345 (d)1. The use of privately owned vehicles for official
346 travel in lieu of publicly owned vehicles or common carriers may
347 be authorized by the agency head or his or her designee.

348 Whenever travel is by privately owned vehicle: ~~the~~

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

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

354 c. The traveler shall be entitled to thereafter or the
355 common carrier fare for such travel, as determined by the agency
356 head.

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

362 3.2- All mileage shall be shown from point of origin to
363 point of destination and, when possible, shall be computed on
364 the basis of the current map of the Department of
365 Transportation. Vicinity mileage necessary for the conduct of
366 official business is allowable but must be shown as a separate
367 item on the expense voucher.

368 (e) Transportation by chartered vehicles when traveling on
369 official business may be authorized by the agency head when
370 necessary or where it is to the advantage of the agency,
371 provided the cost of such transportation does not exceed the

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372 cost of transportation by privately owned vehicle pursuant to
373 paragraph (d).

374 (f) The agency head or his or her designee may grant
375 monthly allowances in fixed amounts for use of privately owned
376 automobiles on official business in lieu of the mileage rate
377 provided in paragraph (d). Allowances granted pursuant to this
378 paragraph shall be reasonable, taking into account the customary
379 use of the automobile, the roads customarily traveled, and
380 whether any of the expenses incident to the operation,
381 maintenance, and ownership of the automobile are paid from funds
382 of the agency or other public funds. Such allowance may be
383 changed at any time, and shall be made on the basis of a signed
384 statement of the traveler, filed before the allowance is granted
385 or changed, and at least annually thereafter. The statement
386 shall show the places and distances for an average typical
387 month's travel on official business, and the amount that would
388 be allowed under the approved rate per mile for the travel shown
389 in the statement, if payment had been made pursuant to
390 paragraph(d).

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

397 (h) No traveler shall be allowed either mileage or
398 transportation expense when gratuitously transported by another
399 person or when transported by another traveler who is entitled
400 to mileage or transportation expense. However, a traveler on a

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401 private aircraft shall be reimbursed the actual amount charged
402 and paid for the fare for such transportation up to the cost of
403 a commercial airline ticket for the same flight, even though the
404 owner or pilot of such aircraft is also entitled to
405 transportation expense for the same flight under this
406 subsection.

407 (8) OTHER EXPENSES.--

408 (a) The following incidental travel expenses of the
409 traveler may be reimbursed:

410 1. Taxi fare.

411 2. Ferry fares; and bridge, road, and tunnel tolls.

412 3. Storage or parking fees.

413 4. Communication expense.

414 5. Convention registration fee while attending a
415 convention or conference which will serve a direct public
416 purpose with relation to the public agency served by the person
417 attending such meetings. A traveler may be reimbursed the
418 actual and necessary fees for attending events which are not
419 included in a basic registration fee that directly enhance the
420 public purpose of the participation of the agency in the
421 conference. Such expenses may include, but not be limited to,
422 banquets and other meal functions. It shall be the
423 responsibility of the traveler to substantiate that the charges
424 were proper and necessary. However, any meals or lodging
425 included in the registration fee will be deducted in accordance
426 with the allowances provided in subsection (6).

427 (b) Other expenses which are not specifically authorized
428 by this section may be approved by the Department of Financial
429 Services ~~Banking and Finance~~ pursuant to rules adopted by it.

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430 Expenses approved pursuant to this paragraph shall be reported
431 by the Department of Financial Services ~~Banking and Finance~~ to
432 the Auditor General annually.

433 (9) RULES AND REGULATIONS.--

434 (a) The Department of Financial Services ~~Banking and~~
435 ~~Finance~~ shall adopt ~~promulgate~~ such rules and regulations,
436 including, but not limited to, the general criteria to be used
437 by a state agency to predetermine justification for attendance
438 by state officers, and employees, and authorized persons at
439 conventions and conferences, and prescribe such forms as may be
440 necessary to effectuate the purposes of this section. The
441 department may also adopt rules prescribing the proper
442 disposition and use of promotional items and rebates offered by
443 common carriers and other entities in connection with travel at
444 public expense; however, before adopting such rules, the
445 department shall consult with the appropriation committees of
446 the Legislature.

447 (b) Each state agency shall promulgate such additional
448 specific rules and regulations and specific criteria to be used
449 by it to predetermine justification for attendance by state
450 officers and employees and authorized persons at conventions and
451 conferences, not in conflict with the rules and regulations of
452 the Department of Financial Services ~~Banking and Finance~~ or with
453 the general criteria to be used by a state agency to
454 predetermine justification for attendance by state officers, and
455 employees, and authorized persons at conventions, as may be
456 necessary to effectuate the purposes of this section.

457 (10) FRAUDULENT CLAIMS.--Claims submitted pursuant to this
458 section shall not be required to be sworn to before a notary

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459 public or other officer authorized to administer oaths, but any
460 claim authorized or required to be made under any provision of
461 this section shall contain a statement that the expenses were
462 actually incurred by the traveler as necessary travel expenses
463 in the performance of official duties and shall be verified by a
464 written declaration that it is true and correct as to every
465 material matter; and any person who willfully makes and
466 subscribes any such claim which he or she does not believe to be
467 true and correct as to every material matter, or who willfully
468 aids or assists in, or procures, counsels, or advises the
469 preparation or presentation under the provisions of this section
470 of a claim which is fraudulent or is false as to any material
471 matter, whether or not such falsity or fraud is with the
472 knowledge or consent of the person authorized or required to
473 present such claim, is guilty of a misdemeanor of the second
474 degree, punishable as provided in s. 775.082 or s. 775.083.
475 Whoever shall receive an allowance or reimbursement by means of
476 a false claim shall be civilly liable in the amount of the
477 overpayment for the reimbursement of the public fund from which
478 the claim was paid.

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

480 (a) Authorization forms.--The Department of Financial
481 Services ~~Banking and Finance~~ shall furnish a uniform travel
482 authorization request form which shall be used by all state
483 officers and employees and authorized persons when requesting
484 approval for the performance of travel to a convention or
485 conference. The form shall include, but not be limited to,
486 provision for the name of each traveler, purpose of travel,
487 period of travel, estimated cost to the state, and a statement

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488 of benefits accruing to the state by virtue of such travel. A
489 copy of the program or agenda of the convention or conference,
490 itemizing registration fees and any meals or lodging included in
491 the registration fee, shall be attached to, and filed with, the
492 copy of the travel authorization request form on file with the
493 agency. The form shall be signed by the traveler and by the
494 traveler's supervisor stating that the travel is to be incurred
495 in connection with official business of the state. The head of
496 the agency or his or her designated representative shall not
497 authorize or approve such request in the absence of the
498 appropriate signatures. A copy of the travel authorization form
499 shall be attached to, and become a part of, the support of the
500 agency's copy of the travel voucher.

501 (b) Voucher forms.--

502 1. The Department of Financial Services ~~Banking and~~
503 ~~Finance~~ shall furnish a uniform travel voucher form which shall
504 be used by all state officers and employees and authorized
505 persons when submitting travel expense statements for approval
506 and payment. No travel expense statement shall be approved for
507 payment by the Chief Financial Officer ~~Comptroller~~ unless made
508 on the form prescribed and furnished by the department. The
509 travel voucher form shall provide for, among other things, the
510 purpose of the official travel and a certification or
511 affirmation, to be signed by the traveler, indicating the truth
512 and correctness of the claim in every material matter, that the
513 travel expenses were actually incurred by the traveler as
514 necessary in the performance of official duties, that per diem
515 claimed has been appropriately reduced for any meals or lodging
516 included in the convention or conference registration fees

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517 claimed by the traveler, and that the voucher conforms in every
518 respect with the requirements of this section. The original
519 copy of the executed uniform travel authorization request form
520 shall be attached to the uniform travel voucher on file with the
521 respective agency.

522 2. Statements for travel expenses incidental to the
523 rendering of medical services for and on behalf of clients of
524 the Department of Health shall be on forms approved by the
525 Department of Financial Services ~~Banking and Finance~~.

526 (12) ADVANCEMENTS.--Notwithstanding any of the foregoing
527 restrictions and limitations, an agency head or his or her
528 designee may make, or authorize the making of, advances to cover
529 anticipated costs of travel to travelers. Such advancements may
530 include the costs of subsistence and travel of any person
531 transported in the care or custody of the traveler in the
532 performance of his or her duties.

533 (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever an
534 agency requires an employee to incur either Class A or Class B
535 travel on emergency notice to the traveler, such traveler may
536 request the agency to pay his or her expenses for meals and
537 lodging directly to the vendor, and the agency may pay the
538 vendor the actual expenses for meals and lodging during the
539 travel period, limited to an amount not to exceed that
540 authorized pursuant to this section. In emergency situations,
541 the agency head or his or her designee may authorize an increase
542 in the amount paid for a specific meal, provided that the total
543 daily cost of meals does not exceed the total amount authorized
544 for meals each day. The agency head or his or her designee may
545 also grant prior approval for a state agency to make direct

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546 payments of travel expenses in other situations that result in
547 cost savings to the state, and such cost savings shall be
548 documented in the voucher submitted to the Chief Financial
549 Officer ~~Comptroller~~ for the direct payment of travel expenses.
550 The provisions of this subsection shall not be deemed to apply
551 to any legislator or to any employee of the Legislature.

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

553 (a) For the 2002-2003 fiscal year, state travelers may
554 receive no more than the minimum amounts for per diem as
555 provided in subparagraph(6)(a)1., subsistence as provided in
556 paragraph (6)(b), and mileage as provided in subparagraph
557 (7)(d)1.

558 (b) On or before June 30, 2003, and annually thereafter,
559 the specific amounts to be paid, selected from the ranges
560 specified in this section, during the following fiscal year to
561 state travelers for per diem as provided in subparagraph
562 (6)(a)1., subsistence as provided in paragraph (6)(b), and
563 mileage as provided in subparagraph (7)(d)1., shall be
564 established as follows:

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

567 2. The Chief Financial Officer shall establish amounts
568 that apply uniformly to all travel by the Department of
569 Financial Services;

570 3. The Commissioner of Agriculture shall establish amounts
571 that apply uniformly to all travel by the Department of
572 Agriculture;

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

576 5. The presiding officers of the Legislature shall
577 establish amounts that apply uniformly to all travel by
578 legislative branch agencies; and

579 6. The Chief Justice of the State Supreme Court shall
580 establish amounts that apply uniformly to all travel by judicial
581 branch agencies.

582 (c) On June 1, 2005, and annually thereafter, the
583 Department of Financial Services shall, by rule, adjust the
584 amounts for per diem provided in subparagraph (6)(a)1., the
585 amounts for subsistence provided in paragraph(6)(b), and the
586 amounts for mileage provided in subparagraph (7)(d)1. to reflect
587 the percentage change in the Consumer Price Index for All Urban
588 Consumers, U.S. City Average since June 1, 2003. The annually
589 adjusted amounts shall be rounded downward to the nearest whole
590 dollar for per diem and subsistence and to the nearest whole
591 cent for mileage, and shall be effective for the following
592 fiscal year.

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

595 (a) Rates that exceed the maximum travel reimbursement
596 rates for nonstate travelers specified in s. 112.061(6)(a) for
597 per diem, in s. 112.061(6)(b) for subsistence, and in s.
598 112.061(7)(d)1. for mileage may be established by:

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

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

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

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

609 (b) Rates established pursuant to paragraph (15)(a) must
610 apply uniformly to all travel by the county, county
611 constitutional officer and entity governed by that officer,
612 district school board, or special district.

613 (c) Except as otherwise provided in this subsection,
614 counties, county constitutional officers and entities governed
615 by those officers, district school boards, and special
616 districts, other than those subject to s. 166.021(10), remain
617 subject to the requirements of this section.

618 Section 3. This act shall take effect upon becoming a law
619 and section 166.021(10)(a) and(b), Florida Statutes, as created
620 in section 1, of this act shall apply retroactively to January
621 1, 2003.

622
623 ===== T I T L E A M E N D M E N T =====

624 Remove the entire title, and insert:
625 A bill to be entitled
626 An act relating to governmental per diem and travel
627 expenses; amending s. 166.021, F.S.; providing
628 definitions; authorizing municipalities and agencies
629 thereof to adopt per diem and travel expense policies for

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630 travelers, notwithstanding s. 112.061, F.S.; providing for
631 retroactive application; providing for applicability of s.
632 112.061, F.S., if per diem and travel expense policies are
633 or are not adopted; providing for offenses related to
634 false or fraudulent travel claims; providing misdemeanor
635 penalties; providing for civil liability; amending s.
636 112.061, F.S.; establishing per diem and subsistence
637 ranges for travel expenses of public employees; conforming
638 provisions and deleting obsolete provisions; specifying
639 agency head responsibilities to establish state traveler
640 rates; providing for future adjustments of such rates;
641 providing that counties, county officers, district school
642 boards, and certain special districts may increase
643 specified rates; providing effective dates.

644

645 WHEREAS, the Municipal Home Rule Powers Act, chapter 166,
646 Florida Statutes, provides that the governing body of each
647 municipality has the power to enact legislation concerning any
648 subject matter upon which the Legislature may act, and

649 WHEREAS, the Florida Attorney General, in AGO 1974-18,
650 stated that municipalities, under the Municipal Home Rule Powers
651 Act, have the home rule powers to enact per diem and travel
652 allowances that vary from those specified in section 112.061,
653 Florida Statutes, and

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

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658 WHEREAS, the Florida Attorney General, in AGO 2003-01, has
659 essentially reversed the opinion set forth in AGO 1974-18 and
660 has now stated that section 112.061, Florida Statutes, applies
661 to municipalities and controls the maximum rate of per diem and
662 other allowances paid to officers, employees, or others
663 authorized to act on behalf of the municipality, and

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