

By the Committee on Community Affairs; and Senators Diaz and Baxley

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1 A bill to be entitled
2 An act relating to commercial service airports;
3 amending s. 11.45, F.S.; directing the Auditor General
4 to conduct specified audits of certain airports;
5 defining the term "large-hub commercial service
6 airport"; amending s. 112.3144, F.S.; requiring
7 members of the governing body of a large-hub
8 commercial service airport to comply with certain
9 financial disclosure requirements; providing that a
10 separate filing is not required under specified
11 circumstances; defining the term "large-hub commercial
12 service airport"; creating s. 332.0075, F.S.;
13 providing definitions; requiring the governing body of
14 a municipality, county, or special district that
15 operates a commercial service airport to establish and
16 maintain a website; requiring the governing body to
17 post or provide links to certain information on the
18 website; requiring the posting of specified contracts;
19 providing for the redaction of confidential and exempt
20 information; requiring commercial service airports to
21 comply with certain contracting requirements;
22 providing exceptions; requiring the governing body to
23 approve, award, or ratify certain contracts; requiring
24 members of the governing body of a commercial service
25 airport to comply with certain ethics requirements and
26 complete annual ethics training; requiring governing
27 bodies of commercial service airports to submit
28 certain information annually to the Department of
29 Transportation; requiring the department to review

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30 such information and submit an annual report to the
31 Governor and the Legislature; prohibiting the
32 department's expenditure of certain funds unless
33 specified conditions are met; providing an effective
34 date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Paragraph (m) is added to subsection (2) of
39 section 11.45, Florida Statutes, to read:

40 11.45 Definitions; duties; authorities; reports; rules.—

41 (2) DUTIES.—The Auditor General shall:

42 (m) At least once every 7 years, conduct an operational and
43 financial audit of each large-hub commercial service airport.
44 Each operational audit shall include, at a minimum, an
45 assessment of compliance with s. 332.0075, including compliance
46 with chapter 287, and compliance with the public records and
47 public meetings laws of this state. For purposes of this
48 paragraph, the term "large-hub commercial service airport" means
49 a publicly owned airport that has at least 1 percent of the
50 annual passenger boardings in the United States as reported by
51 the Federal Aviation Administration.

52
53 The Auditor General shall perform his or her duties
54 independently but under the general policies established by the
55 Legislative Auditing Committee. This subsection does not limit
56 the Auditor General's discretionary authority to conduct other
57 audits or engagements of governmental entities as authorized in
58 subsection (3).

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

61 112.3144 Full and public disclosure of financial
62 interests.—

63 (1)

64 (c) Each member of the governing body of a large-hub
65 commercial service airport shall comply with the applicable
66 financial disclosure requirements of s. 8, Art. II of the State
67 Constitution. Any person otherwise required under this
68 subsection to file a full and public financial disclosure, is
69 not required to separately file a full and public financial
70 disclosure under this paragraph. For purposes of this paragraph,
71 the term "large-hub commercial service airport" means a publicly
72 owned airport that has at least 1 percent of the annual
73 passenger boardings in the United States as reported by the
74 Federal Aviation Administration.

75 Section 3. Section 332.0075, Florida Statutes, is created
76 to read:

77 332.0075 Commercial service airports; transparency and
78 accountability; penalty.—

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

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

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

85 (c) "Governing body" means the governing body of the
86 county, municipality, or special district that operates a
87 commercial service airport.

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

91 (a) All published notices of meetings and published meeting
92 agendas of the governing body.

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

96 (c) The approved budget for the commercial service airport
97 for the current fiscal year, which shall be posted within 7
98 business days after the date of adoption. Budgets must remain on
99 the website for 2 years after the conclusion of the fiscal year
100 for which they were adopted.

101 (d) A link to the airport master plan for the commercial
102 service airport on the Federal Aviation Administration's
103 website.

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

107 (f) Any contract or contract amendment executed by or on
108 behalf of the commercial service airport in excess of \$100,000,
109 shall be posted no later than 7 business days after the
110 commercial service airport executes the contract or contract
111 amendment. However, a contract or contract amendment may not
112 reveal information made confidential or exempt by law. Each
113 commercial service airport must redact confidential or exempt
114 information from each contract or contract amendment before
115 posting a copy on its website.

116 (g) Position and rate information for each employee of the

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117 commercial service airport, including, at a minimum, the
118 employee's position title, position description, and annual or
119 hourly salary.

120 (3) (a) Notwithstanding any other provision of law to the
121 contrary, commercial service airports are subject to the
122 requirements of chapter 287 for purchases of commodities or
123 contractual services that exceed \$100,000. If the purchase of
124 commodities or contractual services exceeds \$100,000, the
125 purchase of commodities or contractual services may not be made
126 without receiving competitive sealed bids, competitive sealed
127 proposals, or competitive sealed replies unless an exception
128 applies as provided in s. 287.057(3) or an immediate danger to
129 the public health, safety, or welfare, or other substantial loss
130 to the commercial service airport requires emergency action. In
131 making purchases or conducting a competitive solicitation
132 pursuant to this section, a commercial service airport is
133 authorized to enact or adopt criteria, standards, preferences,
134 or policies for the promotion of small or locally owned
135 businesses, or otherwise apply such criteria, standards,
136 preferences, or policies otherwise generally applicable to
137 competitive solicitations of the political subdivision owning
138 and operating such commercial service airport, and may impose
139 contract provisions necessary to address local economic
140 conditions or local regulatory requirements.

141 (b) A governing body must approve, award, or ratify all
142 contracts executed by or on behalf of a commercial service
143 airport in excess of the threshold amount provided in s. 287.017
144 for CATEGORY FIVE as a separate line item on the agenda and must
145 provide a reasonable opportunity for public comment. Such

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146 contracts may not be approved, awarded, or ratified as part of a
147 consent agenda.

148 (4) (a) Members of a governing body and employees of a
149 commercial service airport are subject to part III of chapter
150 112. However, this paragraph does not prohibit the application
151 of more stringent ethical standards adopted by county or
152 municipal charter, ordinance, or resolution of the governing
153 body for its members and employees.

154 (b) Beginning January 1, 2021, each member of a governing
155 body must complete 4 hours of ethics training each calendar year
156 which addresses, at a minimum, s. 8, Art. II of the State
157 Constitution, the Code of Ethics for Public Officers and
158 Employees, and the public records and public meetings laws of
159 this state. This requirement may be satisfied by completion of a
160 continuing legal education class or other continuing
161 professional education class, seminar, or presentation if the
162 required subject material is covered therein. Constitutional
163 officers and elected municipal officers who are members of the
164 governing body who complete the ethics training required in s.
165 112.3142 shall be considered in compliance with this paragraph.

166 (5) (a) Beginning November 1, 2021, and each November 1
167 thereafter, the governing body of each commercial service
168 airport shall submit the following information to the
169 department:

- 170 1. Its approved budget for the current fiscal year.
- 171 2. Any financial reports submitted to the Federal Aviation
172 Administration during the previous calendar year.
- 173 3. A link to its website.
- 174 4. A statement, verified as provided in s. 92.525, that it

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175 has complied with part III of chapter 112, chapter 287, and this
176 section.

177 (b) The department shall review the information submitted
178 by the commercial service airport and posted on the airport's
179 website to determine the accuracy of such information. Beginning
180 January 15, 2022, and each January 15 thereafter, the department
181 shall submit to the Governor, the President of the Senate, and
182 the Speaker of the House of Representatives a report summarizing
183 commercial service airport compliance with this section.

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

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