

1 A bill to be entitled
 2 An act relating to county and municipal public officer
 3 transparency; amending s. 112.061, F.S.; requiring
 4 that requests for travel authorization by county or
 5 municipal public officers be approved by the governing
 6 body of the county or municipality at a regularly
 7 scheduled meeting; specifying requirements for such
 8 requests; requiring that approved travel be posted on
 9 the county's or municipality's website for a specified
 10 period; providing exceptions; requiring a county,
 11 county constitutional officer, or municipality to
 12 adopt a travel policy; requiring a county, county
 13 constitutional officer, or municipality to include
 14 travel expenses as a separate budget item; amending s.
 15 166.021, F.S.; repealing provisions relating to
 16 municipality travel policies to conform to changes
 17 made by the act; providing an effective date.

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

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 21 Section 1. Paragraph (a) of subsection (3) and subsection
 22 (14) of section 112.061, Florida Statutes, are amended to read:

23 112.061 Per diem and travel expenses of public officers,
 24 employees, and authorized persons.—

25 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

26 (a)1. All travel must be authorized and approved by the
27 head of the agency, or his or her designated representative,
28 from whose funds the traveler is paid. The head of the agency
29 shall not authorize or approve such a request unless it is
30 accompanied by a signed statement by the traveler's supervisor
31 stating that such travel is on the official business of the
32 state and also stating the purpose of such travel.

33 2. Notwithstanding subparagraph 1., for county or
34 municipal public officers requesting authorization to travel
35 outside of the state or for foreign travel, such travel must be
36 on the official business of the county or municipality and must
37 be approved by the county's or municipality's governing body at
38 a regularly scheduled meeting before the officer's travel,
39 unless ratified for good cause at the next regularly scheduled
40 meeting. Good cause requires a written explanation for why the
41 travel request could not be approved in advance. A request for
42 travel authorization must include an itemized list detailing all
43 anticipated travel expenses, including, but not limited to, the
44 anticipated costs of all means of travel, lodging, and
45 subsistence. All travel approved in accordance with this
46 subparagraph must be posted on the county's or municipality's
47 website. If a municipality does not maintain a website, it must
48 request that the applicable county post the approved travel on
49 the county's website and the county must comply with such
50 request. All such approved travel must be posted on the

51 applicable website as soon as practicable, but no later than 10
52 days after approval, and must remain on the website until the
53 end of the next fiscal year. This subparagraph does not apply to
54 a county constitutional officer, as defined in s. 1(d), Art.
55 VIII of the State Constitution, who is elected by the electors
56 of the county.

57 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
58 SCHOOL BOARDS, MUNICIPALITIES, SPECIAL DISTRICTS, AND
59 METROPOLITAN PLANNING ORGANIZATIONS.—

60 (a) The following entities may establish rates that vary
61 from the per diem rate provided in paragraph (6) (a), the
62 subsistence rates provided in paragraph (6) (b), or the mileage
63 rate provided in paragraph (7) (d) if those rates are not less
64 than the statutorily established rates that are in effect for
65 the 2005-2006 fiscal year:

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

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

71 3. The governing body of a district school board by the
72 adoption of rules;

73 4. The governing body of a special district, as defined in
74 s. 189.012, ~~except those special districts that are subject to~~
75 ~~s. 166.021(9)~~, by the enactment of a resolution; or

76 5. Any metropolitan planning organization created pursuant
 77 to s. 339.175 or any other separate legal or administrative
 78 entity created pursuant to s. 339.175 of which a metropolitan
 79 planning organization is a member, by the enactment of a
 80 resolution.

81 (b) Rates established pursuant to paragraph (a) must apply
 82 uniformly to all travel by the county, county constitutional
 83 officer and entity governed by that officer, district school
 84 board, special district, or metropolitan planning organization.

85 (c) Each county, county constitutional officer as defined
 86 in s. 1(d), Art. VIII of the State Constitution, and
 87 municipality shall adopt a uniform travel policy consistent with
 88 the provisions of this section applicable to all of its public
 89 officers and employees.

90 (d) Each county, county constitutional officer as defined
 91 in s. 1(d), Art. VIII of the State Constitution, and
 92 municipality shall include a separate line item in the budget
 93 for the county, county constitutional officer, or municipality
 94 for total expenses for travel under the provisions of this
 95 section.

96 ~~(e)-(e)~~ Except as otherwise provided in this subsection,
 97 counties, county constitutional officers and entities governed
 98 by those officers, district school boards, special districts,
 99 and metropolitan planning organizations, ~~other than these~~

100 ~~subject to s. 166.021(9),~~ remain subject to the requirements of
101 this section.

102 Section 2. Subsection (9) of section 166.021, Florida
103 Statutes, is amended to read:

104 166.021 Powers.—

105 ~~(9) (a) As used in this subsection, the term:~~

106 1. ~~"Authorized person" means a person:~~

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

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

113 e. ~~Who is a candidate for an executive or professional~~
114 ~~position with a municipality or agency thereof.~~

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

119 3. ~~"Officer" means an individual who, in the performance~~
120 ~~of his or her official duties, is vested by law with sovereign~~
121 ~~powers of government and who is either elected by the people, or~~
122 ~~commissioned by the Governor and who has jurisdiction extending~~
123 ~~throughout the municipality, or any person lawfully serving~~
124 ~~instead of either of the foregoing two classes of individuals as~~

125 ~~initial designee or successor.~~

126 ~~4. "Traveler" means an officer, employee, or authorized~~
127 ~~person, when performing travel authorized by a municipality or~~
128 ~~agency thereof.~~

129 ~~(b) Notwithstanding s. 112.061, the governing body of a~~
130 ~~municipality or an agency thereof may provide for a per diem and~~
131 ~~travel expense policy for its travelers which varies from the~~
132 ~~provisions of s. 112.061. Any such policy provided by a~~
133 ~~municipality or an agency thereof on January 1, 2003, shall be~~
134 ~~valid and in effect for that municipality or agency thereof~~
135 ~~until otherwise amended. A municipality or agency thereof that~~
136 ~~provides any per diem and travel expense policy pursuant to this~~
137 ~~subsection shall be deemed to be exempt from all provisions of~~
138 ~~s. 112.061. A municipality or agency thereof that does not~~
139 ~~provide a per diem and travel expense policy pursuant to this~~
140 ~~subsection remains subject to all provisions of s. 112.061.~~

141 ~~(c) Travel claims submitted by a traveler in a~~
142 ~~municipality or agency thereof which is exempted from the~~
143 ~~provisions of s. 112.061, pursuant to paragraph (b), shall not~~
144 ~~be required to be sworn to before a notary public or other~~
145 ~~officer authorized to administer oaths, but any claim authorized~~
146 ~~or required to be made under any per diem and travel expense~~
147 ~~policy of a municipality or agency thereof must contain a~~
148 ~~statement that the expenses were actually incurred by the~~
149 ~~traveler as necessary travel expenses in the performance of~~

150 ~~official duties and shall be verified by a written declaration~~
151 ~~that it is true and correct as to every material matter; and any~~
152 ~~person who willfully makes and subscribes any such claim that he~~
153 ~~or she does not believe to be true and correct as to every~~
154 ~~material matter, or who willfully aids or assists in, or~~
155 ~~procures, counsels, or advises the preparation or presentation~~
156 ~~of such a claim that is fraudulent or is false as to any~~
157 ~~material matter, whether or not such falsity or fraud is with~~
158 ~~the knowledge or consent of the person authorized or required to~~
159 ~~present such claim, commits a misdemeanor of the second degree,~~
160 ~~punishable as provided in s. 775.082 or s. 775.083. Whoever~~
161 ~~receives an allowance or reimbursement by means of a false claim~~
162 ~~is civilly liable in the amount of the overpayment for the~~
163 ~~reimbursement of the public fund from which the claim was paid.~~

164 Section 3. This act shall take effect July 1, 2018.