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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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The Committee on Community Affairs (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (m) is added to subsection (2) of  
section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(m) At least once every 7 years, conduct an operational and  
financial audit of each large-hub commercial service airport.



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11 Each operational audit shall include, at a minimum, an  
12 assessment of compliance with s. 332.0075, including compliance  
13 with chapter 287, and compliance with the public records and  
14 public meetings laws of this state. For purposes of this  
15 paragraph, the term "large-hub commercial service airport" means  
16 a publicly owned airport that has at least 1 percent of the  
17 annual passenger boardings in the United States as reported by  
18 the Federal Aviation Administration.

19  
20 The Auditor General shall perform his or her duties  
21 independently but under the general policies established by the  
22 Legislative Auditing Committee. This subsection does not limit  
23 the Auditor General's discretionary authority to conduct other  
24 audits or engagements of governmental entities as authorized in  
25 subsection (3).

26 Section 2. Paragraph (c) is added to subsection (1) of  
27 section 112.3144, Florida Statutes, to read:

28 112.3144 Full and public disclosure of financial  
29 interests.-

30 (1)

31 (c) Each member of the governing body of a large-hub  
32 commercial service airport shall comply with the applicable  
33 financial disclosure requirements of s. 8, Art. II of the State  
34 Constitution. Any person otherwise required under this  
35 subsection to file a full and public financial disclosure, is  
36 not required to separately file a full and public financial  
37 disclosure under this paragraph. For purposes of this paragraph,  
38 the term "large-hub commercial service airport" means a publicly  
39 owned airport that has at least 1 percent of the annual



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40 passenger boardings in the United States as reported by the  
41 Federal Aviation Administration.

42 Section 3. Section 332.0075, Florida Statutes, is created  
43 to read:

44 332.0075 Commercial service airports; transparency and  
45 accountability; penalty.—

46 (1) As used in this section, the term:

47 (a) "Commercial service airport" means a primary airport,  
48 as defined in 49 U.S.C. s. 47102, that is classified as a large-  
49 , medium-, or small-hub airport by the Federal Aviation  
50 Administration.

51 (b) "Department" means the Department of Transportation.

52 (c) "Governing body" means the governing body of the  
53 county, municipality, or special district that operates a  
54 commercial service airport.

55 (2) Each governing body shall establish and maintain a  
56 website to post information relating to the operation of a  
57 commercial service airport, including:

58 (a) All published notices of meetings and published meeting  
59 agendas of the governing body.

60 (b) The official minutes of each meeting of the governing  
61 body, which shall be posted within 7 business days after the  
62 date of the meeting in which the minutes were approved.

63 (c) The approved budget for the commercial service airport  
64 for the current fiscal year, which shall be posted within 7  
65 business days after the date of adoption. Budgets must remain on  
66 the website for 2 years after the conclusion of the fiscal year  
67 for which they were adopted.

68 (d) A link to the airport master plan for the commercial



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69 service airport on the Federal Aviation Administration's  
70 website.

71 (e) A link to all financial and statistical reports for the  
72 commercial service airport on the Federal Aviation  
73 Administration's website.

74 (f) Any contract or contract amendment executed by or on  
75 behalf of the commercial service airport in excess of \$100,000,  
76 shall be posted no later than 7 business days after the  
77 commercial service airport executes the contract or contract  
78 amendment. However, a contract or contract amendment may not  
79 reveal information made confidential or exempt by law. Each  
80 commercial service airport must redact confidential or exempt  
81 information from each contract or contract amendment before  
82 posting a copy on its website.

83 (g) Position and rate information for each employee of the  
84 commercial service airport, including, at a minimum, the  
85 employee's position title, position description, and annual or  
86 hourly salary.

87 (3) (a) Notwithstanding any other provision of law to the  
88 contrary, commercial service airports are subject to the  
89 requirements of chapter 287 for purchases of commodities or  
90 contractual services that exceed \$100,000. If the purchase of  
91 commodities or contractual services exceeds \$100,000, the  
92 purchase of commodities or contractual services may not be made  
93 without receiving competitive sealed bids, competitive sealed  
94 proposals, or competitive sealed replies unless an exception  
95 applies as provided in s. 287.057(3) or an immediate danger to  
96 the public health, safety, or welfare, or other substantial loss  
97 to the commercial service airport requires emergency action.



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98           (b) A governing body must approve, award, or ratify all  
99 contracts executed by or on behalf of a commercial service  
100 airport in excess of the threshold amount provided in s. 287.017  
101 for CATEGORY FIVE as a separate line item on the agenda and must  
102 provide a reasonable opportunity for public comment. Such  
103 contracts may not be approved, awarded, or ratified as part of a  
104 consent agenda.

105           (4) (a) Members of a governing body and employees of a  
106 commercial service airport are subject to part III of chapter  
107 112. However, this paragraph does not prohibit the application  
108 of more stringent ethical standards adopted by county or  
109 municipal charter, ordinance, or resolution of the governing  
110 body for its members and employees.

111           (b) Beginning January 1, 2021, each member of a governing  
112 body must complete 4 hours of ethics training each calendar year  
113 which addresses, at a minimum, s. 8, Art. II of the State  
114 Constitution, the Code of Ethics for Public Officers and  
115 Employees, and the public records and public meetings laws of  
116 this state. This requirement may be satisfied by completion of a  
117 continuing legal education class or other continuing  
118 professional education class, seminar, or presentation if the  
119 required subject material is covered therein. Constitutional  
120 officers and elected municipal officers who are members of the  
121 governing body who complete the ethics training required in s.  
122 112.3142 shall be considered in compliance with this paragraph.

123           (5) (a) Beginning November 1, 2021, and each November 1  
124 thereafter, the governing body of each commercial service  
125 airport shall submit the following information to the  
126 department:



- 127       1. Its approved budget for the current fiscal year.  
128       2. Any financial reports submitted to the Federal Aviation  
129 Administration during the previous calendar year.  
130       3. A link to its website.  
131       4. A statement, verified as provided in s. 92.525, that it  
132 has complied with part III of chapter 112, chapter 287, and this  
133 section.

134       (b) The department shall review the information submitted  
135 by the commercial service airport and posted on the airport's  
136 website to determine the accuracy of such information. Beginning  
137 January 15, 2022, and each January 15 thereafter, the department  
138 shall submit to the Governor, the President of the Senate, and  
139 the Speaker of the House of Representatives a report summarizing  
140 commercial service airport compliance with this section.

141       (6) The department may not expend any funds allocated to a  
142 commercial service airport as contained in the adopted work  
143 program, unless pledged for debt service, until the commercial  
144 service airport demonstrates its compliance with this section.

145       Section 4. This act shall take effect October 1, 2020.

146  
147 ===== T I T L E   A M E N D M E N T =====

148 And the title is amended as follows:

149       Delete everything before the enacting clause  
150 and insert:

151                               A bill to be entitled  
152       An act relating to commercial service airports;  
153       amending s. 11.45, F.S.; directing the Auditor General  
154       to conduct specified audits of certain airports;  
155       defining the term "large-hub commercial service



156 airport"; amending s. 112.3144, F.S.; requiring  
157 members of the governing body of a large-hub  
158 commercial service airport to comply with certain  
159 financial disclosure requirements; providing that a  
160 separate filing is not required under specified  
161 circumstances; defining the term "large-hub commercial  
162 service airport"; creating s. 332.0075, F.S.;  
163 providing definitions; requiring the governing body of  
164 a municipality, county, or special district that  
165 operates a commercial service airport to establish and  
166 maintain a website; requiring the governing body to  
167 post or provide links to certain information on the  
168 website; requiring the posting of specified contracts;  
169 providing for the redaction of confidential and exempt  
170 information; requiring commercial service airports to  
171 comply with certain contracting requirements;  
172 providing exceptions; requiring the governing body to  
173 approve, award, or ratify certain contracts; requiring  
174 members of the governing body of a commercial service  
175 airport to comply with certain ethics requirements and  
176 complete annual ethics training; requiring governing  
177 bodies of commercial service airports to submit  
178 certain information annually to the Department of  
179 Transportation; requiring the department to review  
180 such information and submit an annual report to the  
181 Governor and the Legislature; prohibiting the  
182 department's expenditure of certain funds unless  
183 specified conditions are met; providing an effective  
184 date.