

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/SB 1180

INTRODUCER: Community Affairs Committee; Ethics and Elections Committee; and Senator Steube and others

SUBJECT: County and Municipal Public Officers

DATE: February 20, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Ulrich</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1180 requires official travel outside the state, or internationally, by county and municipal public officers to be approved by the governing body of the county or municipality at a regularly scheduled meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting. "Good cause" requires a written explanation for why the travel authorization could not be approved in advance. The request for travel authorization must contain all anticipated travel expense details including, but not limited to, means of travel, lodging, and subsistence.

The bill requires all approved travel to be posted on the county's or municipality's website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted on the website within 10 days after the date of approval and remain on the website until the end of the next calendar quarter.

The bill does not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.

II. Present Situation:

Per Diem and Travel Expenses

The Legislature has largely preempted the area of law addressing per diem and travel expenses.¹ Section 112.061, F.S., establishes the authority to incur travel expenses, and conditions and limitations thereon, reimbursement rates for time spent traveling, per diem and subsistence rates, transportation costs, and certain other authorized expenses. The statute also requires an authorization form and voucher forms. Currently, there are no statutory restrictions on reimbursement of out of state or foreign per diem and travel expenses. There is no requirement that travel or per diem and travel expenses be approved by the whole governing body at a meeting. A county or municipal officer need only file the appropriate forms in order to be reimbursed.

Lodging expenses are reimbursable on an actual cost basis. The rate of reimbursement is the single occupancy rate of the lodging.² There is no requirement that a county or municipal officer's per diem and travel expenses be reported.

Statewide Travel Management System

In Fiscal Year 2016-2017, the General Appropriations Act appropriated \$1,800,000 in recurring General Revenue funding to the Executive Office of the Governor (EOG) to acquire a Statewide Travel Management System (system). The EOG was required to undertake a competitive procurement for the system pursuant to s. 287.057, F.S. Additionally, \$2,800,000 in nonrecurring General Revenue funding was provided to executive branch state agencies and the judicial branch for their portion relating to implementation of the system.³

The system was required to be able to electronically:

- Interface with the Florida Accounting Information Resource Subsystem (FLAIR);
- Interface with the Personnel Information System (People First);
- Generate uniform travel authorization request and travel voucher forms pursuant to s. 112.061, F.S.; and
- Receive approvals for travel.

The system was also required to include search features that query travel information by specific criteria. Additionally, proviso language in the Fiscal Year 2016-2017 General Appropriations Act required EOG and the Legislature to have access to the system for purposes of generating reports on all travel completed by executive branch state agencies and the judicial branch.

The EOG directed the Department of Management Services to become the lead agency on procuring and establishing the system. In Fiscal Year 2017-2018, the General Appropriations Act

¹ This limited preemption applies to the extent that there is no specific exemption in general law, special act, or local law. If there is a conflict between s. 112.061, F.S., and a specific exemption in general law, special act, or local law, then the exemption prevails to the extent of the conflict. *See*, s. 112.061(1)(b), F.S.

² Section 106.07(6)(a)2., F.S.

³ Specific Appropriation 1965A, Ch. 2016-66, L.O.F.

appropriated an additional \$1,800,000 recurring General Revenue funding to the Department of Management Services for the operation and maintenance of the system.⁴

Senate Bill 354 amends s. 112.061, F.S., to expand the application of the Statewide Travel Management System from executive branch state agencies and the judicial branch to “all agencies and the judicial branch.” Section 112.061(2)(a), F.S., defines the term “agency or public agency” to mean any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

III. Effect of Proposed Changes:

The bill requires official travel outside the state, or internationally, by county and municipal public officers to be approved by the governing body of the county or municipality at a regularly scheduled meeting prior to the travel, unless ratified for good cause at the next regularly scheduled meeting.⁵ “Good cause” requires a written explanation for why the travel authorization could not be approved in advance. The request for travel authorization must contain all anticipated travel expense details including, but not limited to, means of travel, lodging, and subsistence. The bill requires all approved travel to be posted on the county’s or municipality’s website. If a municipality does not have a website, then the information must be sent to the county for it to post on its website. The travel must be posted on the website within 10 days after the date of approval and remain on the website until the end of the next calendar quarter. These requirements do not apply to the county constitutional officers established in Art. VIII, s. 1(d), Fla. Const.⁶

The bill is effective July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴ Specific Appropriation 2718A, Ch. 2017-70, L.O.F.

⁵ Section 112.061(2)(c), F.S., defines a public officer as an individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

⁶ The excluded county officers are the sheriff, the tax collector, the property appraiser, the supervisor of elections, and the clerk of the circuit court.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If the bill passes, county and municipal officers will need to seek approval for their out of state and international travel at a regularly scheduled meeting before traveling, unless ratified for good cause at the next regularly scheduled meeting. Additionally, counties and municipalities must post all approved travel information on their websites.

VI. Technical Deficiencies:

None.

VII. Related Issues:

If Senate Bill 354 or similar legislation passes, the requirement in this bill for counties and municipalities to publish approved travel information on its website may be frustrated as such information would be available via the statewide travel management system.

VIII. Statutes Affected:

This bill substantially amends section 112.061 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on February 20, 2018:

- Limits the application of the bill to travel outside of the state and international travel. As a result, the bill no longer applies to travel within the state.

CS by Ethics and Elections on February 13, 2018:

The committee substitute differs from the original bill in that it:

- No longer requires campaign and political committee expense reports to be posted on county and municipal websites;
- No longer includes the verbiage specifically authorizing travel expenses to be incurred during the 24 hours prior to, or after, the event for which a public officer is traveling;
- No longer caps the lodging costs eligible for reimbursement at \$120 per day;

- No longer requires the travel expenses to be reported to a local ethics commission or the Florida Commission on Ethics; and
- No longer requires elected municipal officers to file a full and public disclosure of their financial interests pursuant to s. 112.3144, F.S. (they will still be required to file a statement of financial interests pursuant to s. 112.3145, F.S.).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
