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CS/CS/HB 915, Engrossed 2

2020 Legislature

1
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 certain 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

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

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:

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
 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

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

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).

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

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

75 | 332.0075 Commercial service airports; transparency and

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

76 | accountability; penalty.-
 77 | (1) As used in this section, the term:
 78 | (a) "Commercial service airport" means a primary airport
 79 | as defined in 49 U.S.C. s. 47102 which is classified as a large,
 80 | medium, or small hub airport by the Federal Aviation
 81 | Administration.
 82 | (b) "Department" means the Department of Transportation.
 83 | (c) "Governing body" means the governing body of the
 84 | county, municipality, or special district that operates a
 85 | commercial service airport.
 86 | (2) Each governing body shall establish and maintain a
 87 | website to post information relating to the operation of a
 88 | commercial service airport, including:
 89 | (a) All published notices of meetings and published
 90 | meeting agendas of the governing body.
 91 | (b) The official minutes of each meeting of the governing
 92 | body, which shall be posted within 7 business days after the
 93 | date of the meeting in which the minutes were approved.
 94 | (c) The approved budget for the commercial service airport
 95 | for the current fiscal year, which shall be posted within 7
 96 | business days after the date of adoption. Budgets must remain on
 97 | the website for 2 years after the conclusion of the fiscal year
 98 | for which they were adopted.
 99 | (d) A link to the Airport Master Plan for the commercial
 100 | service airport on the Federal Aviation Administration's

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

101 website.

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

105 (f) Any contract or contract amendment executed by or on
 106 behalf of the commercial service airport in excess of the
 107 threshold amount provided in s. 287.017 for CATEGORY THREE,
 108 which shall be posted no later than 7 business days after the
 109 commercial service airport executes the contract or contract
 110 amendment. However, a contract or contract amendment may not
 111 reveal information made confidential or exempt by law. Each
 112 commercial service airport must redact confidential or exempt
 113 information from each contract or contract amendment before
 114 posting a copy on its website.

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

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

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

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

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

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

145 (b) Beginning January 1, 2021, each member of a governing
146 body must complete 4 hours of ethics training each calendar year
147 which addresses, at a minimum, s. 8, Art. II of the State
148 Constitution, the Code of Ethics for Public Officers and
149 Employees, and the public records and public meetings laws of
150 this state. This requirement may be satisfied by completion of a

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

151 continuing legal education class or other continuing
152 professional education class, seminar, or presentation if the
153 required subject material is covered therein. Constitutional
154 officers and elected municipal officers who are members of the
155 governing body who complete the ethics training required in s.
156 112.3142 shall be considered in compliance with this paragraph.

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

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

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

ENROLLED

CS/CS/HB 915, Engrossed 2

2020 Legislature

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

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