

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 elected
28 in the year 2000 do not assume office if the
29 referendum is approved; providing an effective
30 date.
31

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

2

3 Section 1. Subsection (2) of section 3 of chapter
4 91-358, Laws of Florida, as amended by section 1 of chapter
5 97-322, Laws of Florida, is amended to read:

6 Section 3. Creation and membership of authority.--

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

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

19 (c) Effective November 21, 2000, those persons elected
20 in 1998 to seats previously designated by the supervisor of
21 elections as seats "one" and "three" in each of the counties
22 shall serve in the newly designated seats of M-1, M-3, S-1,
23 and S-3, respectively, until their terms expire in 2002,
24 whereupon seats M-1, M-3, S-1, and S-3 shall be filled by
25 appointment in the manner set forth in this subsection. The
26 seats previously designated by the supervisor of elections as
27 seat "two" in each of the counties shall be the newly
28 designated seats M-2 and S-2, respectively, which shall be
29 filled by appointment in the manner set forth in this section.
30 The seats previously designated by the supervisor of elections
31 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:

3
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

10
11 Section 6. If the referendum required by section 5 is
12 approved, authority board candidates elected in the year 2000
13 shall not assume office, and vacancies on the board shall be
14 appointed by the Governor as provided in this act.

15 Section 7. This act shall take effect upon referendum
16 approval as provided by section 5; however, section 5 shall
17 take effect upon becoming a law.