

CHAPTER 2023-187

Committee Substitute for Committee Substitute for House Bill No. 1123

An act relating to commercial service airport transparency and accountability; amending s. 332.0075, F.S.; defining the term “consent agenda”; revising information required to be posted on the website of a governing body; requiring a commercial service airport to use specified competitive solicitation processes for certain purchases of commodities or contractual services; revising the type of contract that a governing body must approve, award, or ratify as a separate line item on an agenda; requiring a governing body to provide opportunity for public comment on certain contracts; prohibiting certain contracts from being approved, awarded, or ratified as part of a consent agenda; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (1) of section 332.0075, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and paragraphs (d) and (f) of subsection (2) and subsection (3) of that section are amended, to read:

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

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

(b) “Consent agenda” means an agenda which consists of items voted on as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.

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

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

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount provided in s. 287.017 for ~~CATEGORY FIVE 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.

(3)(a) Notwithstanding any other provision of law to the contrary, commercial service airports shall use competitive solicitation processes consistent with ~~are subject to~~ the requirements of s. 287.057 ~~chapter 287~~ for purchases of commodities or contractual services which exceed the threshold amount provided in s. 287.017 for CATEGORY ~~FIVE~~ THREE. If the purchase of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY ~~FIVE~~ 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 consistent with an exception ~~applies~~ as provided in s. 287.057(3) applies or an immediate danger to the public health, safety, or welfare or other substantial loss to the commercial service airport requires emergency action.

(b)1. A governing body must approve, award, or ratify any contract for commodities or contractual services ~~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 if such contract is executed by or on behalf of a commercial service airport that is classified by the Federal Aviation Administration as a:

- a. Small hub airport and the contract amount exceeds \$500,000.
- b. Medium hub airport and the contract amount exceeds \$1 million.
- c. Large hub airport and the contract amount exceeds \$1.5 million.

2. A contract that exceeds the amounts specified in subparagraph 1. ~~Such contracts~~ may not be approved, awarded, or ratified as part of a consent agenda.

Section 2. This act shall take effect July 1, 2023.

Approved by the Governor June 2, 2023.

Filed in Office Secretary of State June 2, 2023.