

By the Committees on Rules; and 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; defining the term
10 "large-hub commercial service airport"; creating s.
11 332.0075, F.S.; providing definitions; requiring the
12 governing body of a municipality, county, or special
13 district that operates a commercial service airport to
14 establish and maintain a website; requiring the
15 governing body to post or provide links to certain
16 information on the website; requiring the posting of
17 specified contracts; providing for the redaction of
18 confidential and exempt information; requiring
19 commercial service airports to comply with certain
20 contracting requirements; providing exceptions;
21 requiring the governing body to approve, award, or
22 ratify certain contracts; requiring members of the
23 governing body of a commercial service airport to
24 comply with certain ethics requirements and complete
25 annual ethics training; requiring governing bodies of
26 commercial service airports to submit certain
27 information annually to the Department of
28 Transportation; requiring the department to review
29 such information and submit an annual report to the

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30 Governor and the Legislature; prohibiting the
31 department's expenditure of certain funds unless
32 specified conditions are met; providing an effective
33 date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Paragraph (m) is added to subsection (2) of
38 section 11.45, Florida Statutes, to read:

39 11.45 Definitions; duties; authorities; reports; rules.—

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

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

51
52 The Auditor General shall perform his or her duties
53 independently but under the general policies established by the
54 Legislative Auditing Committee. This subsection does not limit
55 the Auditor General's discretionary authority to conduct other
56 audits or engagements of governmental entities as authorized in
57 subsection (3).

58 Section 2. Paragraph (c) is added to subsection (1) of

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59 section 112.3144, Florida Statutes, to read:

60 112.3144 Full and public disclosure of financial
61 interests.—

62 (1)

63 (c) Each member of the governing body of a large-hub
64 commercial service airport, except for members required to
65 comply with the financial disclosure requirements of s. 8, Art.
66 II of the State Constitution, shall comply with the financial
67 disclosure requirements of s. 112.3145(3). For purposes of this
68 paragraph, the term "large-hub commercial service airport" means
69 a publicly owned airport that has at least 1 percent of the
70 annual passenger boardings in the United States as reported by
71 the Federal Aviation Administration.

72 Section 3. Section 332.0075, Florida Statutes, is created
73 to read:

74 332.0075 Commercial service airports; transparency and
75 accountability; penalty.—

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

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

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

82 (c) "Governing body" means the governing body of the
83 county, municipality, or special district that operates a
84 commercial service airport.

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

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88 (a) All published notices of meetings and published meeting
89 agendas of the governing body.

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

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

98 (d) A link to the airport master plan for the commercial
99 service airport on the Federal Aviation Administration's
100 website.

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

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

113 (g) Position and rate information for each employee of the
114 commercial service airport, including, at a minimum, the
115 employee's position title, position description, and annual or
116 hourly salary.

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

138 (b) A governing body must approve, award, or ratify all
139 contracts executed by or on behalf of a commercial service
140 airport in excess of the threshold amount provided in s. 287.017
141 for CATEGORY FIVE as a separate line item on the agenda and must
142 provide a reasonable opportunity for public comment. Such
143 contracts may not be approved, awarded, or ratified as part of a
144 consent agenda.

145 (4) (a) Members of a governing body and employees of a

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

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

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

- 167 1. Its approved budget for the current fiscal year.
- 168 2. Any financial reports submitted to the Federal Aviation
169 Administration during the previous calendar year.
- 170 3. A link to its website.
- 171 4. A statement, verified as provided in s. 92.525, that it
172 has complied with part III of chapter 112, chapter 287, and this
173 section.

174 (b) The department shall review the information submitted

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

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

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