

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5713 PCB CEED 10-09 Agency Travel
SPONSOR(S): Full Appropriations Council on Education & Economic Development
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Full Appropriations Council on Education & Economic Development, 18 Y, 0 N, Kramer, Voyles. Rows 2-6 are empty.

SUMMARY ANALYSIS

The bill provides that every head of a state agency or other official specified below appointed after July 1, 2010, shall, within 90 days after his or her appointment to office, establish permanent residency in or within 50 miles of Leon County.

The bill requires the head of each state agency or other official specified below to submit a quarterly report to the President of the Senate and the Speaker of the House of Representatives regarding any job-related travel expenses incurred by and reimbursed to the agency head or official during the preceding quarter.

The travel reporting requirements and residency requirements (for agency heads or officials appointed after July 1, 2010) of this bill will apply to members of the Parole Commission, members of the Florida Public Service Commission, the executive director of the Fish and Wildlife Conservation Commission, and the agency heads of the following agencies:

- Agency for Health Care Administration.
Agency for Persons with Disabilities.
Agency for Workforce Innovation.
Department of Business and Professional Regulation.
Department of Children and Family Services.
Department of Community Affairs.
Department of Corrections.
Department of Education.
Department of Elderly Affairs.
Department of Environmental Protection.
Department of Health.
Department of Highway Safety and Motor Vehicles.
Department of Juvenile Justice.
Department of Law Enforcement.
Department of the Lottery.
Department of Management Services.
Department of Revenue.
Department of State.
Department of Transportation.
Department of Veterans' Affairs.

The effective date of the bill is July 1, 2010. The bill has no fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h5713.CEED.doc
DATE: 3/23/2010

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

*Seat of Government:* Article II, Section 2 of the Florida Constitution states:

The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

In addition to the constitutional provision above, sections of statute relating to the following agencies require that the headquarters of the agency are to be in Tallahassee: Parole Commission;<sup>1</sup> Department of Lottery;<sup>2</sup> Fish and Wildlife Conservation Commission;<sup>3</sup> Department of Elderly Affairs;<sup>4</sup> Department of Transportation;<sup>5</sup> Department of Business and Professional Regulation;<sup>6</sup> Department of Health;<sup>7</sup> Department of Agriculture and Consumer Services;<sup>8</sup> Department of Financial Services;<sup>9</sup> and Department of Law Enforcement.<sup>10</sup>

The bill provides that every head of a state agency as defined below, every member of the Parole Commission, every member of the Florida Public Service Commission; and the executive director of the Fish and Wildlife Conservation Commission, appointed after July 1, 2010, shall, within 90 days after his or her appointment to office, establish permanent residency in or within 50 miles of Leon County.

The bill refers to a newly created definition of the term "state agency" which includes the:

1. Agency for Health Care Administration.

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<sup>1</sup> S. 947.04, F.S.

<sup>2</sup> S. 20.317, F.S.

<sup>3</sup> ss. 20.331; 379.10255, F.S.

<sup>4</sup> S. 20.41, F.S.

<sup>5</sup> S. 334.044, F.S.

<sup>6</sup> 455.205, F.S.

<sup>7</sup> 456.006, F.S.

<sup>8</sup> 472.0075, F.S.

<sup>9</sup> S. 497.107, F.S.

<sup>10</sup> 943.03, F.S.

2. Agency for Persons with Disabilities.
3. Agency for Workforce Innovation.
4. Department of Business and Professional Regulation.
5. Department of Children and Family Services.
6. Department of Community Affairs.
7. Department of Corrections.
8. Department of Education.
9. Department of Elderly Affairs.
10. Department of Environmental Protection.
11. Department of Health.
12. Department of Highway Safety and Motor Vehicles.
13. Department of Juvenile Justice.
14. Department of Law Enforcement.
15. Department of the Lottery.
16. Department of Management Services.
17. Department of Revenue.
18. Department of State.
19. Department of Transportation.
20. Department of Veterans' Affairs.

*Travel:* Section 112.061, F.S. relates generally to state employee travel and specifies the rates of reimbursement for travel, how travel must be approved and what type of travel is permitted.

The bill requires the head of each state agency listed above, each member of the Parole Commission, each member of the Florida Public Service Commission, and the executive director of the Fish and Wildlife Conservation Commission to submit a quarterly report to the President of the Senate and the Speaker of the House of Representatives regarding any job-related travel expenses incurred by and reimbursed to the agency head or official during the preceding quarter. The report must provide information for each trip taken including: the purpose and justification for the trip; hotel expenses, if any; the distance traveled; the dates of the trip; the method of travel and related expenses; and the total amount of travel expenses reimbursed by the agency.

**B. SECTION DIRECTORY:**

Section 1. Creates s. 20.058, F.S., relating to residence of state agency heads and other state officials.

Section 2. Creates s. 20.059, F.S., relating to travel expenses of state agency heads and other state officials; reporting requirements.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will require the reporting of agency head travel to the Legislature which will be able to use the reports to evaluate the appropriateness of such travel and will be able to adjust the relevant future appropriations if necessary. To the extent that the reporting and residency requirements of the bill reduce agency head travel, the bill could have a positive fiscal impact.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES