

By the Committee on Governmental Oversight and Productivity;
and Senators Lawson, Smith and Fasano

585-1296-06

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A bill to be entitled

An act relating to reimbursement for travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; authorizing an exemption; providing for future adjustments of such rates; providing an effective date.

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

Section 1. Subsection (1), paragraphs (e) and (g) of subsection (3), subsection (6), paragraph (d) of subsection (7), and subsections (11) and (14) of section 112.061, Florida Statutes, are amended, and subsection (15) is added to that section, to read:

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

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

(a) To remedy same and to establish a uniform system of travel reimbursement ~~maximum~~ rates, ~~and limitations~~, with certain justifiable exceptions and exemptions, applicable to all authorized travelers ~~public officers, employees, and authorized persons~~ whose travel expenses are paid by a public agency.

1 (b) To preserve the standardization and uniformity
2 established by this law:

3 1. The provisions of this section shall prevail over
4 any conflicting provisions in a general law, present or
5 future, to the extent of the conflict; but if any such general
6 law contains a specific exemption from this section, including
7 a specific reference to this section, such general law shall
8 prevail, but only to the extent of the exemption.

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

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

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 (g) The secretary of the Department of Health or a
21 designee may authorize travel expenses incidental to the
22 rendering of medical services for and on behalf of clients of
23 the Department of Health. The Department of Health may
24 establish rates lower than the rate ~~maximum~~ provided in this
25 section for these travel expenses.

26 (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For
27 purposes of reimbursement rates and methods of calculation,
28 per diem and subsistence allowances are provided as follows
29 ~~divided into the following groups and rates:~~

30 (a) All travelers shall be allowed for subsistence
31 when traveling to a convention or conference or when traveling

1 within or outside the state in order to conduct bona fide
2 state business, which convention, conference, or business
3 serves a direct and lawful public purpose with relation to the
4 public agency served by the person attending such meeting or
5 conducting such business, either of the following for each day
6 of such travel at the option of the traveler:

7 1. For fiscal year 2006-2007, the rate of per diem
8 shall be \$90 and shall be adjusted annually thereafter
9 pursuant to subsection (15); however, in no case may the
10 state-established per diem rate exceed the standard federal
11 per diem rate for the continental United States ~~Fifty dollars~~
12 per diem; or

13 2. If actual expenses exceed the amount permitted in
14 subparagraph 1. ~~\$50~~, the amounts permitted in paragraph (b)
15 for subsistence meals, plus actual expenses for lodging at a
16 single-occupancy rate to be substantiated by paid bills
17 therefor.

18
19 When lodging or meals are provided at a state institution, the
20 traveler shall be reimbursed only for the actual expenses of
21 such lodging or meals, not to exceed the maximum provided for
22 in this subsection.

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

26 1. Breakfast. Travelers are allowed \$5 for fiscal year
27 2006-2007 and thereafter as adjusted annually pursuant to
28 subsection (15). ~~\$3~~

29 2. Lunch. Travelers are allowed \$11 for fiscal year
30 2006-2007 and thereafter as adjusted annually pursuant to
31 subsection (15). ~~\$6~~

1 3. Dinner. Travelers are allowed \$23 for fiscal year
2 2006-2007 and thereafter as adjusted annually pursuant to
3 subsection (15).~~\$12~~

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

7 ~~(d) For the 2005-2006 fiscal year only and~~
8 ~~notwithstanding the other provisions of this subsection, for~~
9 ~~Class C travel, a state traveler shall not be reimbursed on a~~
10 ~~per diem basis nor shall a traveler receive subsistence~~
11 ~~allowance. This paragraph expires July 1, 2006.~~

12 (7) TRANSPORTATION.--

13 (d)1. The use of privately owned vehicles for official
14 travel in lieu of publicly owned vehicles or common carriers
15 may be authorized by the agency head or his or her designee.
16 Whenever travel is by privately owned vehicle:

17 a. ~~A,~~ the traveler shall be entitled to a mileage
18 allowance at a ~~fixed~~ rate of 44.5 ~~25~~ cents per mile for the
19 2006-2007 fiscal year and thereafter as adjusted annually
20 pursuant to subsection (15); ~~or for state fiscal year~~
21 ~~1994-1995 and 29 cents per mile~~

22 b. The traveler shall be entitled to thereafter ~~or the~~
23 common carrier fare for such travel, if ~~as~~ determined by the
24 agency head to be more economical.

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

30 ~~3.2-~~ All mileage shall be shown from point of origin
31 to point of destination and, when possible, shall be computed

1 on the basis of the current map of the Department of
2 Transportation. Vicinity mileage necessary for the conduct of
3 official business is allowable but must be shown as a separate
4 item on the expense voucher.

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

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

27 (b) Voucher forms.--

28 1. The Department of Financial Services shall furnish
29 a uniform travel voucher form which shall be used by all state
30 officers, ~~and~~ employees, and authorized persons when
31 submitting travel expense statements for approval and payment.

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

16 2. Statements for travel expenses incidental to the
17 rendering of medical services for and on behalf of clients of
18 the Department of Health shall be on forms approved by the
19 Department of Financial Services.

20 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,
21 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

22 (a) The following entities may establish rates that
23 vary from the per diem rate provided in paragraph (6)(a), the
24 subsistence rates provided in paragraph (6)(b), or the mileage
25 rate provided in paragraph (7)(d), if those rates are not less
26 than the statutorily established rates that are in effect for
27 the 2005-2006 fiscal year ~~Rates that exceed the maximum travel~~
28 ~~reimbursement rates for nonstate travelers specified in~~
29 ~~paragraph (6)(a) for per diem, in paragraph (6)(b) for~~
30 ~~subsistence, and in subparagraph (7)(d)1. for mileage may be~~
31 ~~established by:~~

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

3 2. A county constitutional officer, pursuant to s.
4 1(d), Art. VIII of the State Constitution, by the
5 establishment of written policy;

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

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

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

16 (c) Except as otherwise provided in this subsection,
17 counties, county constitutional officers and entities governed
18 by those officers, district school boards, and special
19 districts, other than those subject to s. 166.021(10), remain
20 subject to the requirements of this section.

21 (15) STATE TRAVEL REIMBURSEMENT RATES AND
22 ADJUSTMENTS.--On or before June 30, 2007, and annually
23 thereafter, the uniform subsistence amounts, mileage rates,
24 and per diem rates applicable for the next fiscal year shall
25 be adjusted to reflect the percentage change in the Consumer
26 Price Index for All Urban Consumers, U.S. City Average since
27 June 1, 2005. However, the per diem rate may not exceed the
28 standard federal per diem rate for the continental United
29 States as published by the General Services Administration for
30 the applicable year. The Chief Financial Officer shall perform
31 the calculations necessary to determine the adjusted rates as

1 provided by this subsection and shall adopt and publish the
2 revised rates by rule.

3 Section 2. This act shall take effect July 1, 2006.

4
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 428

8 Sets rate of mileage reimbursement at 44.5 cents per mile.

9 Permits counties to vary statutory rates so long as those
10 rates are not lower than the state rate in effect for
11 2005-2006 fiscal year.

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