

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SPB 2512

INTRODUCER: For consideration by Appropriations Committee

SUBJECT: Aircraft

DATE: February 8, 2022

REVISED: _____

ANALYST

Davis

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2512 creates an executive aircraft pool within the Department of Management Services (DMS) for the purpose of furnishing executive air travel. The aircraft pool must consist of at least three aircraft.

The bill designates and assigns each plane in the executive aircraft pool to a tier of traveler. Plane one is exclusively for the Governor's travel and a priority ranking is assigned for planes two and three.

The bill revises the DMS's rulemaking authority relating to the approved list of manufacturers from which governmental agencies may purchase drones to require the department to update the list annually and to provide waivers to governmental agencies under certain circumstances.

The bill conforms statutes to the funding decisions in the Senate Proposed General Appropriations Act for Fiscal Year 2022-2023, which appropriates \$25.3 million from the General Revenue Fund and \$6 million in recurring funds from the DMS's Operating Trust Fund for the purpose of implementing and administering the executive aircraft pool.

The bill takes effect July 1, 2022.

II. Present Situation:

Executive Aircraft Program

The state operated an executive aircraft pool for state officials from 1972 until February 2011. The Department of Management Services (DMS) operated the executive aircraft pool through its Bureau of Aircraft Operations (bureau). The bureau's mission was to provide safe, satisfying, reliable, and efficient on-demand air transportation to state officials and employees traveling on official state business. Access to pool aircraft enabled state executives to travel to locations where commercial airline service was limited or not available and saved them time by avoiding

airport delays. In addition, pool aircraft provided higher security for officials such as the Governor. The bureau provided flight services based on: (1) passenger priority; (2) first-call, first-served; and (3) aircraft availability. In 2008, the executive aircraft pool consisted of three aircraft—two Beechcraft King Air turboprops and one Cessna Citation Bravo business jet. The passenger capacity of each aircraft ranged from seven to nine. Flight services were available 24 hours per day, 365 days per year.

In November 2008, the DMS sold one Beechcraft King Air and subsequently, in 2011, sold the other two aircraft that made up the aircraft pool. Chapter 2012-118, Laws of Florida, eliminated the Executive Aircraft Program administered by the DMS. Prior to the repeal, the DMS employed 12 staff persons to handle the aircraft operations, including pilots and administrators.

Unmanned Aircraft Systems (drones)

During the 2021 Session, the Legislature enacted ch. 2021-165, Laws of Florida, which protects the confidentiality, integrity, and availability of data collected, transmitted, and stored by governmental agency drones by requiring:

- The DMS, in consultation with the State Chief Information Officer, to publish a list of approved drone manufacturers whose drones appropriately safeguard drone data, by January 1, 2022;
- A governmental agency using an unapproved drone to submit to the DMS a comprehensive plan to discontinue the use of the drone by July 1, 2022, and to discontinue the use of any such drone, by January 1, 2023; and
- The DMS to adopt rules establishing:
 - Requirements for a governmental agency's comprehensive plan to discontinue the use of an unapproved drone; and
 - Minimum security requirements for governmental agency drone use, consistent with federal guidance on drone security measures.¹

Currently, the DMS list of approved manufactures contains five manufacturers whose drones may be purchased or otherwise acquired and used by a governmental agency.²

III. Effect of Proposed Changes:

Section 1 creates s. 287.1611, F.S., to reestablish the executive aircraft pool within the DMS for the purpose of furnishing executive air travel. The aircraft pool must consist of at least three aircraft.

The bill designates and assigns each plane in the executive aircraft pool to a tier of traveler as follows:

- Aircraft one is designated exclusively for the Governor's travel.
- Aircraft two is designated and may be used in the following order of priority:
 - Lieutenant Governor.

¹ Section 934.50(7), F.S.

² Florida Department of Management Services, *Approved Drone Manufacturers*, https://www.dms.myflorida.com/business_operations/state_purchasing/approved_drone_manufacturers (last visited Feb. 6, 2022).

- Cabinet Officers.
- Chief Justice of the Supreme Court.
- Justices of the Supreme Court.
- Aircraft three is designated and may be used in the following order of priority:
 - President of the Senate or Speaker of the House of Representatives.
 - Chairs of standing committees of the Legislature.
 - Appointed secretaries and executive directors of departments in the executive branch.
 - Chairs of the Florida Gaming Control Commission, Public Service Commission, and the Florida Commission on Offender Review.

Trip requests for Aircraft two and Aircraft three must be scheduled on a first-call, first-served basis, except in the event of a scheduling conflict, when the priority order applies.

The bill conforms provisions in s. 287.17, F.S., to allow a person not otherwise authorized to accompany a state official identified in s. 287.1611, F.S. In addition, the bill requires specified state officials to ensure compliance with state laws regarding aircraft use and travel.

The bill provides the executive aircraft pool be operated on a full cost recovery basis, less available funds. The DMS must charge all users established rates for travel. The DMS's Operating Trust Fund is to be used as the depository for fee collections for persons traveling on an executive aircraft and for expenditures associated with the costs incurred to operate aircraft management activities of the department.

Section 2 amends s. 934.50, F.S., to revise the DMS's rulemaking authority relating to the approved list of manufacturers from which governmental agencies may purchase drones. Specifically, the bill requires the DMS to update the list annually. The bill extends the date from which a governmental agency may purchase or otherwise acquire a drone from the date the first list is published June 30, 2023, and the date when a governmental agency must continue the use of a drone not from an approved manufacturer from January 1, 2023, to January 1, 2024.

The bill authorizes governmental agencies to submit a waiver to allow the purchase of a drone or the use of a drone from a manufacturer that is not on the approved list, provided the public's interest is protected.

Section 3 amends s. 287.17, F.S., to conform to changes made relating to the creation of the executive aircraft pool.

The bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms statutes to the funding decisions in the Senate Proposed General Appropriations Act for Fiscal Year 2022-2023, which appropriates \$25.3 million from the General Revenue Fund and \$6 million in recurring funds from the DMS's Operating Trust Fund for the purpose of implementing and administering the executive aircraft pool.

Also, the bill requires the DMS to update the approved list of manufacturer from which governmental agencies may purchase drones annually and to provide waivers to governmental agencies under certain circumstances.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 934.50 and 287.17 of the Florida Statutes.

This bill creates section 287.1611 of the Florida Statutes

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
