

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; providing for the redaction of confidential
19 or exempt information regarding certain contracts;
20 requiring commercial service airports to comply with
21 certain contracting requirements; providing
22 exceptions; requiring the governing body to approve,
23 award, or ratify certain contracts; requiring
24 governing body members and employees of a commercial
25 service airport to comply with certain ethics

26 requirements; requiring governing body members to
 27 complete annual ethics training; requiring governing
 28 bodies of commercial service airports to submit
 29 certain information annually to the Department of
 30 Transportation; requiring the department to review
 31 such information and submit an annual report to the
 32 Governor and Legislature; prohibiting the expenditure
 33 of certain funds unless specified conditions are met;
 34 providing an effective date.

35

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

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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
 43 and financial audit of each large-hub commercial service
 44 airport. 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.

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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).

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. A person otherwise required under this subsection
 68 to file a full and public financial disclosure is not required
 69 to separately file a full and public financial disclosure under
 70 this paragraph. For purposes of this paragraph, the term "large-
 71 hub commercial service airport" means a publicly owned airport
 72 that has at least 1 percent of the annual passenger boardings in
 73 the United States as reported by the Federal Aviation
 74 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 which 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.

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
92 meeting 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
105 the 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 the
109 threshold amount provided in s. 287.017 for CATEGORY THREE,
110 which shall be posted no later than 7 business days after the
111 commercial service airport executes the contract or contract
112 amendment. However, a contract or contract amendment may not
113 reveal information made confidential or exempt by law. Each
114 commercial service airport must redact confidential or exempt
115 information from each contract or contract amendment before
116 posting a copy on its website.

117 (g) Position and rate information for each employee of the
118 commercial service airport, including, at a minimum, the
119 employee's position title, position description, and annual or
120 hourly salary. This information shall be updated annually.

121 (3) (a) Notwithstanding any other provision of law to the
122 contrary, commercial service airports are subject to the
123 requirements of chapter 287 for purchases of commodities or
124 contractual services which exceed the threshold amount provided
125 in s. 287.017 for CATEGORY THREE. If the purchase of commodities

126 or contractual services exceeds the threshold amount provided in
127 s. 287.017 for CATEGORY THREE, the purchase of commodities or
128 contractual services may not be made without receiving
129 competitive sealed bids, competitive sealed proposals, or
130 competitive sealed replies unless an exception applies as
131 provided in s. 287.057(3) or an immediate danger to the public
132 health, safety, or welfare or other substantial loss to the
133 commercial service airport requires emergency action.

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

141 (4) (a) Members of a governing body and employees of a
142 commercial service airport are subject to part III of chapter
143 112. However, this paragraph does not prohibit the application
144 of more stringent ethical standards adopted by county or
145 municipal charter, ordinance, or resolution of the governing
146 body for its members and employees.

147 (b) Beginning January 1, 2021, each member of a governing
148 body must complete 4 hours of ethics training each calendar year
149 which addresses, at a minimum, s. 8, Art. II of the State
150 Constitution, the Code of Ethics for Public Officers and

151 Employees, and the public records and public meetings laws of
152 this state. This requirement may be satisfied by completion of a
153 continuing legal education class or other continuing
154 professional education class, seminar, or presentation if the
155 required subject material is covered therein. Constitutional
156 officers and elected municipal officers who are members of the
157 governing body who complete the ethics training required in s.
158 112.3142 shall be considered in compliance with this paragraph.

159 (5) (a) Beginning November 1, 2021, and each November 1
160 thereafter, the governing body of each commercial service
161 airport shall submit the following information to the
162 department:

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

170 (b) The department shall review the information submitted
171 by the governing body of the commercial service airport and
172 posted on the airport's website to determine the accuracy of
173 such information. Beginning January 15, 2022, and each January
174 15 thereafter, the department shall submit to the Governor, the
175 President of the Senate, and the Speaker of the House of

176 Representatives a report summarizing commercial service airport
177 compliance with this section.

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

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