

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: SB 2512 Aircraft
SPONSOR(S): Appropriations
TIED BILLS: IDEN./SIM. BILLS:

FINAL HOUSE FLOOR ACTION: 95 Y's 11 N's **GOVERNOR'S ACTION:** Vetoed

SUMMARY ANALYSIS

SB 2512 passed the House on March 14, 2022, as amended by the conference committee.

The bill conforms statutes to funding decisions related to the executive aircraft pool included in the Fiscal Year 2022-2023 General Appropriations Act.

The Department of Management Services (DMS) operated an executive aircraft pool through its Bureau of Aircraft Operations (bureau) from 1972 until February 2011. 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. Flight services were available 24 hours per day, 365 days per year.

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 and required DMS to publish a list of approved drone manufactures.

The bill reestablishes the executive aircraft pool within the DMS for the purpose of furnishing executive air travel. The bill specifies that the aircraft pool must consist of at least two aircraft. The bill designates and assigns each plane in the executive aircraft pool to a tier of traveler.

The bill provides that it is the intent of the Legislature that the executive aircraft pool be operated on a fully-cost-recovery basis, less available funds. The bill specifies that the DMS must charge state officials for traveling on an aircraft not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Payments made for use of the aircraft must be deposited into the DMS Operating Trust Fund and must be used to operate the aircraft management activities of the DMS.

The bill modifies the law relating to the DMS approved drone manufacturers list, requiring the DMS to publish a list of approved manufacturers and related model numbers for use of drones by governmental agencies by July 1, 2022, and each July 1 thereafter. The bill specifies that an approved manufacturer must not be located in, substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign country of concern. DMS is authorized to update the list, as needed, based on the emergence of new manufacturers that qualify to be on the list or if new information about an approved manufacturer or model obtained by DMS would require that manufacturer or model to be removed from the approved list. The bill authorizes an agency that oversees the Florida Forest Services to request a waiver for the acquisition or use of drone not on the approved list.

The effective date of this bill was July 1, 2022; however, this bill was vetoed by the Governor on June 2, 2022.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Executive Aircraft Program

The Department of Management Services (DMS) operated an executive aircraft pool through its Bureau of Aircraft Operations (bureau) from 1972 until February 2011. 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. The passenger capacity of each aircraft ranged from seven to nine. Flight services were available 24 hours per day, 365 days per year.

In 2008, the executive aircraft pool consisted of three aircraft—two Beechcraft King Air turboprops and one Cessna Citation Bravo business jet. 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. In 2012, the Legislature repealed the Executive Aircraft Program.¹ 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.²

Effect of the Bill

Executive Aircraft Program

The bill reestablishes the executive aircraft pool within the DMS for the purpose of furnishing executive air travel. The bill specifies that the aircraft pool must consist of at least two aircraft.

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

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

¹ Chapter 2012-118, L.O.F.

² s. 934.50(7), F.S.

- Cabinet officers.
- Chief Justice of the Supreme Court.
- Justices of the Supreme Court.
- Aircraft two is designated for 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 Commission, Public Service Commission, and the Florida Commission on Offender Review.

The bill specifies that trip requests for aircraft one and aircraft two must be scheduled on a first-call, first-served basis, except in the event of a scheduling conflict the priority order must apply.

The bills specifies that it must be the responsibility of the state official requesting the use of, or requesting travel in an aircraft in the pool, to ensure that such use is in compliance with statutory authorization for travel and per diem.³

The bill provides that it is the intent of the Legislature that the executive aircraft pool be operated on a fully-cost-recovery basis, less available funds. The bill specifies that the DMS shall charge state officials for traveling on an aircraft not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Payments made for use of the aircraft are to be deposited into the DMS Operating Trust Fund and are to be used to operate the aircraft management activities of the DMS.

Unmanned Aircraft Systems (drones)

The bill defines “Foreign Country of Concern” as follows:

...the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

The bill modifies current statute to specify that the DMS shall publish a list of approved manufacturers and related model numbers for use of drones by governmental agencies by July 1, 2022, and each July 1 thereafter. The bill specifies that an approved manufacturer shall not be located in, substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign country of concern. DMS is authorized to update the list, as needed, based on the emergence of new manufacturers that qualify to be on the list or if new information about an approved manufacturer or model obtained by DMS would require that manufacturer or model to be removed from the approved list.

Beginning July 1, 2022, a governmental agency may only purchase or acquire a drone from the approved manufacturer and model list published by the DMS. By July 1, 2022, and each July 1 thereafter, a governmental agency using a drone not included on the approved list must submit to the DMS a comprehensive plan for the discontinuation of that drone. By July 1, 2023, all governmental agencies must discontinue the use of drones that are not on the approved list of manufacturers and models.

The bill authorizes an agency that oversees the Florida Forest Services to request the DMS to grant a waiver for the acquisition or use of drone not on the approved list, so long as the manufacturer is not located in, substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign country of concern. The bill specifies the DMS must grant waivers to governmental agencies so long as the public’s interest is protected and requires the DMS to establish the process for waivers by rule.

³ See s. 112.061, F.S.

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.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill conforms statutes to funding decisions related to the executive aircraft pool included in the Fiscal Year 2022-2023 General Appropriations Act.