



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to municipal per diem and travel expenses; amending s. 166.021, F.S.; authorizing municipalities and agencies of municipalities to provide for per diem and travel expenses of officials, officers, employees, and authorized persons, notwithstanding the provisions of s. 112.061, F.S.; providing for retroactive application; providing an effective date.

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

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



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29 WHEREAS, numerous municipalities in the state have relied  
30 on the grant of home rule powers and AGO 1974-18 to enact  
31 reasonable per diem and travel allowances as determined by the  
32 governing bodies of the municipalities, and

33 WHEREAS, the Florida Attorney General, in AGO 2003-01, has  
34 essentially reversed the opinion set forth in AGO 1974-18 and  
35 has now stated that section 112.061, Florida Statutes, applies  
36 to municipalities and controls the maximum rate of per diem and  
37 other allowances paid to officers, employees, or others  
38 authorized to act on behalf of municipalities, and

39 WHEREAS, AGO 2003-01 clearly violates the intent of the  
40 Municipal Home Rule Powers Act and places municipalities that  
41 have relied on AGO 1974-18 in the position of having to repeal  
42 their policies on reasonable per diem and travel allowances in  
43 order to comply with AGO 2003-01, NOW, THEREFORE,

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

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

49 166.021 Powers.--

50 (10) Notwithstanding the provisions for per diem and  
51 travel expenses of public officers, employees, and authorized  
52 persons set forth in s. 112.061, the governing body of a  
53 municipality or an agency of a municipality may provide for per  
54 diem and travel expenses of its officials, officers, employees,  
55 and authorized persons as the governing body or the agency  
56 determines is reasonable. Any policy on per diem and travel



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57 expenses provided by a municipality or an agency of a  
58 municipality on January 1, 2003, shall be valid and in effect  
59 for that municipality or agency until otherwise amended. If the  
60 governing body of a municipality or an agency of a municipality  
61 does not provide for per diem and travel expenses, the  
62 municipality or the agency shall adhere to the provisions of s.  
63 112.061.

64 Section 2. This act shall take effect upon becoming a law  
65 and shall apply retroactively to January 1, 2003.  
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