## Florida Senate - 2003

By Senator Lawson

6-1213-03 A bill to be entitled 1 2 An act relating to per diem and travel 3 expenses; amending s. 112.061, F.S.; 4 establishing per diem and subsistence ranges 5 for travel expenses of public employees; 6 conforming provisions and deleting obsolete 7 provisions; providing for future adjustments of such rates; providing an effective date. 8 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Section 112.061, Florida Statutes, is amended to read: 13 112.061 Per diem and travel expenses of public 14 officers, employees, and authorized persons .--15 16 (1) LEGISLATIVE INTENT. -- There are inequities, 17 conflicts, inconsistencies, and lapses in the numerous laws regulating or attempting to regulate travel expenses of public 18 19 officers, employees, and authorized persons in the state. It 20 is the intent of the Legislature: 21 (a) To remedy same and to establish uniform travel 22 reimbursement ranges for state agencies, maximum travel reimbursement rates for nonstate public agencies, and 23 limitations for all public agencies, with certain justifiable 24 25 exceptions, applicable to all public travelers officers, 26 employees, and authorized persons whose travel expenses are 27 paid by a public agency. 28 (b) To preserve the standardization and uniformity 29 established by this law: 30 1. The provisions of this section shall prevail over 31 any conflicting provisions in a general law, present or 1 CODING: Words stricken are deletions; words underlined are additions.

1 future, to the extent of the conflict; but if any such general 2 law contains a specific exemption from this section, including 3 a specific reference to this section, such general law shall 4 prevail, but only to the extent of the exemption. 5 The provisions of any special or local law, present 2. б or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict. 7 8 (2) DEFINITIONS.--For the purposes of this section, 9 the following words shall have the meanings indicated: 10 (a) Agency or public agency--Any office, department, 11 agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body 12 politic, county, city, town, village, municipality, or any 13 other separate unit of government created pursuant to law. 14 (b) Agency head or head of the agency--The highest 15 policymaking authority of a public agency, as herein defined. 16 17 (c) Officer or public officer--An individual who in the performance of his or her official duties is vested by law 18 19 with sovereign powers of government and who is either elected 20 by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person 21 lawfully serving instead of either of the foregoing two 22 classes of individuals as initial designee or successor. 23 24 (d) Employee or public employee -- An individual, 25 whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular 26 27 or full-time authorized position and is responsible to an 28 agency head. 29 (e) Authorized person--30 1. A person other than a public officer or employee as 31 defined herein, whether elected or commissioned or not, who is 2

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authorized by an agency head to incur travel expenses in the performance of official duties. 2. A person who is called upon by an agency to contribute time and services as consultant or adviser. 3. A person who is a candidate for an executive or professional position. (f) Traveler--A public officer, public employee, or authorized person, when performing authorized travel. (q) Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature -- The usual ordinary and incidental expenditures necessarily incurred by a traveler. (h) Common carrier--Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm. (i) Travel day--A period of 24 hours consisting of four quarters of 6 hours each. (j) Travel period--A period of time between the time of departure and time of return. (k) Class A travel--Continuous travel of 24 hours or more away from official headquarters. (1) Class B travel--Continuous travel of less than 24 hours which involves overnight absence from official headquarters. (m) Class C travel--Travel for short or day trips where the traveler is not away from his or her official headquarters overnight. (n) Foreign travel--Travel outside the United States. (3) AUTHORITY TO INCUR TRAVEL EXPENSES. --

30 (a) All travel must be authorized and approved by the31 head of the agency, or his or her designated representative,

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1 from whose funds the traveler is paid. The head of the agency 2 shall not authorize or approve such a request unless it is 3 accompanied by a signed statement by the traveler's supervisor 4 stating that such travel is on the official business of the 5 state and also stating the purpose of such travel.

6 (b) Travel expenses of travelers shall be limited to 7 those expenses necessarily incurred by them in the performance 8 of a public purpose authorized by law to be performed by the 9 agency and must be within the limitations prescribed by this 10 section.

(c) Travel by public officers or employees serving temporarily in behalf of another agency or partly in behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisers, may be authorized by the agency head. Complete explanation and justification must be shown on the travel expense voucher or attached thereto.

(d) Travel expenses of public employees for the sole purpose of taking merit system or other job placement examinations, written or oral, shall not be allowed under any circumstances, except that upon prior written approval of the agency head or his or her designee, candidates for executive or professional positions may be allowed travel expenses pursuant to this section.

(e) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers and authorized persons for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

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1 (f) A traveler who becomes sick or injured while away 2 from his or her official headquarters and is therefore unable 3 to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this 4 5 period of illness or injury until such time as he or she is б able to perform the official business of the agency or returns 7 to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head 8 9 or his or her designee.

10 (g) The secretary of the Department of Health or a 11 designee may authorize travel expenses incidental to the 12 rendering of medical services for and on behalf of clients of 13 the Department of Health. The Department of Health may 14 establish rates lower than the <u>range</u> maximum provided in this 15 section for these travel expenses.

16 (4) OFFICIAL HEADQUARTERS.--The official headquarters
17 of an officer or employee assigned to an office shall be the
18 city or town in which the office is located except that:

(a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee's official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this

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period of time is extended by the express approval of the
 agency head or his or her designee.

3 (c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, 4 5 but any time lost from regular duties shall be taken as annual б leave and authorized in the usual manner. The traveler shall 7 not be reimbursed for travel expenses in excess of the 8 established rate for per diem allowable had he or she remained 9 at his or her assigned post. However, when a traveler has 10 been temporarily assigned away from his or her official 11 headquarters for an approved period extending beyond 30 days, he or she shall be entitled to reimbursement for travel 12 expenses at the established rate of one round trip for each 13 14 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided. 15

16 (5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For 17 purposes of reimbursement and methods of calculating 18 fractional days of travel, the following principles are 19 prescribed:

20 (a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class 21 B travel shall begin at the same time as the travel period. 22 For Class A and Class B travel, the traveler shall be 23 24 reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included 25 within the travel period. Class A and Class B travel shall 26 include any assignment on official business outside of regular 27 28 office hours and away from regular places of employment when 29 it is considered reasonable and necessary to stay overnight and for which travel expenses are approved. 30

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1 (b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as 2 3 provided in this section, which allowance for meals shall be 4 based on the following schedule: 5 1. Breakfast--When travel begins before 6 a.m. and б extends beyond 8 a.m. 7 Lunch--When travel begins before 12 noon and 2. 8 extends beyond 2 p.m. 9 3. Dinner--When travel begins before 6 p.m. and 10 extends beyond 8 p.m., or when travel occurs during nighttime 11 hours due to special assignment. 12 No allowance shall be made for meals when travel is confined 13 to the city or town of the official headquarters or immediate 14 15 vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are 16 17 approved. The Chief Financial Officer Comptroller shall 18 establish a schedule for processing Class C travel subsistence 19 payments at least on a monthly basis. 20 (c) For the 2002-2003 fiscal year only and notwithstanding the other provisions of this subsection, for 21 22 Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence 23 24 allowance. This paragraph expires July 1, 2003. (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For 25 purposes of reimbursement rates and methods of calculation, 26 27 per diem and subsistence allowances are divided into the 28 following groups and rates: 29 (a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling 30 31 within or outside the state in order to conduct bona fide 7

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state business, which convention, conference, or business

2 serves a direct and lawful public purpose with relation to the 3 public agency served by the person attending such meeting or 4 conducting such business, either of the following for each day 5 of such travel at the option of the traveler: б Between \$50 and \$94 Fifty dollars per diem for 1. 7 state travelers, or up to \$94 per diem for nonstate travelers; 8 or 9 2. If actual expenses exceed \$50, the amounts 10 permitted in paragraphs (a) and paragraph (b) for per diem and 11 meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor. 12 13 14 When lodging or meals are provided at a state institution, the 15 traveler shall be reimbursed only for the actual expenses of 16 such lodging or meals, not to exceed the maximum provided for 17 in this subsection. (b) All travelers shall be allowed the following 18 19 amounts for subsistence while on Class C travel on official 20 business as provided in paragraph (5)(b): Breakfast....State travelers are allowed between \$3 21 1. 22 and \$5 and nonstate travelers up to \$5 Lunch....State travelers are allowed between \$6 and 23 2. 24 \$11 and nonstate travelers up to \$11 25 Dinner..State travelers are allowed between \$12 and 3. \$22 and nonstate travelers up to \$22 26 27 (c) No one, whether traveling out of state or in 28 state, shall be reimbursed for any meal or lodging included in 29 a convention or conference registration fee paid by the state. (d) For the 2002-2003 fiscal year only and 30 31 notwithstanding the other provisions of this subsection, for

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1 Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence 2 3 allowance. This paragraph expires July 1, 2003. TRANSPORTATION. --4 (7) 5 All travel must be by a usually traveled route. (a) б In case a person travels by an indirect route for his or her 7 own convenience, any extra costs shall be borne by the 8 traveler; and reimbursement for expenses shall be based only 9 on such charges as would have been incurred by a usually 10 traveled route. The agency head or his or her designee shall 11 designate the most economical method of travel for each trip, keeping in mind the following conditions: 12 The nature of the business. 13 1. 2. The most efficient and economical means of travel 14 15 (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or 16 17 subsistence required). When it is more efficient and 18 economical to either the traveler or the agency head, jet 19 service offered by any airline, whether on state contract or 20 not, may be used when the cost is within an approved threshold 21 determined by the agency head or his or her designee. The number of persons making the trip and the 22 3. amount of equipment or material to be transported. 23 24 (b) The Department of Financial Services Banking and 25 Finance may provide any form it deems necessary to cover travel requests for traveling on official business and when 26 27 paid by the state. 28 (c) Transportation by common carrier when traveling on 29 official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax 30 31 shall not be reimbursable to the traveler unless the state and 9 **CODING:**Words stricken are deletions; words underlined are additions.

1 other public agencies are also required by federal law to pay 2 such tax. In the event transportation other than the most 3 economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges 4 5 in excess of the most economical class shall be refunded by б the traveler to the agency charged with the transportation 7 provided in this manner. 8 (d)1. The use of privately owned vehicles for official 9 travel in lieu of publicly owned vehicles or common carriers 10 may be authorized by the agency head or his or her designee. 11 Whenever travel is by privately owned vehicle:, the a. A state traveler shall be entitled to a mileage 12 13 allowance at a fixed rate of 29 to 37 25 cents per mile; for state fiscal year 1994-1995 and 29 14 15 b. A nonstate traveler shall be entitled to a mileage 16 allowance up to 37 cents per mile; or 17 The traveler shall be entitled to thereafter or the c. 18 common carrier fare for such travel, as determined by the 19 agency head. 20 2. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not 21 be allowed when privately owned vehicles are used on public 22 business and reimbursement is made pursuant to this paragraph, 23 24 except as provided in subsection (8). 25 3.2. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed 26 on the basis of the current map of the Department of 27 28 Transportation. Vicinity mileage necessary for the conduct of 29 official business is allowable but must be shown as a separate item on the expense voucher. 30 31 10

(e) Transportation by chartered vehicles when
 traveling on official business may be authorized by the agency
 head when necessary or where it is to the advantage of the
 agency, provided the cost of such transportation does not
 exceed the cost of transportation by privately owned vehicle
 pursuant to paragraph (d).

7 (f) The agency head or his or her designee may grant 8 monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate 9 10 provided in paragraph (d). Allowances granted pursuant to 11 this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily 12 traveled, and whether any of the expenses incident to the 13 operation, maintenance, and ownership of the automobile are 14 paid from funds of the agency or other public funds. 15 Such allowance may be changed at any time, and shall be made on the 16 17 basis of a signed statement of the traveler, filed before the 18 allowance is granted or changed, and at least annually 19 thereafter. The statement shall show the places and distances 20 for an average typical month's travel on official business, 21 and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment had 22 been made pursuant to paragraph (d). 23

(g) No contract may be entered into between a public officer or employee, or any other person, and a public agency, in which a depreciation allowance is used in computing the amount due by the agency to the individual for the use of a privately owned vehicle on official business; provided, any such existing contract shall not be impaired.

30 (h) No traveler shall be allowed either mileage or 31 transportation expense when gratuitously transported by

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1 another person or when transported by another traveler who is 2 entitled to mileage or transportation expense. However, a 3 traveler on a private aircraft shall be reimbursed the actual 4 amount charged and paid for the fare for such transportation 5 up to the cost of a commercial airline ticket for the same б flight, even though the owner or pilot of such aircraft is 7 also entitled to transportation expense for the same flight 8 under this subsection.

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(8) OTHER EXPENSES.--

10 (a) The following incidental travel expenses of the 11 traveler may be reimbursed:

1. Taxi fare.

2. Ferry fares; and bridge, road, and tunnel tolls.

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3. Storage or parking fees.

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4. Communication expense.

Convention registration fee while attending a 16 5. 17 convention or conference which will serve a direct public purpose with relation to the public agency served by the 18 19 person attending such meetings. A traveler may be reimbursed 20 the actual and necessary fees for attending events which are 21 not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the 22 conference. Such expenses may include, but not be limited to, 23 24 banquets and other meal functions. It shall be the 25 responsibility of the traveler to substantiate that the charges were proper and necessary. However, any meals or 26 27 lodging included in the registration fee will be deducted in 28 accordance with the allowances provided in subsection (6). 29 (b) Other expenses which are not specifically 30 authorized by this section may be approved by the Department 31 of Financial Services Banking and Finance pursuant to rules

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adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services

Banking and Finance to the Auditor General annually.

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(9) RULES AND REGULATIONS.--

5 (a) The Department of Financial Services Banking and б Finance shall adopt promulgate such rules and regulations, 7 including, but not limited to, the general criteria to be used 8 by a state agency to predetermine justification for attendance 9 by state officers, and employees, and authorized persons at 10 conventions and conferences, and prescribe such forms as may 11 be necessary to effectuate the purposes of this section. The department may also adopt rules prescribing the proper 12 disposition and use of promotional items and rebates offered 13 by common carriers and other entities in connection with 14 travel at public expense; however, before adopting such rules, 15 the department shall consult with the appropriation committees 16 17 of the Legislature.

(b) Each state agency shall promulgate such additional 18 19 specific rules and regulations and specific criteria to be 20 used by it to predetermine justification for attendance by 21 state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules 22 and regulations of the Department of Financial Services 23 24 Banking and Finance or with the general criteria to be used by 25 a state agency to predetermine justification for attendance by state officers, and employees, and authorized persons at 26 27 conventions, as may be necessary to effectuate the purposes of this section. 28

(10) FRAUDULENT CLAIMS.--Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths,

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1 but any claim authorized or required to be made under any 2 provision of this section shall contain a statement that the 3 expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and 4 5 shall be verified by a written declaration that it is true and б correct as to every material matter; and any person who 7 willfully makes and subscribes any such claim which he or she 8 does not believe to be true and correct as to every material 9 matter, or who willfully aids or assists in, or procures, 10 counsels, or advises the preparation or presentation under the 11 provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such 12 13 falsity or fraud is with the knowledge or consent of the 14 person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided 15 in s. 775.082 or s. 775.083. Whoever shall receive an 16 17 allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the 18 19 reimbursement of the public fund from which the claim was 20 paid.

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(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.--

(a) Authorization forms. -- The Department of Financial 22 Services Banking and Finance shall furnish a uniform travel 23 24 authorization request form which shall be used by all state 25 officers and employees and authorized persons when requesting approval for the performance of travel to a convention or 26 27 conference. The form shall include, but not be limited to, 28 provision for the name of each traveler, purpose of travel, 29 period of travel, estimated cost to the state, and a statement of benefits accruing to the state by virtue of such travel. A 30 31 copy of the program or agenda of the convention or conference,

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1 itemizing registration fees and any meals or lodging included in the registration fee, shall be attached to, and filed with, 2 3 the copy of the travel authorization request form on file with 4 the agency. The form shall be signed by the traveler and by 5 the traveler's supervisor stating that the travel is to be б incurred in connection with official business of the state. 7 The head of the agency or his or her designated representative shall not authorize or approve such request in the absence of 8 9 the appropriate signatures. A copy of the travel authorization 10 form shall be attached to, and become a part of, the support 11 of the agency's copy of the travel voucher.

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(b) Voucher forms.--

1. The Department of Financial Services Banking and 13 Finance shall furnish a uniform travel voucher form which 14 shall be used by all state officers and employees and 15 authorized persons when submitting travel expense statements 16 17 for approval and payment. No travel expense statement shall be approved for payment by the Chief Financial Officer 18 19 Comptroller unless made on the form prescribed and furnished 20 by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a 21 certification or affirmation, to be signed by the traveler, 22 indicating the truth and correctness of the claim in every 23 24 material matter, that the travel expenses were actually 25 incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately 26 reduced for any meals or lodging included in the convention or 27 28 conference registration fees claimed by the traveler, and that 29 the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform 30 31

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travel authorization request form shall be attached to the
 uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the
rendering of medical services for and on behalf of clients of
the Department of Health shall be on forms approved by the
<u>Financial Services</u> Department of Banking and Finance.

7 (12) ADVANCEMENTS.--Notwithstanding any of the 8 foregoing restrictions and limitations, an agency head or his 9 or her designee may make, or authorize the making of, advances 10 to cover anticipated costs of travel to travelers. Such 11 advancements may include the costs of subsistence and travel 12 of any person transported in the care or custody of the 13 traveler in the performance of his or her duties.

(13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever 14 15 an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such 16 17 traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may 18 19 pay the vendor the actual expenses for meals and lodging 20 during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency 21 22 situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, 23 24 provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency 25 head or his or her designee may also grant prior approval for 26 a state agency to make direct payments of travel expenses in 27 28 other situations that result in cost savings to the state, and 29 such cost savings shall be documented in the voucher submitted to the Chief Financial OfficerComptroller for the direct 30 31 payment of travel expenses. The provisions of this subsection

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1 shall not be deemed to apply to any legislator or to any 2 employee of the Legislature. 3 (14) TRAVEL REIMBURSEMENT RANGES AND ADJUSTMENTS.--(a) For the 2002-2003 fiscal year, state travelers may 4 5 receive no more than the minimum amounts for per diem as б provided in subparagraph (6)(a)1., subsistence as provided in 7 paragraph 6(b), and mileage as provided in subparagraph 8 (7)(d)1. (b) On or before June 30, 2003, and annually 9 10 thereafter, the Executive Office of the Governor for executive 11 branch agencies, the presiding officers of the Legislature for legislative branch agencies, and the Chief Justice of the 12 State Supreme Court for judicial branch agencies shall 13 determine, based on the ranges specified in this section, the 14 specific amount to be paid during the following fiscal year to 15 state travelers for per diem as provided in subparagraph 16 6)(a)1., subsistence as provided in paragraph 6(b), and 17 mileage as provided in subparagraph (7)(d)1. 18 19 (c) On June 1, 2005, and annually thereafter, the Department of Financial Services shall, by rule, adjust the 20 21 amounts for per diem provided in subparagraph (6)(a)1., the amounts for subsistence provided in paragraph (6)(b), and the 22 amounts for mileage provided in subparagraph (7)(d)1. to 23 24 reflect the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average since June 1, 2003. The 25 annually adjusted amounts shall be rounded downward to the 26 nearest dollar and shall be effective for the following fiscal 27 28 year. 29 Section 2. This act shall take effect June 1, 2003. 30 31

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2	SENATE SUMMARY
3	Establishes per diem and travel expense reimbursement
4	Establishes per diem and travel expense reimbursement ranges for public travelers. Conforms provisions to reflect changes to state officers and departments. Deletes obsolete provisions. Provides for future adjustments to such reimbursement rates.
5	Deletes obsolete provisions. Provides for future adjustments to such reimbursement rates.
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