



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.d

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Commissioner Rox Ross

DATE: September 1, 2020

TITLE: Resolution 2020-45 - A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Directing Staff to Develop For Adoption an Ordinance Establishing an Accountable Expense Reimbursement Plan In Lieu of Commission Compensation; Providing For Severability; and Providing For an Effective Date

Recommendation

Adopt Resolution 2020-45 and direct Village staff to draft an ordinance establishing an accountable expense reimbursement plan in lieu of Commission compensation.

Background:

A savings could be realized of approximately \$3,876 by adopting an accountable expense reimbursement plan in lieu of Commission salaries. More importantly adoption of this policy supports education and training, building effective leadership and advocacy on the Village Commission. We likely can all agree that serving in municipal government is more of a calling, and anyone seeking office to supplement their income will end up woefully disappointed, and disappointing to the electorate.

Our relatively new Manager-Commission form of government is now 14 years old (adopted June 13, 2006), and it seems prudent to examine and discuss the roles and responsibilities of the Commission, including forms of compensation. The Florida League of Cities uses an acronym that, in a normal year would be appropriate in September with the start of football season, to describe the common roles of the municipal legislative body – CLEATS:

Constituent Representative: As with all representative democracies, the Mayor and Commissioners are the direct representative of the citizens and are responsible to the citizenry.

Legislator: Municipal laws (ordinances) adopted, amended, and enforced through the actions of the Commission. In addition to ordinances and policies, the Commission is responsible for the municipal charter. Charters are broad, constitutional-type documents that are created to provide the essential structure of the government without the details that are best set by policy.

Charters are usually amended for structural change when the municipality has undergone dramatic changes.

Enforcer: The Commission must decide what and who will enforce the ordinances of the municipality. There are a variety of enforcement tools available (such as code enforcement; fines, penalties, and forfeitures; land-use regulations; misdemeanors and other criminal penalties, etc.).

Advocate: Whether for the member's own goals for the city, or in representing the municipality before the county, school board, state, regional and national governments, and public-private ventures, the elected officials also serve as advocates.

Teacher: One of the key responsibilities each elected official must accept is that of instructor. Most citizens look to their elected officials to clearly explain the complexity of municipal government, service delivery, intergovernmental relations and/or growth management, and to advocate wisely for or against changes to it.

Steward and Supervisor: Only the Commission may appropriate funds and is responsible for the fiscal health of the municipality. Staff may prepare the budget and recommend fiscal strategies, [*may even delegate day-to-day fiscal authority*] but the ultimate "fiscal officer" is the elected body. This is a tremendous public trust, and cannot be overstated! The ability to set a fee or levy a tax is one of critical importance. This role also goes beyond finance. The Mayor and Commissioners are also stewards of the municipality's resources (land, equipment and personnel). The mission, goals, ordinances and policies adopted by the Commission should reflect the sense of stewardship entrenched in the elected body.

The elected official learns the cycles of government (fiscal year versus calendar year, for example) and through that learning becomes adept at recommending new ideas, revising existing programs, learning from the successes of others (not "re-inventing the wheel" as the old saying goes), finding partners for new ventures and building the municipality's relationships on every scale. In time, efficiencies are then adopted into each service, program and project, while effectiveness is the ultimate measure used in evaluating the city's performance.

Other Advice: You are not alone: Your colleagues are a great resource. An elected mayor, deputy mayor, commissioner or council member cannot violate the open meetings laws by talking to a member of a different collegial body (another city's council). Getting to know your colleagues from across Florida can be one of the greatest benefits and learning tools! You will find common ground in the similar problems, challenges and opportunities – as well as great ideas for solutions.

[Largely quoted from the Florida League of Cities website www.floridaleagueofcities.com with some modifications to reflect Biscayne Park's Manager-Commission form of government and existing ordinances.]

Most, and often more than all, of the “compensation” I received from the Village has been expended in acquiring the tools and training to be an effective representative, in performing official duties of office, keeping updated on matters that impact the Village, communications with constituents and the Administration, in developing relationships other elected officials, educators, government agencies, private and public entities that could benefit the Village, in attending FLC’s Legislative Committee meetings to influence changes beneficial to municipalities, or in direct donations for landscaping, furniture and equipment in the Village.

The Village currently pays the Mayor \$4,000 and each Commissioners \$2,000 annually, with payroll taxes (FICA/Medicare \$918) the expenditure for 2020-2021 is budgeted to be \$12,918. As the \$12,000 income is received, the Mayor and Commissioners incur employee payroll and federal income tax (estimated at an average 22%) of approximately \$2,040. At the end of the day, the \$12,918 appropriation nets out to approximately \$9,042 benefit to the combined Commission.

During the budget process, Village Administration and Commission have carefully reviewed anticipated reductions of revenues and continuing increases of expenditures with the view to maximizing resources.

I propose that a savings could be realized of approximately \$3,876 by adopting an accountable expense reimbursement plan in lieu of Commission compensation. The funds presently authorized for Commission compensation would be made available for each of them to draw discretionary reimbursement of expenses of office in performance of Village business within certain guidelines approved by the Commission.

IRS Code 1.162-17 and 1.274-5T(f) regulate and describe attendant record requirements for an accountable reimbursement policy. Section 112.061, Fla. Stat. sets parameters for per diem and travel expenses of public officers, establishing standard rates, procedures, limitations and oversight, which must be adhered to by authorized persons seeking reimbursement to be paid by a public agency. **Please note that municipalities are authorized to modify the per diem expenses Section 112.061, Fla. Stat.**

The attached Resolution is the first step to incorporate an expense reimbursement plan by amending Sec. 2-17 of the Code to allow for such a plan. The Town of Surfside has an expense reimbursement plan in place that may be largely borrowed and made applicable here.

Upon approval of the attached Resolution, the Commission and Staff may take further steps toward implementation of a Commission Accountable Reimbursement Policy through further ordinance and resolution process in accordance with the Village Charter.

Fiscal/Budgetary Impact:

Fiscal impact in the negative is caused by incurring the ordinary costs associated with approval of an ordinance. However, approval of this Resolution will result in a net GAIN for the Village and Commission in that the funds presently set aside for Commission salary will

not be diminished by payroll and income taxes, but will be fully available for benefit to the Village.

Attachments:

Resolution

Fla. Stat. 112.061

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RESOLUTION NO. 2020-45

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING AN
ACCOUNTABLE EXPENSE REIMBURSEMENT PLAN IN LIEU
OF COMMISSION SALARIES; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Village wishes to adopt a policy that supports education and training, building effective leadership and advocacy on the Village Commission; and,

WHEREAS, the Village currently pays \$12,000 straight compensation to the Commission by annual salary of \$4,000 to the Mayor and \$2,000 to each of four Commissioners. Including employer payroll taxes, the Village's expenditure in this regard for 2020-2021 is budgeted to be a total of \$12,918 ("Commission Salaries"); and,

WHEREAS, the net benefit received by the Mayor and Commissioners in lieu of Commission Salaries is substantially reduced by employee payroll and income tax of on average, approximately 22%, resulting in a combined average net benefit of approximately \$9,042 ("Net Benefit"); and,

WHEREAS, most, if not all, of the Net Benefit is used by the Mayor and Commissioners in preparing for and in executing duties of office which indirectly and directly benefit the Village, through constituent representation, legislation, enforcement and compliance, advocacy, information, stewardship and supervision; and

WHEREAS, the Village Commission advocates for maximizing Village resources for the benefit of the Village, and it appears that a savings of approximately \$3,876 could be realized by adopting an accountable expense reimbursement plan in lieu of Commission salaries; and

WHEREAS, the Village Commission finds that it is in the best interests of the Village and its residents to adopt an accountable expense reimbursement plan in lieu of Commission Salaries, and to set out lawful and appropriate guidelines for such an accountable expense reimbursement plan.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1: Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2: Resolve. The Mayor and Commissioners hereby resolve to substitute a straight compensation policy with a combined compensation/reimbursement policy, and establish an account for compensation in the form of reimbursement of discretionary expenses to be funded by the amounts

1 previously set aside for Commission Salary (“Discretionary Expense Reimbursement Fund”), except that
2 each member of the Commission shall receive \$1 as and for annual salary.
3

4 **Section 3: Purpose.** The purpose of this Resolution is to establish guidelines for the Commission
5 Discretionary Expense Reimbursement Fund for discretionary travel, subsistence and related expenses
6 incurred while conducting the duties of office and Village business. To qualify for reimbursement, such
7 expenses must be reasonable and prudent under the circumstances, directly related to the conduct of
8 Village business and evidenced by proper receipts. Unnecessary or excessive expenditures shall not be
9 allowed, advanced or reimbursed.
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11 **Section 4: Guidelines for the reimbursement of budgeted expenses.** Upon approval of
12 reimbursement for a properly budgeted expense, the Village Manager will exercise best judgment and
13 reimburse expenses previously allocated in the adopted fiscal year budget at actual cost, subject to IRS
14 Code 1.162-17 and 1.274-5T(f), Fla. Stat. 112.061, MDC Code Sec. 106 and the Village Charter.
15

16 **Section 5: Guidelines for the reimbursement from Discretion Expense Reimbursement**
17 **Fund.** Upon approval of a proper reimbursement requested either under the terms of this section, subject
18 to Fla. Stat. 112.061 and the Village Charter, the Village will reimburse the Mayor up to \$3,999, and each
19 Commissioner up to \$1,999, as follows for travel-related expenses such as commercial transportation,
20 lodging, meals, tips, registrations, parking fees, communications charges, as well as other equipment and
21 business-related expenses at actual cost. Where permissible, pursuant to provision of the IRS Code, the
22 Commission may by resolution upon a four-fifths (4/5) majority, set a monthly rate of reimbursement for
23 recurring expenses, such as cell phone and internet service.
24

25 (a) Transportation expense. Reimbursement of transportation-related expenses will be
26 based upon the least expensive mode of transportation available, unless a more expensive mode is
27 necessary due to business-related requirements. In determining the least expensive mode,
28 commercial bus service will be excluded. Reimbursement of mileage will be according to the
29 maximum rate established under Florida law if personal vehicles are used for business travel.
30

31 (b) Lodging expense. Reimbursement of lodging expense will be based on normal and
32 reasonable cost for the area. Proximity of the conference, seminar or meeting will also be
33 considered. The Village will reimburse only the cost of a single room, regardless if an extra room
34 is required because a family member or personal guest has accompanied an elected or appointed
35 official. The Village will reimburse business-related communications costs, but will not reimburse
36 in-room movies or personal communications costs.
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38 (c) Meal expense. The Village shall reimburse meals at actual cost, not including
39 alcoholic beverages, based on what is reasonable cost for the area.
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41 (d) Other expense and Manager Authority. The Village Manager shall have authority to
42 carry out the purpose and procedures, and enforce the limitations outlined herein, provided
43 however, that any non-travel related expenditures by an elected official in connection with Village
44 business as described herein exceeding \$500 shall require the approve of a simple majority of the
45 Commission at a regular or special meeting. Notwithstanding anything to the contrary, the Village
46 Manager shall have the discretion to reject any travel or other claims that are not in compliance
47 with these provisions or the expense policies otherwise adopted by the Village, and shall refer such
48 rejected items to the Commission.
49

1 (e) Procedure for Reimbursement. After travel has been completed or a reimbursable
2 business expense has been incurred, the Mayor or Commissioner must complete a travel or other
3 expense reimbursement form, and submit same along with receipts to the Village Manager or
4 designee with a reasonable amount of time, but before the fiscal year end. The Village Manager
5 or designee will perform a review to determine compliance with Village policies. Any
6 noncompliance, missing information, etc., will delay the reimbursement of expense
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8 (f) Expenses prohibited for reimbursement. Reimbursement for the purchase of personal
9 items, including barber and beauty parlor fees, medical expenses, clothing and personal attire,
10 personal gifts and alcoholic beverages are specifically prohibited.
11

12 **Section 6: Implementation.** Village Attorney and staff are directed to take steps to implement
13 these policies by ordinance as required by the Village Charter.
14

15 **Section 7. Severability.** If any section, sentence, clause or phrase herein is held to be invalid
16 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
17 remaining portions of this Resolution.
18

19 **Section 8. Effective Date.** This Resolution shall become effective immediately upon its
20 adoption.
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25 **PASSED AND ADOPTED** this ____ day of September, 2020.
26

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28 The foregoing Resolution was offered by _____, who moved its
29 adoption. The motion was seconded by _____, and upon being put to a vote
30 the vote was as follows:
31

32	Virginia O’Halpin, Mayor	_____
33	Macdonald Kennedy, Vice Mayor	_____
34	Roxanna Ross, Commissioner	_____
35	Dan Samaria, Commissioner	_____
36	William Tudor, Commissioner	_____

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39 VILLAGE OF BISCAYNE PARK
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Virginia O’Halpin, Mayor
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ATTEST:

Roseann Prado, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

John R. Herin, Jr., Interim Village Attorney

The 2019 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES, AND
RECORDS

[Chapter 112](#)
PUBLIC OFFICERS AND EMPLOYEES: GENERAL
PROVISIONS

[View Entire
Chapter](#)

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(1) LEGISLATIVE INTENT.—To prevent 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 establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency.

(b) To preserve the standardization established by this law:

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

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

(2) DEFINITIONS.—For the purposes of this section, the following words shall have the meanings indicated:

(a) Agency or public agency—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.

(b) Agency head or head of the agency—The highest policymaking authority of a public agency, as herein defined.

(c) Officer or public officer—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.

(d) Employee or public employee—An individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head.

(e) Authorized person—

1. A person other than a public officer or employee as defined herein, whether elected or commissioned or not, who is 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.

(g) 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.

(l) 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.—

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

(b) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this 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) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to a terrorist state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(f) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers 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.

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

(h) The State Surgeon General or a designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health. The Department of Health may establish rates lower than the rate provided in this section for these travel expenses.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the 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 period of time is extended by the express approval of the agency head or his or her designee.

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

¹(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2020.

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

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

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

- 1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.
- 2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.
- 3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Chief Financial Officer shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

- 1. Eighty dollars per diem; or
- 2. If actual expenses exceed \$80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

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

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

- 1. Breakfast. \$6
- 2. Lunch. \$11
- 3. Dinner. \$19

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

(7) TRANSPORTATION.—

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head or his or her designee shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

- 1. The nature of the business.
- 2. The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or subsistence required). When it is more efficient and economical to either the

traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head or his or her designee.

3. The number of persons making the trip and the amount of equipment or material to be transported.

(b) The Department of Financial Services may provide any form it deems necessary to cover travel requests for traveling on official business and when paid by the state.

(c) Transportation by common carrier when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax shall not be reimbursable to the traveler unless the state and other public agencies are also required by federal law to pay such tax. In the event transportation other than the most economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall be refunded by the traveler to the agency charged with the transportation provided in this manner.

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

a. A traveler shall be entitled to a mileage allowance at a rate of 44.5 cents per mile; or

b. A traveler shall be entitled to the common carrier fare for such travel if determined by the agency head to be more economical.

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

3. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

(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).

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

(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.

(h) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

(8) OTHER EXPENSES.—

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

1. Taxi fare.

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

3. Storage or parking fees.

4. Communication expense.

5. Convention registration fee while attending a convention or conference which will serve a direct public purpose with relation to the public agency served by the person attending such meetings. A traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the conference. Such expenses may include, but not be limited to, banquets and other meal functions. It shall be the responsibility of the traveler to substantiate that the charges were proper and necessary.

However, any meals or lodging included in the registration fee will be deducted in accordance with the allowances provided in subsection (6).

(b) Other expenses which are not specifically authorized by this section may be approved by the Department of Financial Services pursuant to rules adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services to the Auditor General annually.

(9) RULES.—

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

(b) Each state agency shall adopt such additional specific rules and specific criteria to be used by it to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules of the Department of Financial Services or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions, as may be necessary to effectuate the purposes of this section.

(c) The Department of Management Services may adopt rules to administer the provisions of this section which relate to the statewide travel management system.

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

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.—

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

(b) *Voucher forms.*—

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

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

(13) **DIRECT PAYMENT OF EXPENSES BY AGENCY.**—Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Chief Financial Officer for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

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

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

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.012, except those special districts that are subject to s. 166.021(9), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

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

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(9), remain subject to the requirements of this section.

(15) **CLASS C TRAVEL.**—Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

(16) **STATEWIDE TRAVEL MANAGEMENT SYSTEM.**—

(a) For purposes of this subsection, “statewide travel management system” means the system developed by the Department of Management Services to:

1. Collect and store information relating to public officer or employee travel information;
2. Standardize and automate agency travel management;
3. Allow for travel planning and approval, expense reporting, and reimbursement; and
4. Allow travel information queries.

(b) Each executive branch state government agency and the judicial branch must report on the statewide travel management system 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. Each executive branch state government agency and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

(c) Travel reports made available on the statewide travel management system may not reveal information made confidential or exempt by law.

History.—ss. 1, 3, ch. 22830, 1945; ss. 1, 2, 3, ch. 23892, 1947; ss. 1, 3, ch. 25040, 1949; ss. 1, 3, ch. 26910, 1951; s. 1, ch. 28303, 1953; s. 1, ch. 29628, 1955; s. 1, ch. 57-230; s. 1, ch. 61-183; s. 1, ch. 61-43; s. 1, ch. 63-5; s. 1, ch. 63-192; s. 1, ch. 63-122; s. 1, ch. 63-400; ss. 2, 3, ch. 67-371; ss.

1, 2, ch. 67-2206; s. 1, ch. 69-193; s. 1, ch. 69-381; ss. 12, 23, 31, 35, ch. 69-106; s. 65, ch. 71-136; s. 1, ch. 72-213; s. 1, ch. 72-217; s. 1, ch. 72-324; s. 26, ch. 72-404; s. 1, ch. 73-169; s. 1, ch. 74-15; s. 1, ch. 74-246; s. 1, ch. 74-365; ss. 1, 2, ch. 75-33; s. 1, ch. 76-166; s. 2, ch. 76-208; ss. 1, 2, ch. 76-250; s. 1, ch. 77-174; s. 1, ch. 77-231; ss. 1, 2, ch. 77-437; s. 2, ch. 78-95; s. 51, ch. 79-190; s. 1, ch. 79-205; s. 1, ch. 79-303; s. 1, ch. 79-412; ss. 1, 2, ch. 81-207; ss. 1, 2, ch. 83-307; s. 1, ch. 85-140; s. 1, ch. 87-407; s. 4, ch. 88-235; s. 12, ch. 89-291; s. 18, ch. 91-45; s. 1, ch. 94-139; s. 1403, ch. 95-147; s. 26, ch. 95-312; s. 5, ch. 96-310; s. 43, ch. 96-399; s. 23, ch. 98-136; s. 9, ch. 99-8; s. 7, ch. 99-155; s. 16, ch. 99-399; ss. 48, 53, ch. 2001-254; ss. 46, 79, ch. 2002-402; s. 2, ch. 2003-125; s. 123, ch. 2003-261; s. 49, ch. 2003-399; s. 5, ch. 2004-5; s. 32, ch. 2004-269; s. 23, ch. 2005-71; s. 12, ch. 2006-1; s. 6, ch. 2006-18; ss. 14, 53, ch. 2006-26; s. 1, ch. 2006-41; s. 3, ch. 2006-54; s. 2, ch. 2007-196; s. 6, ch. 2008-6; s. 13, ch. 2008-153; s. 2, ch. 2010-4; s. 4, ch. 2011-143; s. 58, ch. 2014-22; s. 103, ch. 2019-116; s. 6, ch. 2019-118.

¹**Note.**—Section 103, ch. 2019-116, added paragraph (4)(d) “[i]n order to implement Specific Appropriation 2624 of the 2019-2020 General Appropriations Act.”