

Transportation & Infrastructure Subcommittee

Wednesday, January 15, 2020
1:00 PM – 3:00 PM
Reed Hall (102 HOB)

Jose R. Oliva
Speaker

Brad Drake
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Wednesday, January 15, 2020 01:00 pm

End Date and Time: Wednesday, January 15, 2020 03:00 pm

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 915 Commercial Service Airports by Avila

Consideration of the following proposed committee substitute(s):

PCS for HB 551 -- Transportation Disadvantaged

NOTICE FINALIZED on 01/13/2020 4:02PM by Denson.Tori

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 915 Commercial Service Airports
SPONSOR(S): Avila
TIED BILLS: **IDEN./SIM. BILLS:** SB 1258

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida is home to 20 commercial service airports, four of which are considered large-hub airports. The state's commercial service airports serve as critical economic engines with an annual economic impact of $144 billion. Florida's commercial service airports operate under either a government department model (where the airport operates as a department of county or municipal government) or an airport authority model (where an airport authority is created as either an independent or a dependent special district). Because airports are generally governed and subsumed as part of local governments, state law currently provides for limited oversight and accountability.

The bill includes a number of provisions to enhance transparency and accountability for commercial service airports, including large-hub commercial service airports. The bill requires the Auditor General, at least once every five years, to conduct operational and financial audits of the state's large-hub commercial service airports. The bill also requires the members of the governing bodies of large-hub commercial service airports to submit the more detailed financial disclosure (Form 6) to the Commission on Ethics.

The bill requires the governing body of each commercial service airport to establish and maintain a website containing specified information, including meeting notices, agendas, approved budgets, and certain documents submitted to the Federal Aviation Administration. The bill reiterates that members of the governing body and employees of commercial service airports are subject to the Code of Ethics for Public Officers and Employees, and requires annual ethics training for members of the governing body.

The bill requires commercial service airports to submit specified information to the Department of Transportation (DOT) and requires DOT to annually submit a report to the Governor and the Legislature.

Finally, the bill prohibits DOT from expending funds allocated to a commercial service airport, unless the funds are pledged for debt service, until a commercial service airport demonstrates compliance with the transparency and accountability provisions of the bill.

The bill may have an indeterminate negative fiscal impact on the state and local governments. *See* Fiscal Analysis for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida is home to 20 commercial service airports and 109 general aviation airports.[1] Additionally, there are hundreds of small private airports. Commercial service airports are publicly-owned airports that have at least 2,500 passenger boardings each year and receive scheduled passenger service. General aviation airports are airports that do not have scheduled service or have less than 2,500 passenger boardings each year.[2]

Florida's commercial service airports range in size from large-hub airports[3] with over 20 million annual passenger boardings to small municipal airports with approximately 10,000 annual passenger boardings.[4] Commercial service airports in Florida support approximately 1.1 million jobs, have a total annual payroll of approximately $47.3 billion, and a total annual economic impact of approximately $144 billion.[5]

Airport Oversight and Funding

The Federal Aviation Administration (FAA) is responsible for planning and developing a safe and efficient national airport system, including all programs related to airport safety and inspections and standards for airport design, construction, and operation. Federal law requires each commercial service airport to operate under a federal certificate and comply with federal aviation requirements. The FAA is responsible for national airport planning and environmental and social requirements and establishes policies related to airport rates and charges, compliance with grant assurances, and airport privatization.[6]

In Florida, the Department of Transportation (DOT) is responsible for planning airport systems and overseeing the public airport system.[7] The owner or lessee of a proposed public airport[8] must receive DOT approval before site acquisition, construction, or establishment of a public airport facility.[9] DOT is also responsible for licensing public airport facilities prior to the operation of aircraft to or from the facility and must inspect such facilities prior to licensing or license renewal.[10] Current law authorizes local governments to establish and operate airports[11] and governs airport zoning and land use issues.[12]

Neither state law nor federal law establish requirements for airport governance or ownership. As such, Florida airports operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created

[1] Florida Department of Transportation, *Florida Aviation System Plan Introduction.* Available at: https://www.fdot.gov/aviation/FASP2035 (Last visited Jan. 13, 2020).
[2] 49 U.S.C. § 47102.
[3] A subsection of commercial airports are large-hub airports. Large-hub airports are commercial service airports that have at least 1 percent of the passenger boardings in the United States.
[4] FAA, Commercial Service Airports, Rank Order based on calendar year 2018, Oct. 9, 2019. (Copy on file with Transportation & Infrastructure Subcommittee).
[5] Florida Department of Transportation, *Florida Statewide Aviation Economic Impact Study*, March 2019. Executive Summary. Available at: https://www.fdot.gov/aviation/economicimpact.shtm (Last visited Jan. 13, 2019).
[6] Federal Aviation Administration website, Airports: Available at: https://www.faa.gov/about/office_org/headquarters_offices/arp/ (Last visited Jan. 13, 2020).
[7] Section 332.001, F.S.
[8] Section 330.27(6), F.S. For purposes of DOT approval and licensure, the term "public airport" means a publicly or privately owned airport for public use.
[9] Section 330.30(1), F.S.
[10] Section 330.30(2), F.S.
[11] *See* chapter 332, F.S.
[12] *See* chapter 333, F.S.

as either an independent or a dependent special district). Because airports are generally governed and subsumed as part of local governments, state law provides for very little oversight and accountability.

DOT's work program identifies aviation development projects and discretionary capacity improvement projects. To the maximum extent possible, DOT's work program must remain consistent with the Florida Aviation System Plan and any approved and applicable local government comprehensive plans. DOT's work program also includes any project with funds administered by DOT, but undertaken and implemented by the airport operator. DOT's aviation program provides assistance to airports in the areas of access, economic enhancement, development, improvement, and land acquisition in the way of matching funds. These matching funds assist local governments and airport authorities in planning, designing, purchasing, constructing, and maintaining public use aviation facilities.[13]

For commercial service airports, DOT may provide up to 50 percent of the non-federal share if federal funding is available and up to 50 percent of the total project costs if federal funding is not available.[14] For Fiscal Year 2019-2020, DOT was appropriated $266 million from the State Transportation Trust Fund for Aviation Development Grants,[15] available to both commercial service airports and general aviation airports.[16]

Auditor General

The position of the Auditor General is established by Art. II, s. 2 of the State Constitution.[17] The Auditor General is appointed to office to serve at the pleasure of the Legislature, by a majority vote of the members of the Joint Legislative Auditing Committee, subject to confirmation by both houses of the Legislature.[18] The Auditor General must conduct audits, examinations, or reviews of government programs as well as audit the accounts of state agencies, state universities, state colleges, district school boards, and others as directed by the Joint Legislative Auditing Committee.[19] The Auditor General conducts operational and performance audits on public records and information technology systems and reviews all audit reports of local governmental entities, charter schools, and charter technical career centers.[20]

A financial audit is an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements.[21] An operational audit is an audit whose purpose is to evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.[22]

In 2017, the Auditor General conducted an operational audit of Tampa International Airport's 2012 Master Plan Capital Project.[23] More recently, at its meeting on December 12, 2019, the Joint Legislative Auditing Committee directed the Auditor General to perform a targeted operational audit of the Greater

[13] Section 332.007(2), F.S.
[14] DOT website, available at https://www.fdot.gov/aviation/workProgram.shtm (Last visited Jan. 13, 2020).
[15] Chapter 2019-115, L.O.F., Specific Appropriation 1940.
[16] Florida Department of Transportation, Fiscal Year 2020 Aviation Work Program, Available at: https://fdotewp1.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CT=I&FY=TRUE|FALSE|FALSE|FALSE|FALSE|FALSE&RP=ITEM (Last visited Jan. 13, 2020)
[17] Art. III, s. 2, Fla. Const.
[18] Section 11.42(2), F.S.
[19] Section 11.45(2)(d)-(f), F.S.
[20] Section 11.45(7)(b), F.S.
[21] Section 11.45(1)(d), F.S.
[22] Section 11.45(1)(i), F.S.
[23] Chapter 2017-70, L.O.F. This audit was provided for in proviso language to specific appropriation 1862 in the 2017 General Appropriations Act.

Orlando Aviation Authority.[24] However, the Auditor General has not conducted financial and operational audits of an entire airport's operation.[25]

Financial Disclosures

Florida ethics laws provide for two tiers of financial disclosure for public officers, candidates for public office, and certain public employees: a full and public disclosure of financial interests (Form 6) and a statement of financial interests (Form 1).[26] The Florida Commission on Ethics oversees the financial disclosure filing process with the assistance of local qualifying officers.

Article 2, s. 8(a) of the State Constitution requires all elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees to file a Form 6. Additionally, members of certain expressway authorities, transportation authorities, bridge authorities, toll authorities, or expressway agencies are required to comply with these financial disclosure requirements.[27] Form 6 requires the filer to disclose his or her net worth and identify each asset and liability in excess of $1,000 and its value together with either a copy of the person's most recent federal income tax return, or a sworn statement identifying each separate source and amount of income exceeding $1,000.

Form 1 requires less detail than Form 6 and is filed by certain state and local officers not subject to the full and public disclosure of financial interests, including local officers[28] and specified state employees. Form 1 requires filers to disclose their primary sources of income (other than from their public position), secondary sources of income (in certain circumstances), real property in Florida (other than a residence or vacation home in Florida), intangible personal property, liabilities, and interests in specified businesses.[29]

Procurement

Chapter 287, F.S., provides statutory requirements for the procurement of goods and service by the state. The Legislature recognizes that fair and open competition is a basic tenet of public procurement. It is essential to the effective and ethical procurement of commodities and contractual services that there be a system of uniform procedures utilized by state agencies in managing and procuring commodities and contractual services, that detailed justification of agency decisions in the procurement of commodities and contractual services be maintained, and that adherence by the agency and the vendor to specific ethical considerations be required.[30]

Depending on the cost and characteristics of the needed goods or services, agencies may utilize a variety of procurement methods, which include:[31]

- Single source contracts, which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- Invitations to bid, which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- Requests for proposal, which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and

[24] Joint Legislative Auditing Committee, Meeting Summary, Dec. 12, 2019. (Copy on file with the Transportation & Infrastructure Subcommittee).
[25] Email from Bruce Jeroslow, General Council, Florida Auditor General, FW: HB 915-Auditor General Impact, Jan. 6, 2020. (Copy on file with the Transportation & Infrastructure Subcommittee).
[26] Sections 112.3144 and 112.3145, F.S.
[27] Section 112.3144(1)(b), F.S.
[28] Section 112.3145(1)(a), F.S., defines the term "local officer" to include every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office and any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state.
[29] Section 112.3145(3), F.S.
[30] Section 287.001, F.S.
[31] *See ss*. 287.012(6) and 287.057, F.S.

- Invitations to negotiate, which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services.

For contracts for commodities or services in excess of $35,000 (CATEGORY TWO), agencies must utilize a competitive solicitation process;[32] however, certain contractual services and commodities are exempt from this requirement.[33]

Code of Ethics for Public Officers and Employees

Part III of Ch. 112, F.S., contains the Code of Ethics for Public Officers and Employees. The intent of the code is to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.[34] Included in the code are provisions relating to doing business with one's agency,[35] conflicting employment or contractual relationships,[36] post-employment restrictions,[37] and requirements for ethics training for specified constitutional officers and elected municipal officers and commissioners.[38]

Effect of the Bill

The bill provides for additional transparency and accountability of commercial service airports, including large-hub commercial service airports. The bill defines the term "commercial service airport" as a publicly owned airport that has at least 2,500 passenger boardings each calendar year and receives scheduled passenger service as reported by the FAA. The bill defines the term "large-hub commercial service airport" as a publicly owned airport that has 1 percent or more of the annual passenger boardings in the United States as reported by the FAA. Based on these definitions, there are 20 commercial service airports in Florida, including four large-hub commercial service airports: Orlando, Miami, Fort Lauderdale, and Tampa international.

The bill requires the Auditor General, at least once every five years, to conduct an operational and financial audit of each large-hub commercial service airport.

The bill requires each member of the governing body of a large-hub commercial service airport to comply with the full and public disclosure of their financial interests contained in s. 8, Art. II of the State Constitution (Form 6). Since the Miami and Fort Lauderdale airports are operated by Miami-Dade and Broward counties, respectively, in which county commissions are already subject to the constitutional financial disclosure requirements (Form 6), this provision only impacts the governing bodies of the Orlando and Tampa airports, which are governed as independent special districts.

The bill requires the governing body[39] of each commercial service airport to establish and maintain a website to post information relating to the operation of such airport, including:

- All published notices of meetings and published meeting agendas for the governing body.
- The official minutes of each meeting of the governing body, which must be posted within three business days after the date of the meeting in which the minutes are approved.
- The approved budget for the commercial service airport for the current fiscal year, which must be posted on the website no later than seven days after the date of adoption. Budgets must remain on the website for two years following the conclusion of the fiscal year.

[32] Section 287.057(1), F.S., requires all projects that exceed the Category Two ($35,000) threshold contained in s. 287.017, F.S., to be competitively bid.
[33] *See* s. 287.057(3), F.S.
[34] Florida Commission on Ethics, *Guide to the Sunshine Amendment and the Code of Ethics for Public Employees. 2019,* p.1. Available at: http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=20191213 (Last visited Jan. 13, 2020).
[35] Section 112.313(3), F.S.
[36] Section 112.313(7), F.S.
[37] Section 112.313(9), F.S.
[38] Section 112.3142, F.S.
[39] The bill defines the term "governing body" as the governing body of the municipality, county, or special district that operates a commercial service airport.

- All commercial service airport planning documents submitted to the FAA, which must be posted upon submission to the FAA.
- All financial and statistical reports required to be submitted to the FAA, which must be posted upon submission to the FAA.
- Any contract and contract amendment executed by or on behalf of the commercial service airport in excess of $35,000,[40] which must be posted on the website no later than seven days before the governing body votes to approve the contract or contract amendment.
- Position and rate information for each employee of the commercial service airport, including, at a minimum, the position title, position description, and annual salary or hourly salary rate of pay.

The bill provides that notwithstanding any other provision of law to the contrary, commercial service airports are subject to the requirements of Ch. 287, F.S., relating to the procurement of personal property and services.

All contracts executed by or on behalf of the commercial service airport in excess of $65,000[41] must be approved by the governing body of a commercial service airport as a separate line item on the meeting agenda after a reasonable opportunity for public comment. Such contracts may not be approved as part of a consent agenda.

The bill reiterates that members of the governing body and employees of a commercial service airport are subject to the Code of Ethics for Public Officers and Employees.[42]

Beginning January 1, 2021, each member of the governing body of a commercial service airport must complete four hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, relating to ethics in government; the Code of Ethics for Public Officers and Employees; and the public records and public meetings laws. 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 by the class.[43]

Beginning November 1, 2021, and each November 1 thereafter, each commercial service airport must submit the following information to DOT:
- Its approved budget for the current fiscal year.
- Any financial reports submitted to the FAA during the previous calendar year.
- A link to the website for the commercial service airport.
- A statement that the commercial service airport has complied with Ch. 112, F.S., relating to the Code of Ethics for Public Officers and Employees; Ch. 287, F.S., relating to procurement; and the statutory provisions created in the bill. This statement must be verified as provided in s. 92.525, F.S.

DOT must review the information submitted by each commercial service airport and each airport's website to determine the accuracy of the information reported. Beginning January 15, 2022, and each January 15 thereafter, DOT must provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with these oversight provisions.

DOT may not spend any funds allocated to a commercial service airport as contained in its work program, unless pledged for debt service, until the commercial service airport demonstrates its compliance with the requirements established in the bill.

B. SECTION DIRECTORY:

Section 1 amends s. 11.45, F.S., relating to the duties of the Auditor General.

[40] This is the CATEGORY TWO purchasing threshold in s. 287.017, F.S.
[41] This is the CATEGORY THREE purchasing threshold in s. 287.017, F.S.
[42] Part III of Ch. 112, F.S.
[43] This requirement is identical to the ethics training required for constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies contained in s. 112.3142(2), F.S.

Section 2 amends s. 112.3144, F.S., relating to the full and public disclosure of financial interests.

Section 3 creates s. 332.0075, F.S., relating to commercial service airports.

Section 4 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   This bill does not appear to impact state revenues.

2. Expenditures:

   The Auditor General will incur expenditures associated with operational and financial audits of large-hub commercial service airports; however, the Auditor General's office cannot determine with certainty the fiscal impact of this requirement.[44]

   DOT may incur expenditures associated with reviewing information submitted by commercial service airports and compiling that information into a report.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   This bill does not appear to impact local government revenues.

2. Expenditures:

   Local government entities operating commercial service airports may incur expenditures associated with compliance with the provisions of the bill; however, these expenditures are expected to be minimal.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires various transparency and accountability measures from commercial service airports; however, an exemption may apply since it is expected to be an insignificant fiscal impact.

2. Other:

   None

[44] Email from Bruce Jeroslow, General Council, Florida Auditor General, FW: HB 915-Auditor General Impact, Jan. 6, 2020. (Copy on file with the Transportation & Infrastructure Subcommittee).

B. RULE-MAKING AUTHORITY:

This bill does not grant rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Financial Disclosure
Section 2 of the bill requires members of the governing body of a large hub commercial service airport to file more detailed financial disclosures. These disclosures are due each year by July 1, and the effective date of the bill is July 1, 2020. For clarity, this may need to be amended to specify that this requirement is effective for the filing due on July 1, 2021.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

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 members of the governing body of a large-hub commercial service airport to comply with certain financial disclosure requirements; 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 certain information on the website; requiring commercial service airports to comply with certain contracting requirements; providing approval requirements for 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 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 5 years, conduct an operational and financial audit of each large-hub commercial service airport. 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 shall comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. 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 publicly owned airport that has at least 2,500 passenger boardings each calendar year and receives scheduled passenger service as reported by the Federal Aviation Administration.

(b) "Department" means the Department of Transportation.

(c) "Governing body" means the governing body of the municipality, county, 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 3 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 days after the date of adoption. Budgets must remain on the website for 2 years after the conclusion of the fiscal year in which they were adopted.

(d) All commercial service airport planning documents submitted to the Federal Aviation Administration, which shall be posted upon submission to the Federal Aviation Administration.

(e) All financial and statistical reports required to be submitted to the Federal Aviation Administration, which shall be posted upon submission to the Federal Aviation Administration.

(f) Any contract or contract amendment executed by or on behalf of the commercial service airport in excess of the threshold amount provided for in s. 287.017 for CATEGORY TWO, which shall be posted no later than 7 days before the governing body votes to approve the contract or contract amendment.

(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.

(3)(a) Notwithstanding any other provision of law to the contrary, commercial service airports are subject to the requirements of chapter 287.

(b) A governing body must approve each contract executed by or on behalf of a commercial service airport in excess of the threshold amount provided for in s. 287.017 for CATEGORY THREE as a separate line item on the agenda after providing a reasonable opportunity for public comment. Such contracts may not be approved 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.

(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.

(5)(a) Beginning November 1, 2021, and each November 1 thereafter, 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 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 July 1, 2020.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Transportation & Infrastructure Subcommittee
Representative Avila offered the following:

Amendment

Remove lines 37-43 and insert:

(m) At least once every 5 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 meeting 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.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)

OTHER

Committee/Subcommittee hearing bill: Transportation & Infrastructure Subcommittee

Representative Avila offered the following:

Amendment

Remove line 147 and insert:

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

PCS for HB 551

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 551 Transportation Disadvantaged
SPONSOR(S): Transportation & Infrastructure Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Infrastructure Subcommittee		Johnson	Vickers

SUMMARY ANALYSIS

Florida law defines the transportation disadvantaged as those persons who because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk.

The Commission for the Transportation Disadvantaged is the state-level policy board responsible for the oversight of the implementation of coordinated transportation disadvantaged services. A community transportation coordinator (CTC) is a designated entity responsible for ensuring that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The local coordinating board (LCB) provides assistance to the CTCs by identifying local service needs and providing information, advice and direction to CTCs on the coordination of services.

The bill requires CTCs, in cooperation with the LCBs, to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

There does not appear to be a fiscal impact to state government. For local governments, to the extent that they are CTCs, they may incur some expenditures associated with increasing and supporting programs enhancing cross-county mobility services for the transportation disadvantaged.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Disadvantaged
Florida law defines the transportation disadvantaged as those persons who because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in s. 411.202, F.S.[1]

Commission for Transportation Disadvantaged
In 1989, the Legislature created the Commission for the Transportation Disadvantaged within the Department of Transportation to coordinate the transportation services provided to the transportation disadvantaged. The goal of this coordination is to ensure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators to the transportation disadvantaged.[2]

The commission is the state-level policy board responsible for the oversight of the implementation of coordinated transportation disadvantaged services. To assist with program implementation, the commission contracts with a Community Transportation Coordinator (CTC) and planning agency in each county. [3]

Community Transportation Coordinators
A community transportation coordinator is a transportation entity recommended by a metropolitan planning organization,[4] or by the appropriate designated official planning agency[5] in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.[6]

Each local CTC is responsible for the actual arrangement and/or delivery of transportation services to the transportation disadvantaged. The CTC, through a competitive procurement process, may contract with local transportation operators[7] to provide transportation services to the transportation disadvantaged. Specifically, CTCs must:

- Execute uniform contracts for service using a standard contract, which includes performance standards for operators.
- Collect annual operating data for submittal to the CTD.
- Review all transportation operator contracts annually.
- Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- In cooperation with a functioning coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.

[1] Section 427.011(1), F.S.
[2] Florida Commission for Transportation Disadvantaged, 2018 Annual Performance Report, P. 9-11. Available at: https://ctd.fdot.gov/docs/AORAPRDocs/ApprovedAOR2017-2018.pdf (Last visited Jan. 13, 2020).
[3] *Id.*
[4] Section 427.011(2), F.S., defines the term "metropolitan planning organization" as the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).
[5] This is as provided in ss. 427.011-427.017, F.S.
[6] Section 427.011(5), F.S.
[7] Section 427.011(6), F.S., defines the term "transportation operator" as one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.

- In cooperation with, and approved by, the coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for submittal to the CTD.
- In cooperation with the coordinating board and pursuant to criteria developed by the CTD, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services[8] that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Have full responsibility for the delivery of transportation services for the transportation disadvantaged.[9]
- Work cooperatively with local workforce development boards[10] to provide assistance in the development of innovative transportation services for participants in the welfare transition program.[11]

Local Coordinating Board

The local coordinating board (LCB) is an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the CTC relative to the coordination of transportation services.[12]

The LCB, which is appointed and staffed by the planning agency, oversees and annually evaluates the CTC. LCBs also provide assistance to the CTCs by identifying local service needs and providing information, advice and direction to CTCs on the coordination[13] of services.[14] Each LCB must:

- Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission.
- Evaluate services provided in meeting the approved plan.
- In cooperation with the CTC, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged.
- Assist the CTC in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area.
- Evaluate multicounty or regional transportation opportunities.
- Work cooperatively with local workforce development boards to provide assistance in the development of innovative transportation services for participants in the welfare transition program.[15]

Transportation Disadvantaged Funding

Florida's transportation disadvantaged program is funded through the Transportation Disadvantaged Trust Fund, which the commission administers pursuant to s. 427.0159, F.S. In FY 2019-2020, the commission received a total of $65.6 million in revenue through the TDTF. The largest source of revenue comes from the $1.50 fee collected from each motor vehicle license tag registration.[16]

In 2019, the Legislature passed HB 7068,[17] creating the Multi-Use Corridors of Regional Economic Significance (M-CORES) Program within DOT.[18] The bill allocated $10 million in M-CORES funding for

[8] Section 427.022(12), F.S., defines the term "nonsponsored transportation disadvantaged services" as transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.
[9] These are outlined in s. 427.015(2), F.S.
[10] Workforce development boards are established in Ch. 445, F.S.
[11] Section 427.0155, F.S.
[12] Section 427.011(7), F.S.
[13] Section 427.011(11), F.S., defines the term "coordination" as the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.
[14] Florida Commission for Transportation Disadvantaged, 2018 Annual Performance Report, P. 9-11.
[15] Section 427.0157, F.S.
[16] Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, RE: HB 551-TD Funding, Jan. 8, 2020. (Copy on file with Transportation & Infrastructure Subcommittee).
[17] Chapter 2019-43, L.O.F.
[18] Section 338.2278(1), F.S.

each fiscal year beginning in 2019-2020 to the Transportation Disadvantaged Trust Fund.[19] M-CORES funds allocated to the Transportation Disadvantaged Trust Fund must be used to award competitive grants to CTCs and transportation network companies for the purposes of providing cost-effective, door-to-door, on-demand, and scheduled transportation services that increase a transportation disadvantaged person's access to and departure from job training, employment, health care, and other life-sustaining services; enhances regional connectivity and cross-county mobility; or reduce the difficulty in connecting transportation disadvantaged persons to a transportation hub and from the hub to their final destination.[20]

The commission has issued M-CORES funded grants to several CTCs around the state to support projects designed to enhance cross-county mobility for the transportation disadvantaged.[21]

Cross-County Mobility

Cross-county mobility is the ability to utilize transportation disadvantaged services across county lines. While the commission encourages CTCs and local planning agencies to promote regional/cross-county transportation to enhance the mobility of the transportation disadvantaged, there are challenges that may inhibit certain CTCs from providing trips outside of their county, including:

- Urban transit systems – If the CTC is a transit authority, federal law requires it to provide Americans with Disabilities Act (ADA) complementary paratransit services for individuals who, due to a disability, cannot access the fixed-route bus system. The Federal Transit Administration requires these services to be provided within ¾ of a mile outside the bus route, but the local transit authority may decide whether or not to provide these services beyond the ADA corridor, including across county lines.[22]
- Local autonomy – The transportation disadvantaged program provides the CTCs and their local coordinating boards with the flexibility of determining their own service area, which includes prioritizing the service needs. Some CTCs may choose to limit the number of trips that go out of county or support a certain activity based on a priority determined by the local program.
- Costs – Out-of-county trips are more expensive and require additional resources such as drivers and vehicles. Despite this challenge, several CTCs are coordinating out-of-county trips, which may be limited to certain days of the week or month to manage costs. Additionally, some CTCs may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an "on-demand" service.[23]

Effect of the Bill

The bill requires CTCs, in cooperation with the local coordinating board, to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires local coordinating boards to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping or other life-sustaining services across county lines.

It should be noted that the bill does not require implementation of specific programs to enhance cross-county mobility for the transportation disadvantaged.

B. SECTION DIRECTORY:

[19] Section 338.2278(8), F.S.
[20] Section 338.2278(8)(e), F.S.
[21] Email from David Darm, Executive Director, Commission for Transportation Disadvantaged, Re: HB 551-Follow-up, Dec. 20, 2019. (Copy on file with Transportation & Infrastructure Subcommittee).
[22] 49 C.F.R. Part 37
[23] Email from David Darm, Executive Director, Commission for Transportation Disadvantaged, Re: HB 551-Cross-County Mobility Follow-up, Jan. 7, 2020. (Copy on file with Transportation & Infrastructure Subcommittee).

Section 1 amends s. 427.0155, F.S., providing the powers and duties of community transportation coordinators.

Section 2 amends s. 427.0157, F.S., providing the powers and duties of coordinating boards.

Section 3 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to impact state government revenues.

2. Expenditures:

   The bill does not appear to impact state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to impact local government revenues.

2. Expenditures:

   Indeterminate. To the extent that CTCs and LCBs are local governmental entities, there may be an increase in expenditures associated with supporting programs enhancing cross-county mobility for the transportation disadvantaged.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The enhancement of cross-county mobility services for the transportation disadvantaged may increase their access to employment, health care, education, shopping, and other life-sustaining services across county lines.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of sales tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to transportation disadvantaged; amending s. 427.0155, F.S.; requiring community transportation coordinators, in cooperation with the coordinating board, to increase and support programs that enhance cross-county mobility for specified purposes for the transportation disadvantaged; amending s. 427.0157, F.S.; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to increase and support programs that enhance cross-county mobility for specified purposes for the transportation disadvantaged; providing an effective date.

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

Section 1. Subsection (10) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(10) In cooperation with the coordinating board, increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across

one or more county lines.

Section 2. Section 427.0157, Florida Statutes, is amended to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission.~~;~~

(2) Evaluate services provided in meeting the approved plan.~~;~~

(3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged.~~;~~

(4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area.~~; and~~

(6) Evaluate multicounty or regional transportation opportunities to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

(7) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

Section 3. This act shall take effect July 1, 2020.