

# EXECUTIVE OFFICE OF THE GOVERNOR



## OFFICE OF THE CHIEF INSPECTOR GENERAL

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REVIEW OF THE TRAVEL OF SECRETARY FRANK PETERMAN, JR.  
DEPARTMENT OF JUVENILE JUSTICE

FEBRUARY 2008 THROUGH NOVEMBER 2009

REVIEW NUMBER 2010-9

JANUARY 26, 2010



CHARLIE CRIST  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

January 26, 2010

The Honorable Charlie Crist  
Governor, State of Florida  
Plaza Level, The Capitol  
Tallahassee, FL 32399-0001

Dear Governor Crist:

Enclosed is Review Report No. 2010-9 detailing the findings from the review of the travel of Secretary Frank Peterman, Jr., Department of Juvenile Justice, for the period of February 2008 through November 2009.

I am available to discuss this report with you at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melinda Miguel".

Melinda Miguel  
Chief Inspector General

Enclosure

cc: Shane Strum, Chief of Staff  
Chuck Drago, Deputy Chief of Staff

## INTRODUCTION

In 1994, the Florida Legislature created the Florida Department of Juvenile Justice (Department). The Department provides juvenile justice services in the areas of prevention, victim services, detention, probation, and community intervention. The Department's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

On February 18, 2008, Governor Charlie Crist appointed Frank Peterman, Jr. as Secretary of the Department. Prior to his appointment, Peterman had been a member of the Florida House of Representatives serving as the ranking minority member for the House Juvenile Justice Committee.

On November 18, 2009, Governor Crist requested that the Chief Inspector General review Peterman's travel expenses charged to the state based on a November 17, 2009, St. Petersburg Times article that reported Peterman incurred \$44,000 in state travel expenses since his appointment. The article reported that Peterman traveled to St. Petersburg 68 times for a cost to the taxpayers of nearly \$20,000 from February 2008 to November 2009, and Peterman's family residence was in St. Petersburg. Future articles reported that Peterman preaches at a local church in St. Petersburg.

## BACKGROUND

Peterman's personnel file shows that Peterman completed a State of Florida Employment Application on February 12, 2008, which indicated that he was presently a Pastor of the Rock of Jesus Missionary Baptist Church in St. Petersburg. Peterman also completed a Dual Employment Acknowledgement Form dated the same day.

Peterman completed the 2008 Commission on Ethics Form 1, Statement of Financial Interests, which indicated his employment with the Rock of Jesus Missionary Baptist Church at an annual salary of \$29,000 and that he owns three homes. Property appraiser records also indicated that he owns two houses in St. Petersburg, Florida and a townhome in Tallahassee, Florida.

## OVERALL CONCLUSIONS

Between February 2008 and November 2009, Peterman incurred \$45,510.81 in travel costs and approximately 54% of that amount, or \$24,344.58, was for travel he incurred to and from St. Petersburg. Based on testimony and review of Peterman's travel records, travel costs were incurred without adequate documentation or consideration of the most economical mode of travel. Further, even though Peterman said his travel to and from St. Petersburg was authorized, mission critical, and for legitimate public purposes, the absence of corroborating

testimony or sufficient documentation does not support his statement. Therefore, evidence does not dispel the appearance that Peterman's travel to and from the St. Petersburg area was for his own convenience.

An additional issue arose during the course of this review regarding personal vehicle use and perquisites. This matter has been referred to the Department for immediate action and is summarized in the section below titled "Additional Finding Requiring Agency Action".

## **SCOPE, OBJECTIVES AND METHODOLOGY**

We reviewed all travel related documentation for Peterman for the period February 2008 through November 2009 to determine whether Peterman's travel complied with applicable laws, rules, regulations, policies, and procedures, and included:

- adequate supporting documentation;
- cost comparisons to determine the most economical means of travel;
- legitimate business activities; and
- a mission critical purpose.

To accomplish the objectives we:

- reviewed applicable governing directives;
- reviewed and analyzed Peterman's travel records including travel authorizations, vouchers for reimbursement of travel expenses, purchasing card receipts and purchasing card charges recorded in FLAIR (the state government accounting system), vehicle logs, computer sign-in logs, telephone records, and calendars;
- reviewed purchasing card receipts for charges made on behalf of Peterman by other Department staff; and,
- conducted interviews with and obtained information from the following:

Frank Peterman Jr., Secretary

Rod Love, Department Deputy Secretary

Jennifer Parker, Department General Counsel

Kelly Layman, Department Chief of Staff

Libby Grimes, Department Chief, Bureau of Finance and Accounting

Shamika Baker, Secretary Peterman's Executive Assistant, Tallahassee

Corrine Brown, Secretary Peterman's Assistant, St. Petersburg

Tim Niermann, Department Chief Probation Officer, Probation Office for Circuit 6

Bonnie Rogers, former Department Chief of Staff

Carolyn Thompson, Secretary Peterman's former Executive Assistant, Tallahassee

Sheree Keeler, Department Director, Division of Administration

Margo Rogers, Department Chief, Bureau of Personnel  
 Phil Spooner, Workforce Design and Compensation Manager, Department of Management Services  
 Mark Merry, Chief, Bureau of Auditing, Division of Accounting and Auditing, Department of Financial Services  
 Jamie Emge, Travel Leaders, formerly Carlson Wagonlit Travel  
 Tricia Illers, Travel Leaders, formerly Carlson Wagonlit Travel  
 Lori Rowe, Governor's former Deputy Chief of Staff  
 Eric Eikenberg, Governor's former Chief of Staff

## FINDINGS

### Travel Costs Incurred

Between February 2008 and November 2009, Peterman incurred travel costs at the expense of the state in the amount of \$45,510.81. For this same period, Peterman incurred travel costs to and from St. Petersburg in the amount of \$24,344.58 or approximately 54% of his total travel.

*Table 1: Peterman's Travel Expenses from February 2008 to November 2009*

Expense Type	Total Amount of Travel Incurred	Travel To & From Tallahassee & St. Petersburg District Office*
Airfare	\$ 25,244.97	\$ 17,236.76
Hotels	7,430.32	684.64
Parking	2,848.00	2,169.00
Travel Agent Fees	2,277.00	1,563.00
Airfare Penalties	1,578.99	618.99
Meals, Per Diem and Mileage	1,944.49	246.00
Luggage Fees	887.00	562.00
Car Rental	402.19	241.95
Registration Fees	1,326.08	365.00
Fuel	1,489.19	656.24
Miscellaneous	82.58	1.00
<b>TOTAL</b>	<b>\$ 45,510.81</b>	<b>\$ 24,344.58</b>

\*Note: This column only reflects travel between Tallahassee and St. Petersburg not between St. Petersburg and other destinations.

## Repeated Trips to St. Petersburg

After the law was enacted in 2009<sup>1</sup> that mandated travel expenses be limited to a mission critical purpose, Peterman continued to incur travel expenses in the amount of \$19,975.17 of which Peterman incurred \$10,079.32 in travel costs to and from St. Petersburg.

Review of his travel records, copies of calendars, vehicle logs, and computer sign-in records did not provide sufficient information to ascertain the extent of Peterman's activities while in the St. Petersburg District Office, but Peterman said that, at the time of his appointment, the former Chief of Staff for the Governor Eric Eikenberg stated that he could establish an office in the St. Petersburg District Office. Peterman said that the arrangement was that he would be in the Tallahassee office on Tuesdays, Wednesdays, and most, if not all, of Thursdays. Peterman said that he assumed that travel to the district office was understood to be a mission critical activity. He further stated that the travel "instrument" itself was sufficient justification for his travel. Peterman said that traveling to the St. Petersburg District Office to meet with children and families was mission critical. He said it was necessary to work out of the district office to be more accessible to providers, staff and youth and to allow him to experience the issues first-hand involving youth in the Department's custody.

Peterman explained that he wanted to establish a Department presence in the central region of the state where many of the Department facilities are located. Peterman said that over 50% of the youth in the Department's custody are in facilities from Orlando to Key West. He identified seven areas of the state with the highest juvenile crime rate. When asked why he requested to work out of the St. Petersburg District Office as opposed to another part of the central region such as Orange County, Peterman said that Pinellas, Pasco, and Hillsborough counties are three of the seven high crime counties<sup>2</sup> that are linked together, he was familiar with the area, he already had established professional "linkages" in the area, was familiar with the resources available, and believed he could bolster the Department at a central location. Peterman said when he flew to the Tampa area he always had a business purpose for doing so. He said he believed he was doing the work of an agency head and doing what he needed to do as Secretary of the Department. Although Peterman stated that on a few occasions he used teleconferencing as an alternative to travel, he acknowledged that he did not consider this alternative or other form of electronic communication prior to each trip.

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<sup>1</sup> Chapter 2009-15, Laws of Florida, Section 2 and Chapter 2009-82, Laws of Florida, Section 58. On February 9, 2009, the Department of Financial Services issued Agency Addressed Memorandum No. 11, 2008-2009, which provides for the documentation required to support travel restrictions imposed by Chapters 2009-15, Laws of Florida, until July 1, 2009. Travel vouchers or other attached documentation must contain an explanation describing how the travel activity is critical to the agency's mission. In addition, Peterman issued two memoranda on January 29, 2009 and February 10, 2009 to Department staff to outline mission critical travel and the approval processes (see page 12).

<sup>2</sup> Peterman subsequently submitted documentation that indicated Pasco was not one of the seven high crime counties.

Chief Probation Officer for the Sixth Circuit Tim Niermann, who works in the St. Petersburg District Office, said that he usually meets with Peterman on Fridays for 30 minutes to an hour. Niermann said Peterman asks for updates on what is going on in the circuit or central region. When asked to describe Peterman's routine while in the district office, Niermann said he did not have continuous contact with Peterman and could not speak to this. Peterman's St. Petersburg Assistant Corinne Brown said Peterman arrives at work 9:30 - 10:00 a.m., works, has lunch, and leaves between 5:30 – 6:00 p.m. She said some meetings are not in the office and sometimes he meets clients for lunch. She said Peterman comes into the office Thursdays and Fridays and is back in Tallahassee Mondays or Tuesdays.

Several of Peterman's direct reports in Tallahassee were not aware of the activities he conducted in the district office that he deemed critical to having a Department presence in the central region. Deputy Secretary Rod Love said that he is not aware of Peterman's routine in St. Petersburg and that Peterman does not usually come back and brief him. Love said that Peterman may mention occasionally an issue that came to his attention while in the district office during an Executive Leadership Team meeting. Chief of Staff Kelly Layman advised she was not familiar with Peterman's St. Petersburg schedule other than what she views on his calendar. She said the St. Petersburg schedule is "not robust." Layman recalled two or three occasions when Peterman shared information with Executive Leadership Team members about meetings he had when in the district office. Former Chief of Staff Bonnie Rogers said she was not aware of any routine meetings that Peterman had in the district office. While Love said Peterman was very accessible when in the St. Petersburg area, Layman advised she does not normally have communications with him when he is in that area. She added that Peterman usually did not answer his cellular phone when she called him and that she either left a message, attempted to contact him through one of his executive assistants, or waited to talk with him when he returned to Tallahassee. Peterman said he briefed staff on the issues happening in the field and briefed them on the things he was hearing while in the district office. Peterman further said that he believes he is accessible to staff and that he can be reached when staff call him.

Former Deputy Chief of Staff for the Governor Lori Rowe said that she informed Peterman when he was appointed that he needed to establish residence in Tallahassee where the Department of Juvenile Justice is headquartered. She said that she and Eikenberg talked with Peterman about moving to Tallahassee and she expected him to do so shortly after he was appointed. She said she initially thought Peterman would commute between St. Petersburg and Tallahassee, but only on a temporary basis during his transition while he searched for housing. When asked if Peterman was authorized to work out of the St. Petersburg office on a permanent or ongoing basis, Rowe said she was not a part of any conversation where this was approved. Rowe said that

Secretary Peterman's travel was one of the reasons why she began having each of her agencies provide her a weekly report of planned travel. She said that she also began asking for copies of the Secretary's calendars. She noted that Secretary Peterman's schedule did not reflect the volume of meetings, phone calls, appointments, etc. that she saw reflected with other agency heads' schedules. She said that she counseled Peterman to ensure that he updated his calendar to reflect his work.

Former Chief of Staff for the Governor Eric Eikenberg recalled specifically telling Peterman that the Department Secretary position would be based in Tallahassee and there would have been a brief transition period for Peterman to set up his office in Tallahassee.

### **Travel Advice Not Taken**

Peterman recalled discussing his travel previously with Bonnie Rogers, but said he did not have discussions about flying versus driving with Layman or Peterman's Tallahassee Executive Assistant Shamika Baker. Peterman said Baker would ask him if he was flying or driving as she made his travel arrangements, but did not encourage driving over flying. He recalled that former Deputy Chief of Staff for the Governor Lori Rowe informed him on at least one occasion, maybe two occasions, that he needed to balance travel between flying and driving. He said he never got the sense he could not fly only that he needed to balance it out more between the two.

When told his staff (Rogers, Layman, Baker, and Peterman's former Executive Assistant Carolyn Thompson) indicated that they strongly encouraged him on numerous occasions to drive to St. Petersburg rather than fly, Peterman responded that staff's recollections were not accurate.

Rowe said she counseled Peterman repeatedly including advising him that he drive versus fly. Rowe said that Peterman repeatedly disregarded her counsel. Rowe said that Peterman's travel was always on her radar and that she would speak with him repeatedly about travel or the importance for him to work from the Tallahassee office. She said that she became increasingly frustrated with Peterman and reported her concerns to Eikenberg. She said that she and Eikenberg counseled Peterman about his travel together on one occasion and possibly others. Rowe said she had repeated and ongoing conversations with Rogers and Layman about concerns that Peterman continued to travel to St. Petersburg. She said she advised Rogers and Layman to do all they could to counsel Peterman against taking flights to St. Petersburg, but she said he disregarded counsel and continued to fly to St. Petersburg. Rowe said she advised Peterman that his charges for travel, including cancelled flights, were excessive and he needed to be mindful of spending the taxpayers' dollars responsibly.



Former Chief of Staff for the Governor, Eric Eikenberg, said Rowe was “always and constantly counseling Secretary Peterman regarding his travel.” Eikenberg said for the months that Rowe oversaw the Department he had “quite a bit of communication with her about this” where Rowe expressed her concerns to him about Peterman's travel and they would sit together to discuss how to counsel Peterman. Eikenberg said Rowe had weekly meetings with Peterman where she was constantly and repeatedly discussing these concerns with him.

### **Travel Not Economical**

Travel expense records and testimony support that Peterman did not consider the most economical method of travel as required by Florida Statutes, Florida Administrative Code, Department of Financial Services Reference Guide for State Expenditures, and Department of Juvenile Justice Directives.<sup>3</sup> Examples are as follows.

### **Parking Fees**

From February 2008 to November 2009, Peterman incurred \$2,848.00 in parking fees at state expense of which \$2,169.00 was incurred for trips between Tallahassee and St. Petersburg. The largest receipt was in the amount of \$188.00 for 17 days in long-term parking at the Tallahassee airport. On several occasions, Peterman incurred parking fees at two airports simultaneously. Peterman stated that he could have handled these charges differently, but that he was only trying to make it to the airport timely to make his flights.

### **Penalties for Airline Ticket Changes Paid by the State**

Travel Agency records for June 2008 to November 2009 identified 56 airline tickets purchased for Peterman. On 19 occasions, trips were rescheduled at an additional cost to the state in the amount of \$1,578.99<sup>4</sup>.

- One of these included a ticket originally purchased in July 2008 for \$296, but due to rescheduling, the state paid an additional \$88 for an increased airfare plus \$100 change penalty. Further, this ticket was not used by Peterman within one-year of the issue date resulting in the loss of the full amount of \$484, even though this amount was charged to the state.
- In October 2008, a ticket was purchased for \$496. Peterman cancelled this trip three times costing the state \$400 in penalties. This ticket

<sup>3</sup> See applicable governing directives on pages 12-13.

<sup>4</sup> This amount represents airfare penalties only, but does not show the amount of ticket forfeiture (included in Airfare) or added travel agent fees (included in Travel Agent Fees) appearing in the Total Amount of Travel Incurred column in Table 1.

remains unused even though the state paid for the original ticket in October 2008.

- Reasons for changes in flight schedules were never documented in the travel records nor was there a justification as to why these costs should be paid for by the state.

Peterman said that he only rescheduled flights for business purposes such as not being able to leave a meeting as planned. However, Department of Financial Services Reference Guide for State Expenditures specifically states cancellation of discounted airline tickets may be paid from state funds only if the cause for cancellation is in the best interest of the state.<sup>5</sup>

### **Travel Not Adequately Documented**

The majority of travel records were not adequately documented such as conferences were inadequately justified, luggage fees were claimed without original receipts, and vehicle logs were incomplete. A few examples follow:

#### **Luggage Fees**

We found that Peterman incurred a total cost of \$887 for luggage fees from February 2008 to November 2009 of which he incurred \$562 in luggage fees between Tallahassee and St. Petersburg. We found that luggage fees were not documented with an original receipt, but were submitted using a missing receipt form. Peterman said that he would take luggage when he traveled to and from St. Petersburg, but did not have airline issued receipts to support these charges.

#### **State Issued Vehicle and Vehicle Logs**

Based on review of Department records, Peterman has a 2007 Ford Crown Victoria assigned to him by the Department for official state business. Peterman also periodically uses a vehicle assigned to the St. Petersburg District Office. Peterman confirmed he has been assigned a vehicle since his appointment in February 2008 and the vehicle is used exclusively by him. He stated that the vehicle is used for state purposes and driven between home and work.

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<sup>5</sup> "Penalties for cancellation of discounted airline tickets may be paid from state funds only if the cause for cancellation is in the the best interest of the State. The cost of unused nonrefundable tickets or cancellation penallies incurred are allowable for the convenience of the State and if the traveler has to cancel a trip due to illness of the traveler or death of a member of the Traveler's immediate family, for which an employee is authorized to use sick or administrative leave...If a ticket is canceled for the convenience of the traveler, the cancellation penalty may not be reimbursed from state funds. Agencies and travelers should carefully evaluate the circumstances and risk of cancellation prior to purchase of discounted tickets." Further, "Vouchers submitted for payment of unused nonrefundable tickets, cancellation penalties or exchange penallies must include documentation indicating that the costs were necessarily incurred in conducting state business or the costs were incurred because of the illness of the traveler or the illness or death of a member of the traveler's immediate family. Documentation verifying that the unused ticket has been submitted to the agency must also be included in the voucher requesting payment."

We reviewed Department of Juvenile Justice Daily Vehicle Usage Logs for the period of February 2008 to September 2009 and attempted to cross reference Peterman's vehicle use to other travel records. However, the vehicle logs were not properly completed and did not contain sufficient details to substantiate usage, time and place of travel, business purpose of the travel, or the date and mileage for each trip<sup>6</sup>.

### **Conferences in Tampa with Hotel Stay within 50 Miles of Residence**

In the months of June 2008 and August 2009, Peterman charged the state for a total of five hotel nights while attending conferences in Tampa even though his family residence is less than 50 miles away in St. Petersburg. He also charged the state for a rental car for two of these days. The total expense for these two trips was \$785.73. Review of governing directives show that lodging and per diem expenses can be incurred less than 50 miles away from the traveler's residence if justified in writing, incurred for a legitimate state purpose, and approved by the Secretary. Review of the travel records show these expenses were not explained in writing, but Peterman explained he was a morning speaker at both of the conferences and wanted to avoid local travel conditions<sup>7</sup>.

### **Conference in New Orleans**

In August 2008, Peterman attended the American Correctional Association's Congress of Corrections in New Orleans for a cost of \$2379.46.

- Hotel receipts show the state paid for three nights for this trip even though airline receipts show that Peterman was in New Orleans for only two nights.
- No attempts had yet been taken to correct the charges for the additional night billed to the state.
- Travel Reimbursement Voucher did not show the benefits to the state for attendance at this conference, but \$330 was paid for a five-day conference where Peterman only attended one day of the event.

Peterman said the state probably should have been reimbursed for the extra night charged in New Orleans. He said he frequently leaves the hotel without

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<sup>6</sup> Department of Juvenile Justice Policy, Section FDJJ-1306P, Section III.J(5), states in pertinent part: "Vehicle Operators shall properly maintain the monthly vehicle log on a daily basis, ensuring all information entered on the log is accurate."

<sup>7</sup> Department of Financial Services Rule 69I-42.006, Florida Administrative Code, states in pertinent part the following: (7) A traveler may not claim per diem or reimbursement for lodging for overnight travel within 50 miles of his headquarters or residence, unless the circumstances necessitating such overnight travel are fully explained by the traveler and approved by the agency head. Criteria for approval shall include late night or early morning job responsibilities and excessive travel time because of traffic conditions.

checking out at the front desk. Peterman said that he arrived in New Orleans a day late because he was unable to leave on time due to a work related issue. Former Chief of Staff Bonnie Rogers recalled that Peterman arrived a day late due to a family matter. Travel records show that Peterman left New Orleans, traveled to Tampa, and drove to Orlando to attend the Zero Tolerance Summit.

### **Conference in Ft. Lauderdale**

In August 2008, Peterman attended the Circuit Judges' Annual Meeting at a cost to the state of \$954.23. Travel records support that Peterman charged the state for lodging on Sunday, August 3, and Monday, August 4 and for meals on August 4 and per diem on August 5. However, time and attendance records show he was on annual leave on August 4. We could not determine from records whether the charges to the state for August 4 were for a legitimate public purpose. Peterman thought the annual leave for August 4 was an error and said he depends on staff to line things up for him.

### **ADDITIONAL FINDING REQUIRING AGENCY ACTION**

During the course of this review, we found that the Department currently has vehicles assigned for use by specific individuals including Peterman. Department records indicated that four vehicles<sup>8</sup> were justified as perquisites<sup>9</sup> because they are assigned to employees that "must frequently visit field offices, partners and other stakeholders throughout the state" and "must also be available 24 hours a day, 7 days a week to respond to emergency situations, when traveling and at home". Department records show that the vehicle assigned to Peterman has an annual cost to the state of \$2,500, annual estimated maintenance allowance cost of \$200, and an annual fair market value of \$11,500.

Based on Florida Statutes and other governing directives, personal use of a state-issued vehicle by an employee may constitute a taxable fringe benefit and any use of an agency-provided vehicle that is not substantiated as business use is defined by the Internal Revenue Code to be personal use and should be included in the employee's income. According to Department of Financial Services, the Department has not completed W-2 tax forms for taxable vehicle perquisites since the inception of the Department.

Peterman said that he was told when he was appointed that he could use the vehicle to drive to and from his home from day one, but not told it was considered a perquisite. According to testimony, an email dated March 18, 2009 titled

<sup>8</sup> Department records indicate these four vehicles are assigned to the Secretary, Deputy Secretary, Assistant Secretary for Probation and Assistant Secretary for Prevention.

<sup>9</sup> Section 216.262, Florida Statutes, defines perquisites means those things or use thereof, or services of a kind that confer on the officers or employees receiving them some benefit that is in the nature of additional compensation or that reduce to some extent the normal personal expenses of the officer or employee receiving them. The term includes, but is not limited to, such things as quarters, subsistence, utilities, laundry services, medical service, use of state-owned vehicles...for other than state purposes.

"Perquisite for Vehicles" and two Request for Approval for Perquisite Forms signed by Peterman, Peterman received information to the contrary. This non-compliance with governing directives regarding perquisites appears to date back over several years and may require amended W-2's, Perquisite Reports, and IRS Income Tax Returns for multiple years for employees and former employees receiving perquisites associated with a state-issued vehicle.

This matter has been reported to the Department's General Counsel and Director of Administration for corrective action to ensure immediate compliance with governing directives. This may include temporary suspension of vehicles for personal use until this matter can be resolved. This matter will be referred to the Department Inspector General for follow up deemed appropriate.

#### **RECOMMENDATION**

Regarding Peterman's travel to and from the St. Petersburg District Office, we recommend corrective action be taken including, but not limited to, obtaining reimbursement to the state for travel not fully and completely justified as official state business.

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**APPLICABLE GOVERNING DIRECTIVES**

**Chapter 2009-15, Laws of Florida, Section 2**, states in pertinent part: "It is the policy of the state that funds appropriated to each state agency which may be used for travel by state employees be limited, until July 1, 2009, to travel for activities that are critical to the state agency's mission...The agency head, or his or her designee, must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel."

**Chapter 2009-82, Laws of Florida, Section 58**, states in pertinent part: "In order to implement the funds appropriated in the 2009-2010 general appropriations act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, shall be limited during the 2009-2010 fiscal year to travel for activities that are critical to each state agency's mission... The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel."

**Section 112.061, Florida Statutes**, states in pertinent part the following:

(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.

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**To address these laws and regulations, on January 29, 2009 and February 10, 2009, Peterman issued two memoranda to Department staff to identify mission critical travel and the approval process.**

**The January 29, 2009 memorandum** states in pertinent part: "mission critical travel is considered necessary to perform job functions that if not conducted would have an adverse impact on the health, welfare, and safety of the youth in the Department's care and would interfere in the Department's ability to carry out its mission. Every effort must be made to ensure that travel:

- is planned to maximize resources;
- limits the need for overnight travel;
- is necessary and appropriate with the needs of the position and job functions; and,
- utilizes teleconferencing and video conferencing technologies to the extent possible."

**The February 10, 2009 memorandum** further states specific scenarios where prior approval by the Secretary is not required; however, "travel not listed above shall be approved in advance on a DFS Authorization to Incur Travel Form AA-13 (Form) by the Deputy Secretary or Chief of Staff. This section applies to all travel when a reimbursement for travel expenses will be filed." Further regarding conferences, conventions, and out of state travel, "A. the conference and/or convention program or agenda shall be attached to the authorization along with any other supporting documentation. B. Out-of-state requests for travel by Senior Managers and all employees having a direct report to the Secretary, Deputy Secretary or the Chief of Staff shall be submitted to the Chief of Staff for review by the Secretary and approval by the Governor's Office. C. Travel Requirements: When a travel reimbursement is filed for any expenses incurred for travel it shall include a copy of these guidelines, and explanation as to why the travel was critical to the agency's mission consistent with these guidelines and a statement as to why the use of teleconferencing or other forms of electronic communication were not suitable or available. D. Weekly travel schedules: Senior Managers and staff who have a direct report to either the Secretary, Deputy Secretary or the Chief of Staff shall submit all travel plans by COB every Thursday for the next week of **all** travel plans, regardless of the funding source, to the Chief of Staff via Barbara Buda with a copy to the Deputy Secretary."