

<b>SUBJECT</b> <b>DEPARTMENT</b> <b>VEHICLES AND</b> <b>AIRCRAFT USE</b>	<b>POLICY NUMBER</b> <b>10.02</b>	
<b>POLICY MAINTENANCE ADMINISTRATOR:</b> Bureau Chief, Bureau of Accounting		
<b>PURPOSE/SCOPE:</b> To establish policy and procedures to provide regulations concerning the assignment, use and control of state-owned vehicles and aircraft assigned to the Department.		

**I. AUTHORITY**

- Section 106.15, Florida Statutes, Campaign Financing
- Sections 287.16, 287.17, and 287.20, Florida Statutes, Procurement of Transportation
- Sections 321.02 and 321.05, Florida Statutes, Highway Patrol
- Chapter 60B, Florida Administrative Code, Division of Motor Pool
- Chapter 60L-36, Florida Administrative Code, Conduct of Employees
- Governor’s Executive Order 11-03 and Code of Ethics, Effective January 4, 2011

**II. DEFINITIONS**

- A. Aircraft - Any machine capable of atmospheric flight that is owned, leased or rented by the state and licensed for use.
- B. Automotive Navigational Device (GPS) – a satellite navigation system designed for use in automobiles to acquire position data and provide driving directions. For the purpose of this policy only voice-guided devices will be utilized. Sworn personnel refer to FHP Policy 7.10, Wireless Voice/Data Communications for additional guidelines or exceptions
- C. Class A (Pool Assignment) Vehicles - State-owned, leased or rented vehicles that a particular division centrally controls and are requisitioned for a specific trip and returned to the pool upon completion of the trip. The member does not drive a Class A vehicle to their home or use it during non-working hours unless the member:
  - 1. Is departing upon or returning from an official trip away from their headquarters under circumstances which make it impractical to use other means of transportation, or

<b>Executive Director</b> SIGNED ORIGINAL ON FILE	<b>Effective Date</b> 01/01/1984
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2. Has a need to use the vehicle after completion of their regular workday to conduct state business on the same day or before their usual working hours on the next day.
- D. Class B (Limited Use Assignment) Vehicles - State-owned, leased or rented passenger vehicles required for use fifteen or more work days per month to conduct official state business but which do not meet Class C requirements. Class B vehicles may not be driven to a member's home or used during non-working hours unless the member:
1. Is departing or returning from an official trip away from their headquarters and circumstances make it impractical to use other means of transportation, or
  2. Has a need to use the vehicle after completion of regular workday to conduct state business on the same day or before their usual working hours on the next day.
- E. Class C (Special Assignment) Vehicles - State-owned, leased or rented vehicles which are assigned to a member:
1. By virtue of their position and approved and authorized as a perquisite by the Department of Management Services, or
  2. Who is subject to special emergency calls from their residence for law enforcement, or
  3. Who is subject to emergency calls from their residence for the protection of life or property, or
  4. Whose home is their office, their official base of operation and the vehicle is parked at home when not in use.
- F. Mobile Equipment - Vehicles powered by gasoline, diesel, propane, alternative fuels or electricity which are used on public highways or state or public property.
- G. Official State Business – Any period of time in which you receive or are eligible to receive compensation for your travel time or work time.
- H. Texting – Reading from or entering data into any handheld or other electronic device, including for the purpose of short message service (SMS) or multimedia message service (MMS) texting, e-mailing, instant messaging, obtaining visually assisted navigational information or engaging in any other form of electronic data retrieval or electronic data communication.
- I. Vehicle - Any motorized vehicle owned, leased or rented by the state and licensed for use on the highways or the use of a personal vehicle for conducting Official State Business.

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- J. Vehicle Fuel and Maintenance Card – A credit card issued based on the State of Florida’s State fuel and maintenance card contract to permit the authorized state members to purchase fuel and maintenance services/products for state-owned vehicles.
  
- K. Wireless Voice/Data Communications Device – Any device capable of transmitting and receiving voice or data communications without plugging into a wired land-based phone network. For the purpose of this policy such equipment will include, but not be limited to the following:
  - 1. Pagers
  - 2. PDAs (Personal Digital Assistants)
  - 3. Cellular telephones
  - 4. Smartphones and devices for voice and/or data, such as Blackberry or iPhone; and
  - 5. Mobile Data Computers (MDCs) Sworn personnel refer to FHP Policy 14.03, Mobile Data Computers for additional guidelines.

**III. POLICY**

All vehicles and aircraft owned, leased or rented by the department will be used only for official business. Department vehicles will be assigned and used in the most efficient, effective and economic manner and in compliance with Chapter 60B, F.A.C.

**IV. PROCEDURES**

- A. Vehicle and Aircraft Assignment –
  - 1. The Executive Director is responsible for the assignment and proper use of all vehicles and aircraft owned, leased or rented by the department.
    - a. The Executive Director may assign a motor vehicle to a state officer or employee only if the officer or employee is projected to drive the motor vehicle a minimum of 10,000 miles annually on official state business, unless they provide written justification for the need of the assignment of a motor vehicle. (Section 287.17(4)(a) F.S.)
    - b. The Executive Director may assign a motor vehicle to state officers and employees who perform duties related to law enforcement. However, a pursuit motor vehicle may not be assigned to an officer or employee whose job duties do not routinely require performance of a patrol or law enforcement function requiring a pursuit vehicle. (Section 287.17(4)(b) F.S.)

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2. Each division will formulate and implement directives governing the assignment and operation of vehicles and aircraft within that division in compliance with Chapter 60B-1.004, F.A.C. The Executive Director will approve these directives prior to implementation.
3. In conjunction with the agency's divisions, the Inspector General's Office will conduct an objective review of the agency fleet size and distribution at least once every five years.
4. Executive Director or Deputy Executive approval must be received in advance for the use of personal vehicles to conduct official state business. Personal vehicle usage for the purpose of conducting official state business must be in compliance with Section 287.17 F.S., Chapter 60B-1.004 F.A.C., Department of Financial Services Reference Guide to State Expenditures, Agency Travel Policies and Procedures and other applicable rules and regulations.
5. To ensure that only properly licensed drivers operate department vehicles, ISA will periodically make available to each division director or designee a list of department employees whose driving privileges have been rescinded. Each division will review the list and take appropriate action to ensure that, at a minimum, listed employees are not permitted to operate any department vehicle until their driving privilege has been reinstated.
6. Smoking is prohibited at all times in all DHSMV vehicles, except those classified as Class C Special Assignment.

B. Use of Department Vehicles –

1. Department vehicles will be used for official state business only or for approved off-duty police employment for law enforcement officers.
2. A member's failure to follow the procedures regarding use of department vehicles outlined in this policy may subject the member to disciplinary action up to and including dismissal, pursuant to DHSMV Policy 3.06, Disciplinary Process. For any incident of improper use a report will be filed with the Chief Financial Officer, Department of Financial Services, detailing the nature of the misuse and the action taken (Chapter 60B-1.004(1)(a), F.A.C.).
3. Members can use department vehicles to commute to and from members' residences only if the approved vehicle classification code describes such use, and only in accordance with that description.
4. Members with permanently assigned vehicles may use the vehicle for meal breaks when such breaks do not interfere with official business and the vehicle is the only means of transportation at their disposal.
5. Department vehicles may not be used for traveling for the purpose of taking Career Service or other job placement examinations (written or oral) or professional examinations (e.g., CPA or admission to the Florida Bar). On-duty sworn FHP personnel may use their assigned vehicles for competitive promotional examinations upon supervisory approval.

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6. Department vehicles may be used to travel reasonable distances to obtain food and lodging when members are in travel status.
7. Any person operating a department vehicle or a personal vehicle for Official State Business shall possess a current driver license valid in the state of Florida and operate the vehicle in compliance with all traffic laws.
8. Non-sworn members are prohibited from using/operating any department vehicle while consuming alcoholic beverages or following their consumption of alcoholic beverages. Sworn members are prohibited as well unless the situation requires consumption acting in accordance with FHP Policy 3.03.06 (49), Code of Conduct: Regulations.
9. Non-sworn members, with the exception of the Department's Heavy Equipment Operator, are not authorized to transport or have in their possession, firearms of any type while in a department vehicle.
10. Persons other than state employees will not be permitted to operate state owned, rented or leased vehicles unless authorized by the Executive Director or designee.
11. Members with permanently assigned vehicles, which are normally used to travel to and from work, must live within a reasonable distance (within thirty miles) from their assigned work location/area. Each division utilizing such vehicles will establish appropriate procedures for implementing this provision.
12. All department vehicles, except those bearing confidential tags, will carry an official state license plate.
13. Department vehicles, when bearing confidential tags, will be used solely for official department business.
14. Members of the FHP Auxiliary (FHPA) are permitted to utilize department vehicles during the course of their duties. These duties include but are not limited to patrolling highways during Limited Scope Patrol; travel associated with training, meetings and other emergencies such as response to disasters.
  - a. Members of the FHPA will receive training from the FHP prior to utilizing department vehicles.
  - b. Members of the FHPA may drive a department vehicle to their home for a meal break during their assigned duty and may drive a department vehicle to their home the day preceding and following use for assigned duties. After use for assigned duties, the Department vehicle will be returned to the appropriate station or other secure location approved by the troop or district commander. Other utilization and storage arrangements of department vehicles by members of the FHPA must be approved by the appropriate Deputy Director of Field Operations or designee (i.e. Troop Commander).

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C. Passengers in Department Vehicles –

1. Circumstances requiring approval by the Executive Director, Deputy Executive Director, division director, or designee before transporting non-state employees include:
  - a. When using volunteers or interns on programs and projects of the Department;
  - b. When the purpose of the travel can be more usefully served by including persons other than state officials and members, provided no additional expense to the State is involved.
2. Circumstances not requiring approval by the Executive Director or designee before transporting non-state employees are:
  - a. When transporting prisoners in custody;
  - b. When providing search, rescue and public services.
3. Each division will formulate and implement directives in compliance with Chapter 60B-1.004 F.A.C. and department policy governing the transportation of non-state employees by personnel who are subject to 24-hour emergency call and are assigned a permanent vehicle. The Executive Director will approve these directives prior to implementation.

D. Vehicle Crashes –

1. If a department vehicle is involved in a crash, the driver will contact the Florida Highway Patrol (\*FHP or \*347), identify themselves as a department member and request a crash investigation. If another agency responds to the crash, the driver will identify themselves as a department member and request that they contact the Florida Highway Patrol. The driver will also notify their immediate supervisor.
2. The immediate supervisor will fax or email the following information to the appropriate Troop Commander or Bureau Chief who is responsible for forwarding the information to the appropriate division director and to the Bureau of Accounting at Crash-Alert@flhsmv.gov or fax (850) 617-5102.
  - a. Date of crash;
  - b. Location - city and county;
  - c. Name, date of birth and office telephone number of driver of the Department vehicle;
  - d. Vehicle year, make and model, license plate number and identification number of the Department vehicle;
  - e. Name and address of the other parties involved in the crash;
  - f. Description and license plate number of the other party's vehicle;
  - g. Current location of the Department's vehicle and the other vehicle (e.g., ABC Garage);
  - h. A brief description of what happened;
  - i. Name of agency investigating the crash.

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3. Forward a copy of the crash report, together with any supplemental reports, to the attention of the appropriate Troop Commander or bureau chief and to the Bureau of Accounting at Crash-Alert@flhsmv.gov.
    - a. The Bureau of Accounting will report all vehicle crashes where the Department member is at fault to the Division of Risk Management, which will investigate and settle those cases where state liability is evident.
    - b. The Bureau of Accounting will pursue the investigation for full collection of the damages sustained when the Department member is not at fault. If any insurance carrier or individual offers to settle one of these cases on a compromise basis, alleging comparative negligence, the Bureau of Accounting will determine the course of action to be taken.
  4. Department personnel will not attempt to settle any claims unless the Chief of the Bureau of Accounting has given them a specific request.
  5. The authorized division supervisor will obtain a repair estimate or quote for damages to a department vehicle and complete a purchase requisition through MyFloridaMarketPlace. If damage is \$2,499.99 or less, repairs can be made via the Vehicle Fuel and Maintenance Driver Card.
  6. Copies of any correspondence obtained by a field office concerning department vehicle crashes will be forwarded to the Bureau of Accounting so a complete file is available for legal purposes.
  7. Representatives of the Division of Risk Management will obtain statements from the appropriate department personnel involved in vehicle crashes involving serious injury or death. In order that crashes of this nature be quickly investigated and the most economical settlement obtained, properly identified Division of Risk Management representatives will be provided with any information requested.
  8. If an insurance company contacts a field office concerning whom to pay and how to make the check payable, the company will be told to contact the Bureau of Accounting, Fixed Assets and Financial Accounting Section, Neil Kirkman Building, MS 22, Tallahassee, FL 32399 or (850) 617-3341.
- E. Vehicle Maintenance, Service, and Repairs –
1. Vehicle Custodians -
    - a. FHP – troop commander or their designee
    - b. DDL – bureau chiefs or their designee
    - c. DMV – bureau chiefs or their designee.
    - d. DAS/OED – supervisor of the section where vehicle is assigned.
    - e. OWP – manager of the Learning and Development Office
    - f. The names of the designated vehicle custodians must be reported to the Fixed Assets and Financial Accounting Section in the Bureau of Accounting by September 30 of each year or upon a change in the designee.
    - g. The assigned vehicle custodian will keep department vehicles in a safe and ready working order. Vehicle maintenance should be performed

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according to the maintenance parameters as defined in the manufacturers recommended maintenance schedule.

2. Department policies related to the use, service, repair and recordkeeping of vehicles in the performance of state duties must be in compliance with vehicle operating procedures as established by Florida Statute, the Department of Management Services, Division of Motor Pool (Chapter 60B-1.004, F.A.C.) and other applicable rules and regulations. Sworn personnel refer to FHP Policy 6.03, Vehicle Equipment and Maintenance for additional requirements.
3. No equipment will be installed on the vehicle unless it is authorized or issued by the appropriate division director.
4. Vehicle repairs of not more than \$2,499.99 can be accomplished by using a state issued Driver Card. If repairs exceed \$2,499.99, a Purchase Order is required to be issued through MyFloridaMarketPlace.
5. It is the responsibility of the authorized division supervisor to determine the need for and authorize all repairs for vehicles assigned within their area of responsibility and to see that any repairs for which the division is billed are properly made and signed for by the individual who received the repaired vehicle.
6. Purchases using State of Florida Fuel Cards –
  - a. A State of Florida Fuel Credit Card will be issued to each department vehicle.
  - b. Emergency repairs of minor items such as tires, belts or hoses, not exceeding \$150, may be charged on a State Fuel Credit Card at any vehicle service and repair vendor that accepts the Florida Fuel Credit Card.
  - c. The credit card receipt must contain the following:
    - (1) Vehicle number
    - (2) Odometer reading
    - (3) Vendor Name
    - (4) Date of transaction
    - (5) Description of item purchased or service performed
    - (6) Dollar amount of purchase
  - d. The member having custody of a department vehicle, when making purchases of gasoline, oil or grease, will observe the delivery to ensure that the items/service for which they are billed have been received.
  - e. All credit card tickets will be signed by the member obtaining the service or commodity. The signature must be legible and the true signature of the signer.
  - f. Receipts/repair orders made via the Department's Fuel Card will be submitted to the Accounts Payable Section not later than the 5<sup>th</sup> working day following the purchase at [fuelcard.accounting@flhsmv.gov](mailto:fuelcard.accounting@flhsmv.gov) or faxed to 850-617-5200.

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- g. Maintaining and updating the information recorded in the Equipment Management Information System (EMIS) is the responsibility of the Automotive Maintenance Section in the Bureau of Accounting.
- h. All divisions are responsible for submitting all Vehicle Mileage Logs to the Automotive Maintenance Section by the 10<sup>th</sup> of the month following the month of activity either through the RDA system (FHP) or the SharePoint Vehicle Reporting Log.

F. Use of Agency's Vehicles for Commuting by Non-Sworn Personnel –

An agency vehicle can be assigned to a non-sworn member if it is critical to the operations of the agency and in compliance with the requirements of the Florida Statutes. However, if non-sworn personnel use an agency vehicle to commute to and from work, the taxable wages of the employee must be adjusted to reflect the non-cash fringe benefit provided by the use of the vehicle. The employee's wages will be adjusted by \$1.50 per direction, or \$3 per day. The employee must complete the Report of Taxable Non-Cash Fringe Benefits on a quarterly basis. A copy of the form and the related deadlines may be obtained from the Payroll Office in the Bureau of Personnel Services.

G. Aircraft –

1. Operation -

- a. Unless otherwise authorized by the Director of FHP or designee, department aircraft will not be piloted by any person except pilots who are uniform members of the Florida Highway Patrol and who meet the minimum guidelines set forth in Chapter 60B-4.005, F.A.C., Operation and Maintenance Procedures.
- b. Department aircraft will be operated in compliance with all applicable F.A.A. regulations, Chapter 60B-4.005, F.A.C. and Section 287.17, Florida Statutes, Limitation on use of motor vehicles and aircraft.
- c. Aircraft assignment will be for one or more of these specific purposes:
  - (1) Traffic law enforcement;
  - (2) Search and rescue;
  - (3) Observation and survey of riot and/or disaster areas;
  - (4) Aerial photography and surveillance missions;
  - (5) Transportation of department and other designated personnel;
  - (6) Transportation or evacuation of injured persons at the direction of the Executive Director or designee;
  - (7) Law enforcement purposes and other disaster/emergency use as directed by the Executive Director or designee.
- d. Violation of this policy may result in disciplinary action pursuant to DHSMV Policy 3.06, Disciplinary Process. For any incident of improper use, a report will be filed with the Chief Financial Officer, Department of Financial

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Services detailing the nature of misuse and action taken (Chapter 60B-4.003(8), F.A.C.).

2. Passengers -
  - a. Non-sworn department members may be transported by department aircraft when such transportation is for official state business, is the most cost effective or expedient manner of travel available, and can be accomplished without interfering with the purpose of assignment or impairment to the programs in which the aircraft is utilized. Any applicable charges will be made in compliance with Chapter 60B-4.004, F.A.C., Charges for aircraft use.
  - b. No person other than department members will be transported by department aircraft except as necessary or desirable as a part of department participation with other agencies or organizations in matters of mutual concern.
  - c. Any department member may serve as an observer on board aircraft during a routine law enforcement patrol flight, upon approval of the Director of FHP or designee.
  - d. No candidate for public office will be transported on a department aircraft solely for the purpose of furthering their candidacy. If a candidate travels on a department aircraft on official state business and performs functions to further their candidacy, they will be charged a fee in accordance with Chapter 60B-4.003, F.A.C.
  - e. Approval of the Director of FHP or designee must be obtained prior to transporting non-department personnel in department aircraft except in emergency situations.
3. Scheduling -

The FHP Chief Pilot will be responsible for day-to-day aircraft operations including scheduling of aircraft for the Department, monitoring fuel purchases, approving routine repairs and maintenance, reviewing trip logs and operational cost reports and ensuring compliance with all rules, regulations, and orders pertaining to aircraft operations.
4. Rental -

When department aircraft are not available or not suitable for the specific task, it is permissible to rent aircraft in compliance with the following:

  - a. Prior to aircraft rental, an aircraft request form must be completed. The form must provide an explanation for the rental and be attached to the rental invoice.
  - b. If rental need is at the regional level, approval of the Deputy Director of Field Operations is required.
  - c. Approval by the Executive Director or appropriate division director is required when there is a multi-regional or GHQ need to rent an aircraft.
  - d. Prior written approval is required from the Department of Management Services except in emergency situations. After written approval, the

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appropriate records must be filed with the Bureau of Aircraft not later than the last day of the following month.

- e. The Department, in compliance with Chapter 60B-4.008, F.A.C., Reports and Records, will furnish the Division of Motor Pool with a complete record of all aircraft activities.

H. Safety –

1. All occupants of state-owned, leased or rented vehicles and all personal vehicles operated on official state business will properly utilize the seat belts or occupant restraint system provided.
  - a. Failure to utilize seat belts or occupant restraint systems will be considered improper use of a vehicle and/or a violation of policy.
  - b. If a crash occurs, resulting in injury to a member and the member is not utilizing the seat belts or occupant restraint system provided, and the failure to use the seat belts or occupant restraint system provided contributes to injuries received, worker's compensation benefits may be reduced under the provisions of Section 440.09(4), F.S., Worker's Comp Coverage.
2. All state-owned, leased or rented vehicles and all personal vehicles operated on official state business will be operated in a safe and courteous manner at all times. Failure to operate vehicles in a safe and courteous manner will be considered improper use of a vehicle and/or violation of policy.
3. Utilization of wireless voice/data communications devices for dialing, texting or the transmission or receiving of voice or data communication by all drivers of state-owned, leased or rented vehicles and all personal vehicles operated on official state business will be allowed **only** when the devices are used in a hands-free mode or when the vehicle is not in motion and is stopped in a safe location off of the roadway. Device use without hands-free operation while the vehicle is in motion or not stopped in a safe location off of the roadway will be considered improper use of the vehicle and the device and/or a violation of policy.
4. All drivers of state-owned, leased or rented vehicles and all personal vehicles operated on official state business will utilize only voice-guided automotive navigational devices. Programming of these devices should take place when the vehicle is not in motion and is stopped in a safe location off of the roadway. Failure to utilize other than a voice-guided automotive navigational device will be considered improper use of a vehicle and/or a violation of policy.
5. All state-owned, leased or rented vehicles and all personal vehicles operated on state business will operate in compliance with all applicable federal, state or local laws or ordinances.

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- a. Failure to comply with these laws or ordinances will be considered improper use of a vehicle and/or a violation of policy.
- b. All fines and penalties resulting from failure to comply with these laws or ordinances are the personal responsibility of the vehicle operator.