

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5203 PCB GOT 18-02 Statewide Travel
SPONSOR(S): Government Operations & Technology Appropriations Subcommittee, Ingoglia
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations & Technology Appropriations Subcommittee	12 Y, 0 N	Keith	Topp
1) Appropriations Committee	27 Y, 0 N	Keith	Leznoff

SUMMARY ANALYSIS

Travel requirements for per diem and travel expenses of public officers, employees, and authorized persons are established in section 112.061, Florida Statutes.

The bill amends section 112.061, Florida Statutes, pertaining to per diem and travel expenses of public officers, employees, and authorized persons, codifying current travel expenditure limits into law and providing for the public reporting of travel expenditures. Specifically, the bill:

- Limits to \$150 the amount that may be reimbursed per day for travel lodging expenses for employees of state agencies and the judicial branch under certain circumstances;
- Establishes the Statewide Travel Management System (system) in law;
- Requires all executive branch state government agencies and the judicial branch to report public officer and employee travel information in the system;
 - Additionally requires that all executive branch state government agencies and the judicial branch use the system for purposes of travel authorization and reimbursement.
- Requires “reporting entities”, which are defined in the bill to include municipalities, counties, local constitutional officers, county school districts, state colleges, state universities, and water management districts, to report monthly, all public officer and employee travel information resulting from an overnight stay in the system;
- Establishes a timeline for the Department of Management Services (DMS) to make travel reports for executive branch state government agencies, the judicial branch, and certain reporting entities available for public view;
- Requires reporting entities to redact confidential and exempt information from travel reports prior to posting them to the system and provides a process for reporting entities to follow when a travel report has been posted prior to proper redaction; and,
- Provides rulemaking authority to the DMS to administer provisions of the section pertaining to the system.

The bill conforms to the proposed FY 2018-2019 House of Representatives’ General Appropriations Act, which includes \$1.8 million in funding for operations and maintenance of the Statewide Travel Management System for executive branch agencies and the judicial branch, who are also required by the bill to utilize the system for travel authorization and reimbursement. The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue Fund, and four full-time equivalent positions to the Department of Management Services for Fiscal Year 2018-2019 to update the system for executive branch agencies and the judicial branch with public search and viewing capabilities, and to implement the additional reporting entity provisions of the act.

The bill is effective July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Public Employee Travel Expenses

Current Situation

Section 112.061(6), F.S., establishes the rates of per diem and subsistence allowance for travel by public officers and employees. When traveling to a convention or conference or to conduct bona fide state business, a traveler is authorized to receive \$80 per diem. However, if actual expenses exceed \$80, the traveler may receive \$6 for breakfast, \$11 for lunch, \$19 for dinner, and the actual expenses for lodging at a single-occupancy rate.

The FY 2016-2017 General Appropriations Act (GAA) implementing bill¹ created a limit on the amount of actual expenses for lodging that may be reimbursed under certain circumstances. The bill provided that when an employee of a state agency or the judicial branch is attending a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch, the reimbursement for lodging expenses may not exceed \$150 per day. In addition, the bill specified that an employee may expend his or her own funds for any lodging expenses in excess of the limit. This limit was also included in the FY 2017-2018 GAA implementing bill², which further specified that a “meeting” for purposes of the limit does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response. This limit is in effect until July 1, 2018.

Effect of Changes

The bill amends section 112.061(6), F.S., pertaining to per diem and travel expenses of state agency and judicial branch employees, codifying into law the \$150 per day limit on lodging expenses established in the FY 2017-2018 GAA implementing bill. Additionally, the bill specifies that an employee may expend his or her own funds for any lodging expenses in excess of the limit.

Statewide Travel Management System

Current Situation

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.

The FY 2016-2017 GAA 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 (PeopleFirst);
- Generate uniform travel authorization request and travel voucher forms pursuant to s. 112.061, F.S.; and,
- Receive approvals for travel.

¹ Section 120, Ch. 2016-62, L.O.F.

² Section 58, Ch. 2017-71, L.O.F.

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

The system was also required to include search features that query travel information by specific criteria. Additionally, proviso in the FY 2016-2017 GAA 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 DMS to become the lead agency on procuring and establishing the system. The FY 2017-2018 GAA appropriated the \$1,800,000 recurring General Revenue funding to the Department of Management Services for the operation and maintenance of the system⁴.

Section 112.061(9), F.S., authorizes rulemaking authority pertaining to section 112.061, F.S.

Effect of Changes

The bill amends section 112.061, F.S., to codify into law the definitions and requirements pertaining to the Statewide Travel Management System (system). Specifically, the bill:

- Establishes the “Statewide Travel Management System” as the system used by the Department of Management Services (DMS) to:
 - Collect and store information relating to public officer or employee travel information;
 - Standardize and automate agency travel management;
 - Allow for travel planning and approval, expense reporting, and reimbursement; and,
 - Allow travel information queries.
- Requires that each executive branch state government agency and the judicial branch must use the system for:
 - Travel authorization;
 - Travel reimbursement; and,
 - Reporting all public officer and employee travel information, including, but not limited to:
 - Name and position title;
 - Purpose of travel;
 - Dates and location of travel;
 - Mode of travel;
 - Confirmation from the head of the agency or designee authorization, if required; and,
 - Total travel cost.
- Requires that by November 1, 2018, the DMS shall make available to the public, all travel reports posted on the system for executive branch state agencies and the judicial branch.
- Requires that each “reporting entity” must report into the system, information relating to all travel resulting in an overnight stay by a public officer or employee, including:
 - Name and position title;
 - Purpose of travel;
 - Dates and location of travel;
 - Mode of travel; and,
 - Total travel cost.
- The term “reporting entity” is defined to include each municipality, county, local constitutional officer, county school district, state college, state university, and water management district.

⁴ Specific Appropriation 2718A, Ch. 2017-70, L.O.F.
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- Specifies that each reporting entity shall post one travel report per entity; however, a “local constitutional officer” may post a separate travel report from the respective county travel report.
- The term “local constitutional officer” is defined to include sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.
- Requires that on a monthly basis, each reporting entity shall post on the system, a report for the previous month’s travel, which resulted in an overnight stay.
- Requires the DMS to provide a format and method for reporting entities to post travel reports on the system.
- Requires that no later than November 1, 2019, each reporting entity shall post monthly travel reports relating to all travel resulting in an overnight stay for public officers and employees into the statewide travel management system.
- Requires that by December 1, 2019, the DMS shall make available to the public all travel reports posted on the system for each reporting entity.
- Provides that travel reports made available on the system may not reveal information made confidential or exempt by law. Specifying that each reporting entity must redact confidential or exempt information from a travel report before posting the report on the system. If the posting reporting entity becomes aware that an improperly redacted travel report has been posted to the system, the reporting entity must notify the DMS and immediately request removal of the travel report from the system. The reporting entity must then republish a properly redacted version of the travel report within seven business days on the system.
- Provides that the Secretary of the DMS, and any officer, employee or contractor of the DMS is not responsible for redacting confidential or exempt information from a travel report posted on the system.
- Provides that the posting of travel reports on the system does not supersede the duty of a reporting entity to respond to a public records request or subpoena for the information.
- Amends section 112.061(9), F.S., providing that the DMS may adopt rules to administer the provisions of this section relating to the Statewide Travel Management System.
- Conforms to the proposed FY 2018-2019 House of Representatives’ General Appropriations Act, which includes \$1.8 million in funding for operations and maintenance of the Statewide Travel Management System for executive branch agencies and the judicial branch, who are also required by the bill to utilize the system for travel authorization and reimbursement. The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue Fund, and four full-time equivalent positions to the DMS for Fiscal Year 2018-2019 to update the system for executive branch agencies and the judicial branch with public viewing and search capabilities, and to implement the additional reporting entity provisions of the act.

Statement of Legislative Findings

The bill specifies that a proper and legitimate state purpose is served when the travel records of state and local employees are transparent to members of the public.

B. SECTION DIRECTORY:

Section 1. Amends section 112.061, F.S., relating to per diem and travel expenses of public officers, employees, and authorized persons.

Section 2. Provides an appropriation.

Section 3. Specifies that the act fulfills an important state interest.

Section 4. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue Fund, and four full-time equivalent positions to the DMS for Fiscal Year 2018-2019 to implement provisions of the act. The funding will be utilized to expand the current capabilities of the system to include overnight travel reporting for certain reporting entities and to provide training to those new reporting entities that will be required to report into the system. From the funding provided in the bill, \$405,000 is included to update the system with public viewing and search capabilities for executive branch agencies and the judicial branch.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will likely have a minimal impact on existing staff time for reporting entities to compile and report monthly travel reports on the Statewide Travel Management System. It is anticipated that the reporting provisions of the bill can be handled within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires county and municipal governments to report certain information relating to overnight travel in the statewide travel management system on a monthly basis. An exemption may apply if the bill results in an insignificant fiscal impact to county or municipal governments. An exception may apply if the bill receives a 2/3 vote of the membership of each house because the bill contains a legislative determination that the provisions of the bill fulfill an important state interest.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Management Services to create rules pertaining to the statewide travel management system and provides a grant of rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES