

1989

Session Law 89-009

Florida Senate & House of Representatives

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S 333 GENERAL BILL by Thomas (Similar H 369)

Executive Aircraft Pool; removes limitations on number & engine classification of aircraft permitted on pool. Amends 287.161. Effective Date: 05/15/89.

02/28/89 SENATE Prefiled

03/24/89 SENATE Referred to Governmental Operations; Appropriations

04/04/89 SENATE Introduced, referred to Governmental Operations; Appropriations -SJ 36

04/10/89 SENATE On Committee agenda—Governmental Operations, 04/12/89, 8:30 am, Room-H-(428)

04/12/89 SENATE Comm. Report: Favorable with 2 amendment(s) by Governmental Operations -SJ 124

04/13/89 SENATE Now in Appropriations -SJ 124

04/18/89 SENATE Withdrawn from Appropriations -SJ 175; Placed on Calendar

04/27/89 SENATE Placed on Special Order Calendar -SJ 210; Amendments failed; Passed; YEAS 35 NAYS 1 -SJ 233; Immediately certified -SJ 233

04/27/89 HOUSE In Messages

04/28/89 HOUSE Received, placed on Calendar -HJ 298; Substituted for HB 369; Read second time -HJ 305

05/02/89 HOUSE Read third time; Passed; YEAS 115 NAYS 0 -HJ 317; Immediately certified -HJ 318

05/02/89 Ordered enrolled -SJ 247

05/08/89 Signed by Officers and presented to Governor -SJ 287

05/15/89 Approved by Governor; Chapter No. 89-9 -SJ 360

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Kane</u> <i>[Signature]</i>	<u>Stengle</u> <i>[Signature]</i>	1. <u>GO</u>	<u>Fav/2 amend.</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Executive Aircraft Pool,
Department of General Services

BILL NO. AND SPONSOR:

SB 333 by
Senator Thomas

I. SUMMARY:

A. Present Situation:

Section 287.16, F.S., requires the Division of Motor Pool of the Department of General Services (DGS) to obtain the most efficient use of motor vehicles, aircraft, and watercraft for state purposes. Both DGS and other state agencies own and lease aircraft as provided by ch. 287, F.S., and other pertinent state law. The division is to operate central facilities for the operation, maintenance, and storage of these vehicles. The division has broad rulemaking authority over the use, operation, and maintenance of all state-owned and state-leased aircraft by all state agencies. The division is to schedule and coordinate the use of all state vehicles and aircraft to assure that employees travel by the most practical and economical means in accordance with priorities established by law.

Section 287.161, F.S., creates an executive aircraft pool within the Bureau of Aircraft of the Division of Motor Pool of DGS, for the purpose of furnishing travel to the executives of the state. The pool is comprised of a maximum of five state-owned aircraft which may not be assigned to any other agency or department. These aircraft provide a means for state executives and other employees to travel directly to locations to which commercial airline service is either limited or is unavailable. The division estimates that travel via the pool aircraft is in many instances more practical and economical than travel by commercial flights or motor vehicle for individuals on state business.

Maintenance and operation of pool aircraft is funded in part by fees charged by law for transportation on the aircraft. The fees are deposited into the Bureau of Aircraft Trust Fund, and are expended for fuel, maintenance, or other costs as provided by rule. The trust fund also receives appropriations from the General Revenue Fund.

The Bureau of Aircraft currently owns and operates five aircraft. Section 287.161(1), F.S., limits the type of aircraft in the pool to models not in excess of a two-engine prop jet. In 1977, however, the Legislature appropriated funds for the acquisition of a Sabreliner jet, which is a model in excess of a two-engine prop jet.

Section 287.16(2), F.S., permits the division to acquire aircraft "by purchase, lease, loan, or in any other legal manner." One means of acquisition open to the bureau other than purchase or lease is by transfer from the Florida Department of Law Enforcement (FDLE), which acquires aircraft through seizure and civil forfeiture provisions of the law. Depending on the circumstances of the FDLE acquisition of an aircraft, the division may acquire an aircraft at no cost or at

a nominal cost. For example, the bureau acquired a confiscated 1976 Beechcraft King Air 200 in 1985, at a cost to the division of \$190,000. The book value of the aircraft was over \$800,000. This 1976 aircraft will be retained until 1996. When the division is able to acquire a newer aircraft at a nominal cost, it lessens state maintenance expenditures.

Since the creation of the executive aircraft pool in 1972, the number of aircraft in the pool has been statutorily limited to a maximum of five aircraft. The bureau was only able to acquire the Beechcraft from FDLE in 1985 because one of the pool aircraft at that time was suitable for the immediate needs of another state agency. The aircraft was transferred to the other agency, which left one vacancy in the aircraft pool. At the present time, the bureau has no aircraft suitable for special purpose use of other departments, and so could not by transfer create a vacancy to receive any additional aircraft. Sale of an aircraft to create a vacancy in the pool takes a minimum of 90 to 120 days. Delay in accepting a confiscated aircraft would decrease the value of acquisition for the bureau. The longer an aircraft is idle, the more expensive is the maintenance needed to bring it into running order. It would not be cost-effective for the bureau to acquire an aircraft which remained idle for 6 months.

Ownership of five aircraft results in the capability to operate four aircraft at any one time. An aircraft requires 2 hours of maintenance for each 1 hour that it flies. Due to lack of available aircraft, the bureau usually fulfills only 65 percent of requests for transportation. As a result of a labor dispute that has severely limited the operations of Eastern Airlines, a major common carrier in Florida, the bureau has recently received increased requests for transportation, and thus currently is able to fulfill only 50 percent of those requests.

B. Effect of Proposed Changes:

Would remove the statutory limitation on the number of aircraft permitted in the executive aircraft pool created by s. 287.161, F.S. The removal of the limitation would not, in and of itself, increase the number of aircraft owned or operated by the Bureau of Aircraft.

Would remove the provision in the law which limits the type of aircraft permitted in the pool to models not in excess of a two-engine prop jet. This would bring the statutes into conformity with the legislative action in 1977 that resulted in the division's acquisition of an aircraft model exceeding a two-engine prop jet. This would also bring the aircraft in the pool into conformity with the provisions of s. 287.161, F.S.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Unquantifiable. The bill would not appropriate funds for aircraft acquisition, but would simply remove the statutory ceiling on acquisition. Operating costs of each additional aircraft acquired would be approximately \$100,000 per year.

III. COMMENTS:

None.

REVISED: April 12, 1989

BILL NO. SB 333

DATE: April 12, 1989

Page 3

IV. AMENDMENTS:

#1 by Governmental Operations:

Reinserts stricken language, which thus retains the numerical limitation of five on the number of aircraft permitted in the executive aircraft pool.

#2 by Governmental Operations:

Title amendment to conform to Amendment #1.

SENATE COMMITTEE AMENDMENT

SB 333

No. 1
(reported favorably)

HB _____

The Committee on...Gov. Operations....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page1....., line15...., strike

all of said line

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	Yes	No
				-

and insert:

executive aircraft pool consisting of five state-owned

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 1, taken up by committee: 04/12/89 Adopted x *

* Offered by Senator Gardner Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB 333

No. 2
(reported favorably)

HB _____

The Committee on...Gov. Operations....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

In title, on page1....., lines 3 and 4, strike

all of said lines

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No -	Yes -

and insert:

amending s. 287.161, F.S.; removing the limitation on the engine classification of the

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 2, taken up by committee: 04/12/89 Adopted x *
* Offered by Senator Gardner Failed _ *

(Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

STORAGE NAME: h0369-f.go
DATE: June 7, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 369 (SB 333 passed)
RELATING TO: Executive Aircraft Pool
SPONSOR(S): Representative Mitchell
EFFECTIVE DATE: Upon becoming law
DATE BECAME LAW: May 15, 1989
CHAPTER #: 89-9, Laws of Florida
COMPANION BILL(S): SB 333 (similar)
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. SHORT SUMMARY:

Section 287.161(1), Florida Statutes, limits the number of aircraft in the state's executive aircraft pool maintained by the Department of General Services to five aircraft. This section also provides that an aircraft maintained in the pool cannot be larger than a two-engine prop jet. The bill would remove the limitation on the number of aircraft that can be maintained in the pool. It also would remove the restriction on the type of aircraft in the pool to provide that an aircraft in the pool could not be larger than a two-engine jet (deleting any reference to propellers).

B. PRESENT SITUATION:

Section 287.161, Florida Statutes, creates an executive aircraft pool within the Bureau of Aircraft, Division of Motor Pool, of the Department of General Services (DGS) for the purpose of furnishing executive air travel. The pool consists of a statutorily-mandated maximum of five aircraft which cannot be assigned to a particular agency or department. According to information provided by the DGS, the pool provides a means for state executives and other agency employees to travel directly to locations where commercial airline service is limited or not available, thereby reducing travel costs by limiting ground transportation, airport delays, and overnight stays resulting from other types of transportation. The DGS estimates that with the current five aircraft in the pool, the Bureau of Aircraft can provide approximately 65-percent of the air travel requested by

state executives and agency employees.

Section 287.16(2), Florida Statutes, authorizes the Division of Motor Pool of the Department of General Services to acquire aircraft by purchase, lease, loan, or any other legal manner. In order to acquire aircraft, the division must sell or transfer an existing aircraft in the aircraft pool to ensure that the current five aircraft limit is maintained.

Section 287.161(1), Florida Statutes, limits the type of aircraft that can be contained in the executive aircraft pool to aircraft not in excess of a two-engine prop jet. (A prop jet is an aircraft powered by turbine engines which are designed to produce thrust by means of propellers. A conventional jet aircraft uses turbine engines but does not use propellers to obtain thrust.) In 1977, however, the Legislature appropriated funds for the acquisition of a Rockwell Sabreliner jet by the Department of General Services. The Sabreliner is a conventional jet aircraft larger than a two-engine prop jet. By having the Sabreliner jet in the executive aircraft pool, the DGS is not in compliance with the requirements of s. 287.161(1), Florida Statutes.

C. EFFECT OF PROPOSED CHANGES:

The bill would amend s. 287.161(1), Florida Statutes, to remove the five aircraft limitation currently provided for the state's executive aircraft pool. According to the Department of General Services, removal of the limitation would not by itself allow the DGS to acquire aircraft independently. Funds would still have to be appropriated by the Legislature to either acquire additional aircraft or to operate and maintain such aircraft.

The bill also would amend s. 287.161(1), Florida Statutes, to remove the statutory limitation that aircraft in the executive aircraft pool cannot be models larger than a two-engine prop jet. The amendment would provide that an aircraft in the pool could not be larger than a two-engine jet. The amendment would allow the Department of General Services to be in compliance with the law since the executive aircraft pool currently contains an aircraft in excess of the statutory requirement that was purchased with funds provided by the Legislature in 1977.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

See II.A.3.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

Acquisition of additional aircraft for the executive aircraft pool would be dependent upon the need for such aircraft and the appropriation of funds for such aircraft.

III. LONG RANGE CONSEQUENCES:

Indeterminate.

IV. COMMENTS:

According to information provided by the Department of General Services, the Bureau of Aircraft was able to acquire a confiscated 1976 Beechcraft King Air 200 in 1985 from the Department of Law Enforcement only when another aircraft in the pool was able to be transferred to another state agency to meet a specific need of that agency. The cost of acquiring the Beechcraft was about \$190,000, while the book value for the same plane in 1985 was approximately

STORAGE NAME: h0369-f.go

DATE: June 7, 1989

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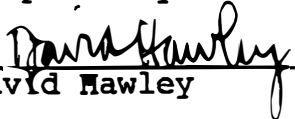
\$800,000. The DGS has reported that it currently does not have an aircraft in the pool that is suitable for transfer. Unless the DGS sold an existing aircraft, it could not make room in the pool for the acquisition of a confiscated aircraft if the need for a new state aircraft arose.

The bill is not specifically addressed in the mission statement of the House Governmental Operations Committee or the Policy Statement of the 1989-1990 Legislative Issues Conference.

V. SIGNATURES:

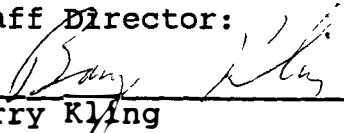
SUBSTANTIVE COMMITTEE:

Prepared by:



David Hawley

Staff Director:



Barry Kling

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
