

1                                   A bill to be entitled  
2                   An act relating to the Sarasota-Manatee Airport  
3                   Authority; amending s. 3 of chapter 91-358,  
4                   Laws of Florida, as amended; revising the  
5                   membership of the governing board of the  
6                   authority; providing for designating certain  
7                   positions on the governing board to residents  
8                   of Manatee County and certain positions on the  
9                   governing board to residents of Sarasota  
10                  County; providing for the Governor to appoint  
11                  the members of the governing board of the  
12                  authority; limiting the number of consecutive  
13                  years a member may be reappointed; providing  
14                  for staggered terms of office; providing  
15                  qualifications for membership; providing for a  
16                  member to be suspended or removed from office  
17                  by the Governor under specified circumstances;  
18                  deleting provisions requiring the election of  
19                  members to the governing board of the  
20                  authority; repealing section 3, (3) and (4) of  
21                  chapter 91-358, Laws of Florida, providing for  
22                  nonpartisan ballots; amending s. 17 of chapter  
23                  91-358, Laws of Florida; providing that the  
24                  authority is not an agency for purposes of the  
25                  Administrative Procedure Act, chapter 120,  
26                  F.S.; providing for severability; providing for  
27                  a referendum; providing that candidates  
28                  receiving a majority vote at the November 2000  
29                  general election do not assume office if the  
30                  referendum is approved; providing an effective  
31                  date.

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

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Section 1. Subsection (2) of section 3 of chapter 91-358, Laws of Florida, as amended by section 1 of chapter 97-322, Laws of Florida, is amended to read:

Section 3. Creation and membership of authority.--

(2)(a) Until November 21, 2000, the governing board of the authority shall consist of the eight members elected to office prior to that date.

(b) Effective November 21, 2000, the governing board shall consist of six members, three of whom must be residents of Manatee County and three of whom must be residents of Sarasota County. The three positions on the governing board assigned to residents of Manatee County shall be designated as seats "M-1," "M-2," and "M-3," respectively, and the three positions on the governing board assigned to residents of Sarasota County shall be designated as seats "S-1," "S-2," and "S-3," respectively.

(c) Effective November 21, 2000, those persons elected in 1998 to seats previously designated by the supervisor of elections as seats "one" and "three" in each of the counties shall serve in the newly designated seats of M-1, M-3, S-1, and S-3, respectively, until their terms expire in 2002, whereupon seats M-1, M-3, S-1, and S-3 shall be filled by appointment in the manner set forth in this subsection. The seats previously designated by the supervisor of elections as seat "two" in each of the counties shall be the newly designated seats M-2 and S-2, respectively, which shall be filled by appointment in the manner set forth in this section. The seats previously designated by the supervisor of elections as seat "four" in each of the counties shall be eliminated.

1           (d) At least 30 days prior to the date of expiration  
2 of the term of any member of the authority, or within 30 days  
3 after the creation of any vacancy in the membership of the  
4 authority resulting from the death, resignation, change of  
5 residence, or removal of any such member or from any other  
6 cause, the successor of such member shall be appointed by the  
7 Governor. Any appointed member is eligible for reappointment.  
8 However, a member may not serve more than 8 consecutive years.  
9 Other than for an appointment to fill a vacancy in the seat of  
10 a member whose term has not yet expired, all appointments  
11 shall be for a 4-year term, except that the appointment to  
12 seat S-3 for the term commencing on November 19, 2002, shall  
13 be for 2 years, terminating on November 16, 2004. Thereafter,  
14 the term of office for seat S-3 shall be for 4 years. Other  
15 than those persons appointed to fill an unexpired term, all  
16 appointed members of the authority shall assume office on the  
17 third Tuesday of November in the year of appointment.

18           (e) Each appointed member of the authority must be a  
19 person of integrity, responsibility, and business ability, who  
20 is competent and knowledgeable in one or more fields,  
21 including, but not limited to, public affairs, law, economics,  
22 accounting, engineering, finance, natural-resources  
23 conservation, energy, or another field substantially related  
24 to the duties and functions of the authority. The membership  
25 of the authority shall fairly represent the specified fields  
26 and shall be nonpartisan. It is desirable, but not essential,  
27 that one or more appointed members be experienced in an  
28 aviation-related field. A person who is serving in another  
29 public office is not eligible for appointment, unless that  
30 person resigns the other office before being appointed to the  
31 authority. A person who, at the time of an anticipated

1 appointment by the Governor, is transacting business with the  
 2 authority, or who is reasonably expected to transact business  
 3 with the authority, either for himself or herself or as an  
 4 employee of, agent for, or consultant to any other person or  
 5 legal entity, may not be appointed as a member of the  
 6 authority.

7 (f) Any appointed member of the authority may be  
 8 suspended or removed from office by the Governor for good  
 9 cause affecting his or her ability to perform his or her  
 10 duties as a member; for misfeasance, malfeasance, or  
 11 nonfeasance in office; or for violating his or her duty to  
 12 avoid conduct tending to undermine decisions of the authority,  
 13 exposing the authority to liability for damages, injuring the  
 14 good name of the authority, or disturbing the well-being of  
 15 the authority's staff or employees.

16 ~~(2) The authority shall consist of eight members who~~  
 17 ~~must be elected on a nonpartisan basis as follows: four~~  
 18 ~~members must be elected for terms of 4 years each on separate~~  
 19 ~~nonpartisan ballots at the first and second primary elections~~  
 20 ~~to be held in 1990, and each 4 years thereafter, two of whom~~  
 21 ~~must be residents of Manatee County and elected by the~~  
 22 ~~electors of Manatee County and two of whom must be residents~~  
 23 ~~of Sarasota County and elected by the electors of Sarasota~~  
 24 ~~County. Two members must be elected for terms of 4 years each~~  
 25 ~~on separate nonpartisan election ballots at the first and~~  
 26 ~~second primary elections to be held in 1988, and each 4 years~~  
 27 ~~thereafter, one of whom must be a resident of Manatee County~~  
 28 ~~and elected by the electors of Manatee County and one of whom~~  
 29 ~~must be a resident of Sarasota County and elected by the~~  
 30 ~~electors of Sarasota County. Two members must be elected for~~  
 31 ~~terms of 2 years each on separate nonpartisan ballots at the~~

1 ~~first and second primary elections to be held in 1990, and~~  
2 ~~then for terms of 4 years each on separate nonpartisan ballots~~  
3 ~~at the first and second primary elections to be held in 1992,~~  
4 ~~and each 4 years after 1992, one of whom must be a resident of~~  
5 ~~Manatee County and elected by the electors of Manatee County~~  
6 ~~and one of whom must be a resident of Sarasota County and~~  
7 ~~elected by the electors of Sarasota County. Commencing in~~  
8 ~~1998, the authority runoff elections shall be held at the time~~  
9 ~~of the general election, instead of the second primary~~  
10 ~~election.~~

11 Section 2. Subsections (3) and (4) of Section 3 of  
12 chapter 91-358, Laws of Florida, are repealed.

13 Section 3. Section 17 of chapter 91-358, Laws of  
14 Florida, is amended to read:

15 Section 17. Administrative procedure.--~~in accordance~~  
16 ~~with section 120.52(1)(c), Florida Statutes, The authority is~~  
17 not considered an agency subject to the Administrative  
18 Procedure Act under chapter 120, Florida Statutes, ~~to the~~  
19 ~~extent that the authority is made subject to that act by~~  
20 ~~general law, existing judicial decision, or by other special~~  
21 ~~law.~~

22 Section 4. If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 invalidity does not affect other provisions or applications of  
25 the act which can be given effect without the invalid  
26 provision or application, and to this end the provisions of  
27 this act are severable.

28 Section 5. This act shall take effect only upon its  
29 approval by a majority of the qualified electors residing  
30 within Manatee and Sarasota Counties voting in a referendum  
31 election to be held during the November 2000 general

1 elections. The following ballot question shall be placed on  
2 the ballot at the November 2000 general elections:

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4 APPOINTMENT OF SARASOTA-MANATEE AIRPORT AUTHORITY MEMBERS

5  
6 SHALL CHAPTER 00-\_\_\_\_\_, LAWS OF FLORIDA, PROVIDING FOR THE  
7 APPOINTMENT OF BOARD MEMBERS OF THE SARASOTA-MANATEE AIRPORT  
8 AUTHORITY, BE APPROVED?

9                                        YES                        NO

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11            Section 6. If the referendum required by section 4 is  
12 approved, authority board candidates receiving a majority vote  
13 at the November 2000 general election shall not assume office,  
14 and vacancies on the board shall be appointed by the Governor  
15 as provided in this act.

16            Section 7. This act shall take effect upon referendum  
17 approval as provided by section 4; however, section 4 shall  
18 take effect upon becoming a law.