



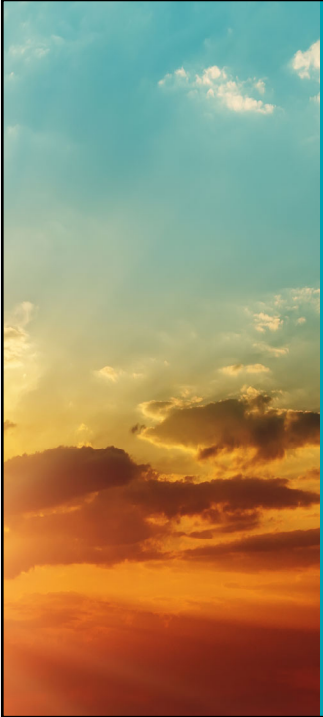
Friday, October 25, 2024

ORIENTATIONAL BRIEFING

AGENDA

The meeting will start at 9 a.m. EST, or soon thereafter, and will end no later than 10:00 a.m. EST.

- 1. Call to Order**
- 2. Welcome**
- 3. Discussion Topics**
 - a. Travel Reimbursement
 - b. Presentation of Florida Sunshine Laws
 - c. Conflict of Interest Provisions
 - d. Financial Disclosure reporting
- 4. Closing Remarks**
- 5. Adjournment**





Florida Department of Health


Travel & STMS

7/09/2024

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Mindy Crisp & John Ross
Finance and Accounting Disbursements



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Travel Topics

- Hotel Restrictions
- Travel Authorization Approvals
- Transportation- Rental Car
- Use of Third Party for Purchases
- Meals and Per Diem Allowance
- Travel Reminders
- Information Needed
- Travel Resources

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TRAVEL
RESTRICTIONS
IMPOSED BY CHAPTER
2024-228, LAWS OF
FLORIDA



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Approval To Incur Lodging Expense



Per CFO Agency Addressed Memo No. 3, 2024-2025, each travel voucher or Purchasing Card charge that seeks payment for lodging associated with a meeting, conference, or convention organized or sponsored by an agency **may not exceed the traveler's daily room rate of \$225.**

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Travel Authorization

OUT OF STATE TRAVEL

- All out of state travel must be authorized by the appropriate **deputy secretary** in advance of the travel.

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Transportation- Rental Car

The state will only reimburse the traveler for the most **economical** method of transportation.

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Transportation- Rental Car

- For rental car shortages contact Cynthia Metcalfe (DMS) @ 850 414-6741 (office)| 850 408-7528 (mobile)
- When renting from Avis no additional services should be purchased such as, toll transponders, insurance, fuel service etc.
- State Rental Car Avis Daily Rates \$26.52- [Avis Rates Revised Pricing_08NOV22.pdf \(sharepoint.com\)](#)
- Non-Employees should use the Avis Budget Group, Inc. Car Rental Authorization Form. See next slide for example of form.

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AVIS Budget Group, Inc.

AVIS BUDGET GROUP, INC. CAR RENTAL AUTHORIZATION FORM

This form is to be used by non-employees. Travelers are required to use compact class vehicles except when the number of passengers or the volume of materials transported make use of a compact class vehicle impractical.

This authorization must be presented at the time the vehicle is rented.

The traveler listed below is authorized to rent a vehicle to conduct official state business on behalf of the Department of Health.

Florida Department of Health Discount Code: A113400

Renter's Name (Printed)

Agency Representative (Print)

Renter's Name (Signature)

Agency Representative (Signature)

Use of Third Party For Purchases

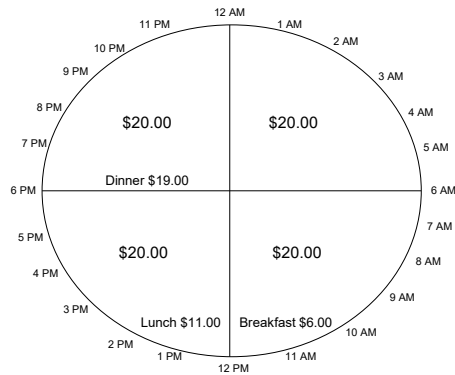
Third-party vendors should not be used for travel purchases as they charge unallowable service fees and taxes. If a third-party vendor is used, the traveler will not be reimbursed for the fees/taxes and will be responsible for providing sufficient vendor documentation which identifies the fees/taxes charged.



Priceline Group



Meals And Per Diem Allowance



Per diem can only be claimed when traveler does not claim actual expenses (hotel room rate + taxes and meal allowance) for that day. Traveler can claim \$20.00 per quarter; when travel falls within a quarter, the whole quarter may be claimed. Per diem or actual expenses are a daily choice, however, traveler should claim per diem the last day of every trip that is continuous travel of 24 hours or more.

Per diem is a flat rate of \$20.00 per quarter – which equals \$80.00 per day.

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Travel Reminders

- All receipts must be itemized.
- Prepaid fuel receipts are not allowable unless an itemized receipt showing # of gallons & price per gallons is provided.
- Valet parking is not an allowable expense unless it is mandatory. If mandatory, then supporting documentation must be provided by the hotel.

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Processing Travel Reimbursements

Information Needed:

- Full Legal Name
- Social Security Number
- Mailing Address (to receive travel reimbursement)
- Email Address

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Questions

Questions?

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Government in the Sunshine and Public Records



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Government in the Sunshine

Florida's Government in the Sunshine Law, found in Chapter 286, Florida Statutes, and Article I, Section 24, of the Florida Constitution provides a right of access to governmental proceedings of public boards and commissions.

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Government in the Sunshine

The Sunshine Law applies to “any board or commission of any state agency”

This includes:

- Elected and appointed boards or commissions
- Advisory boards and committees
- Private organizations delegated authority to perform a government function or that play an integral part in the decision-making process, which includes recommendations. AGO 07-27

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Government in the Sunshine

Requirements under the Sunshine Law:

- All meetings of public boards and commissions must be open to the public at all times;
- Reasonable notice of such meetings must be given; and
- Minutes of the meetings must be taken and open for public inspection.

❖ *Section 286.011, Florida Statutes and Article 1, Section 24, Florida Constitution*

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What triggers the Sunshine Law?

- Two or more members gathered together to discuss issues on which foreseeable action or recommendations may be taken by the council.
- Telephone calls between members are included.
- Applies to all functions of the board or commission, formal or informal.
 - Not only official votes and recommendations (formal) but also deliberations and discussions (informal) leading up to them

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What triggers the Sunshine Law?

- May not engage in written correspondence, including emails, regarding council matters.
 - Limited exception: Written report may be circulated, but no comments or discussion may be had until at a publicly noticed meeting. AGO 89-23. The written report is a public record subject to disclosure.
- Council meeting may be conducted by telephonic conference call as long as procedural requirements are adhered to. Quorum of members must be present on the call.

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Procedural and Technical Requirements

- **Reasonable Notice**
 - Includes time, place, and agenda if available, or a statement of the general subject matter to be considered.
 - 7 days in advance, unless emergency session.
 - Notice should be published in the *Florida Administrative Register* and may be physically posted or placed on an agency's website.
- **Meeting Minutes**
 - Brief summary or memorandum reflecting the events of the meeting.
 - Verbatim transcript is not required. AGO 82-47.
 - Minutes should capture all members in attendance and their votes and/or recommendations.

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Procedural and Technical Requirements

- **Public Participation**
 - Must allow the public a reasonable opportunity to be heard on a proposition before a board or commission before any official action, such as a vote, is made.
- **Reasonable Rules and Policies are Permissible.**
 - Ensure orderly conduct.
 - Limit comments to the items on the agenda.
 - Reasonable time limit of the length of the comments.
- **Should have large enough space to accommodate attendees.**

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Procedural and Technical Requirements

- Avoid inaudible discussions.
- Open to the public means everyone - staff, media, public.
- Cannot prohibit the use of non-disruptive recording devices.
- If a council meeting is adjourned and reconvened at a later date, the second meeting must be noticed.

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Penalties for Violations

- Courts interpret the Sunshine Law liberally and exceptions strictly.
- Actions taken at meetings held in violation of the Sunshine Law are void.
- Public officer who violates Sunshine Law is guilty of a non-criminal infraction; fine up to \$500.
- Member of board or commission who knowingly violates by attending a meeting not held in the Sunshine is guilty of a second degree misdemeanor.
- In litigation, payment of attorney's fees and costs to prevailing party.

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What is a Public Record?

- Documents, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, other materials.
- Regardless of physical form, includes electronic records, emails, text messages.
- Regardless of location
 - Personal email used to communicate official business is a public record.
- Made or received pursuant to law or ordinance or in connection with the transaction of official business.
 - ❖ *Section 119.011(12), Florida Statutes*

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What is a Public Record?

- Any material used to perpetuate, communicate, or formalize knowledge. See Shevin v. Byron, Harless et. al., 379 So.2d 633 (Fla. 1980).
- Agendas, minutes, and materials associated with the council.
- Record does not need to be in final form, may be draft.
- Emails and text messages in connection with council business whether sent from personal or business computer or phone.

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What is NOT a Public Record?

- Personal drafts or notes for the sole use of the writer are not a public record. See Shevin.
 - If the drafts or notes are communicated to another or used in any way to perpetuate, communicate, or formalize knowledge, it is a public record. See Shevin and Miami Herald Media v. Sarnoff, 971 So.2d 971 (3rd DCA 2007).
- Personal emails or records not related to official business
 - Personal emails, especially on business system, could still be subject to review to ensure all public records have been disclosed.

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What is NOT a Public Record?

- A record not in existence. Do not create a record to summarize or explain other records in response to a public records request.
- Be aware, if you create a record in response to a public records request, it becomes a public record.

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Tips

- Consider each council related email to be a public record.
- Don't mix personal and council records
- Don't use personal email or text for council business
 - Text messages regarding council business are public records; avoid using text messages for council business.
- DO NOT destroy public records.

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Public Record Requests

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

❖ Section 119.07(1)(a), Florida Statutes

- No purpose or reason needs to be given for requesting records
- Requests are not required to be in writing.

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Penalties for Violations

- Immediate hearing and agency must comply with court order within 48 hours. Section 119.07(1)(a), Florida Statutes.
- Reasonable costs and attorney fees will be assessed if public record was unlawfully withheld.
- Public officer who violates public records laws is guilty of a non-criminal infraction; fine up to \$500.
- Public officer who knowingly violates public records laws is subject to suspension or removal and commits a first degree misdemeanor, subject to one year in prison, fine of \$1000, or both.

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Sunshine Law and Public Records

Questions?

“Government-In-The-Sunshine Manual”
Published by The First Amendment Foundation
www.floridafaf.org

Office of the General Counsel
Department of Health
(850) 245-2005

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GOVERNMENT IN THE SUNSHINE
Health Care Innovation Council
Sunshine in the Work Place, Social Events and Other Board
Meetings

PUBLIC ACCESS

Section 286.011, Florida Statutes, and Article. 1, Section 24, of the Florida Constitution require meetings of councils that act in an advisory capacity to be open to the public at all times. Council members may only discuss council issues in a meeting that has been publicly noticed. In other words, the public has a statutory and constitutional right of access to any meeting or gathering of two or more members, when the members come together to discuss issues before the council, or issues that could foreseeably come before the council.

Council Issues:

Per section 381.4015(4), Florida Statutes, the Health Care Innovation Council shall:

(a) By February 1, 2025, adopt and update as necessary a document that sets forth and describes a mission statement, goals, and objectives for the council to function and meet the purposes of this section.

(b) Facilitate public meetings across this state at which innovators, developers, and implementers of technologies, workforce pathways, service delivery models, and other solutions may present information and lead discussions on concepts that address challenges to the health care system as they develop in real time and advance the delivery of health care in this state through technology and innovation.

1. Consideration must be given to how such concepts increase efficiency in the health care system in this state, reduce strain on the state's health care workforce, improve patient outcomes, expand public access to health care services in this state, or reduce costs for patients and the state without reducing the quality of patient care.

2. Exploration and discussion of concepts may include how concepts can be supported, cross-functional, or scaled to meet the needs of health care consumers, including employers, payors, patients, and the state.

3. The council may coordinate with the Small Business Development Center Network, the Florida Opportunity Fund, the Institute for Commercialization of Florida Technology, and other business incubators, development organizations, or institutions of higher education to include emerging and early stage innovators, developers, and implementers of technology, models, or solutions in health care in the exploration and discussion of concepts and breakthrough innovations.

4. To support adoption and implementation of innovations and advancements, specific meetings may be held which bring together technical experts, such as those in system integration, cloud computing, artificial intelligence, and cybersecurity, to lead discussions on recommended structures and integrations of information technology products and services and propose solutions that can make adoption and implementation efficient, effective, and economical.

5. The council may also highlight broad community or statewide issues or needs of providers and users of health care delivery and may facilitate public forums in order to explore and discuss the range of effective, efficient, and economical technology and innovative solutions that can be implemented.

(c) Annually distinguish the most impactful concepts by recognizing the innovators, developers, and implementers whose work is helping Floridians to live brighter and healthier lives. In seeking out projects, initiatives, and concepts that are having a positive impact in Florida, have huge potential to scale that impact throughout this state through growth or replication, or are cutting-edge advancements, programs, or other innovations that have the capability to accelerate transformation of health care in this state, the council may issue awards to recognize these strategic and innovative thinkers who are helping Floridians live brighter and healthier lives. The council may develop a logo for the award for use by awardees to advertise their achievements and recognition.

(d) Consult with and solicit input from health care experts, health care providers, and technology and manufacturing experts in the health care or related fields, users of such innovations or systems, and the public to develop and update:

1. Best practice recommendations that will lead to the continuous modernization of the health care system in this state and make the Florida system a nationwide leader in innovation, technology, and service. At a minimum, recommendations must be made for how to explore implementation of innovations, how to implement new technologies and strategies, and health care service delivery models. As applicable, best practices must be distinguished by practice setting and with an emphasis on increasing efficiency in the delivery of health care, reducing strain on the health care workforce, increasing public access to health care, improving patient outcomes, reducing unnecessary emergency room visits, and reducing costs for patients and the state without reducing the quality of patient care. Specifically for information technology, best practices must also recommend actions to guide the selection of technologies and innovations, which may include, but need not be limited to, considerations for system-to-system integration, consistent user experiences for health care workers and patients, and patient education and practitioner training.

2. A list of focus areas in which to advance the delivery of health care in this state through innovative technologies, workforce pathways, or service delivery models. The

focus areas may be broad or specific, but must, at a minimum, consider all of the following topics:

a. The health care workforce. This topic includes, but is not limited to, all of the following:

(I) Approaches to cultivate interest and growth in the workforce, including concepts resulting in increases in the number of providers.

(II) Efforts to improve the use of the workforce, whether through techniques, training, or devices to increase effectiveness or efficiency.

(III) Educational pathways that connect students with employers or result in attainment of cost-efficient and timely degrees or credentials.

(IV) Use of technology to reduce the burden on the workforce during decision-making processes such as triage, but which leaves all final decisions to the health care practitioner.

b. The provision of patient care in the most appropriate setting and reduction of unnecessary emergency room visits. These topics include, but are not limited to, all of the following:

(I) Use of advanced technologies to improve patient outcomes, provide patient care, or improve patient quality of life.

(II) The use of early detection devices, including remote communications devices and diagnostic tools engineered for early detection and patient engagement.

(III) At-home patient monitoring devices and measures.

(IV) Advanced at-home health care.

(V) Advanced adaptive equipment.

c. The delivery of primary care through methods, practices, or procedures that increase efficiencies.

d. The technical aspects of the provision of health care. These aspects include, but are not limited to, all of the following:

(I) Interoperability of electronic health records systems and the impact on patient care coordination and administrative costs for health care systems.

(II) Cybersecurity and the protection of health care data and systems.

(e) Identify and recommend any changes to Florida law or changes that can be implemented without legislative action which are necessary to:

1. Advance, transform, or innovate in the delivery and strengthen the quality of health care in Florida, including removal or update of any regulatory barriers or governmental inefficiencies.

2. Implement the council's duties or recommendations.

(f) Recommend criteria for awarding loans as provided in subsection (7) to the department and review loan applications.

(g) Annually submit by December 1 a report of council activities and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must include an update on the status of the delivery of health care in this state; information on implementation of best practices by health care industry stakeholders in this state; and highlights of exploration, development, or implementation of innovative technologies, workforce pathways, service delivery models, or other solutions by health care industry stakeholders in this state.

Notice of public meeting:

Reasonable notice (generally 7 days unless it is an emergency meeting) to the public is provided through posting on the Department's website and often through publication in the Florida Administrative Register. The Department staff will submit public notices on behalf of the council.

HELPFUL CONSIDERATIONS

Telephone calls are included in the notice requirement. If two or more council members intend to discuss council issues, the telephone call must be properly noticed and public access to the call must be provided.

Written communication between two or more council members regarding issues that will or may come before the council is not allowed. Written reports may be circulated by Department staff prior to a council meeting, but comments, discussions or decisions regarding the report may not be made except during the publicly noticed meeting.

Council members cannot use a non-council member as a liaison to communicate with other council members.

Council members can discuss council issues with Department staff without violating sunshine laws, but a council member cannot use staff to circulate information or ideas from one council member to another.

Council members who are colleagues in the same work environment must avoid any discussion of council issues in the course of their employment.

Council members who serve on other boards together must refrain from discussing issues that will or may come before the council during the other board meeting. However, if there are potential Health Care Innovation Council issues on the agenda of another board meeting in which two or more council members intend to participate, then council members may request staff to publish notice of the other board meeting so that they may openly participate in that discussion. This additional notice would need to be published at least 7 days prior to the other board meeting.

Two or more council members can attend the same social events such as lunch or conventions but must refrain from discussing council issues.

In discussing confidential information, such as medical records of a patient, unless a specific exemption of the Sunshine Law exists, the confidential nature of the discussion does not exempt the participants from providing public access to the discussions.

FINANCIAL DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file. The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.
- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. **NO DOLLAR VALUES ARE REQUIRED TO BE LISTED.** In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

File with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

Beginning January 1, 2024, all Form 1 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable by name or organization on the Commission's website.

Availability of Forms:

Beginning January 1, 2024, LOCAL OFFICERS and EMPLOYEES, and OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file FORM 1 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS. ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually, including City Commissioners and Mayors, must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

Penalties:

Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000*, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]