

CHAPTER 2020-167

Committee Substitute for Committee Substitute for House Bill No. 915

An act relating to commercial service airports; amending s. 11.45, F.S.; directing the Auditor General to conduct specified audits of certain airports; defining the term “large-hub commercial service airport”; amending s. 112.3144, F.S.; requiring certain members of the governing body of a large-hub commercial service airport to comply with certain financial disclosure requirements; providing that a separate filing is not required under specified circumstances; defining the term “large-hub commercial service airport”; creating s. 332.0075, F.S.; providing definitions; requiring the governing body of a municipality, county, or special district that operates a commercial service airport to establish and maintain a website; requiring the governing body to post or provide links to certain information on the website; providing for the redaction of confidential or exempt information regarding certain contracts; requiring commercial service airports to comply with certain contracting requirements; providing exceptions; requiring the governing body to approve, award, or ratify certain contracts; requiring governing body members and employees of a commercial service airport to comply with certain ethics requirements; requiring governing body members to complete annual ethics training; requiring governing bodies of commercial service airports to submit certain information annually to the Department of Transportation; requiring the department to review such information and submit an annual report to the Governor and Legislature; prohibiting the expenditure of certain funds unless specified conditions are met; providing an effective date.

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

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

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

(2) DUTIES.—The Auditor General shall:

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

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

Section 2. Paragraph (c) is added to subsection (1) of section 112.3144, Florida Statutes, to read:

112.3144 Full and public disclosure of financial interests.—

(1)

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

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

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

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

(a) “Commercial service airport” means a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport by the Federal Aviation Administration.

(b) “Department” means the Department of Transportation.

(c) “Governing body” means the governing body of the county, municipality, or special district that operates a commercial service airport.

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

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

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

(c) The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the

date of adoption. Budgets must remain on the website for 2 years after the conclusion of the fiscal year for which they were adopted.

(d) A link to the Airport Master Plan for the commercial service airport on the Federal Aviation Administration's website.

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

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

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

(3)(a) Notwithstanding any other provision of law to the contrary, commercial service airports are subject to the requirements of chapter 287 for purchases of commodities or contractual services which exceed the threshold amount provided in s. 287.017 for CATEGORY THREE. If the purchase of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY THREE, the purchase of commodities or contractual services may not be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless an exception applies as provided in s. 287.057(3) or an immediate danger to the public health, safety, or welfare or other substantial loss to the commercial service airport requires emergency action.

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

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

(b) Beginning January 1, 2021, each member of a governing body must complete 4 hours of ethics training each calendar year which addresses, at a

minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subject material is covered therein. Constitutional officers and elected municipal officers who are members of the governing body who complete the ethics training required in s. 112.3142 shall be considered in compliance with this paragraph.

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

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

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

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

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

Approved by the Governor September 4, 2020.

Filed in Office Secretary of State September 4, 2020.