

By Senator McKay

26-1244-00

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; amending s. 17 of chapter 91-358,
21 Laws of Florida; providing that the authority
22 is not an agency for purposes of the
23 Administrative Procedure Act, ch. 120, F.S.;
24 providing for severability; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (2) of section 3 of chapter
30 91-358, Laws of Florida, as amended by section 1 of chapter
31 97-322, Laws of Florida, is amended to read:

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

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

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

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

27 (d) At least 30 days prior to the date of expiration
28 of the term of any member of the authority, or within 30 days
29 after the creation of any vacancy in the membership of the
30 authority resulting from the death, resignation, change of
31 residence, or removal of any such member or from any other

1 cause, the successor of such member shall be appointed by the
2 Governor. Any appointed member is eligible for reappointment.
3 However, a member may not serve more than 8 consecutive years.
4 Other than for an appointment to fill a vacancy in the seat of
5 a member whose term has not yet expired, all appointments
6 shall be for a 4-year term, except that the appointment to
7 seat S-3 for the term commencing on November 19, 2002, shall
8 be for 2 years, terminating on November 16, 2004. Thereafter,
9 the term of office for seat S-3 shall be for 4 years. Other
10 than those persons appointed to fill an unexpired term, all
11 appointed members of the authority shall assume office on the
12 third Tuesday of November in the year of appointment.

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

1 himself or herself or as an employee of, agent for, or
2 consultant to any other person or legal entity, may not be
3 appointed as a member of the authority.

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

13 ~~(2) The authority shall consist of eight members who~~
14 ~~must be elected on a nonpartisan basis as follows: four~~
15 ~~members must be elected for terms of 4 years each on separate~~
16 ~~nonpartisan ballots at the first and second primary elections~~
17 ~~to be held in 1990, and each 4 years thereafter, two of whom~~
18 ~~must be residents of Manatee County and elected by the~~
19 ~~electors of Manatee County and two of whom must be residents~~
20 ~~of Sarasota County and elected by the electors of Sarasota~~
21 ~~County. Two members must be elected for terms of 4 years each~~
22 ~~on separate nonpartisan election ballots at the first and~~
23 ~~second primary elections to be held in 1988, and each 4 years~~
24 ~~thereafter, one of whom must be a resident of Manatee County~~
25 ~~and elected by the electors of Manatee County and one of whom~~
26 ~~must be a resident of Sarasota County and elected by the~~
27 ~~electors of Sarasota County. Two members must be elected for~~
28 ~~terms of 2 years each on separate nonpartisan ballots at the~~
29 ~~first and second primary elections to be held in 1990, and~~
30 ~~then for terms of 4 years each on separate nonpartisan ballots~~
31 ~~at the first and second primary elections to be held in 1992,~~

1 ~~and each 4 years after 1992, one of whom must be a resident of~~
2 ~~Manatee County and elected by the electors of Manatee County~~
3 ~~and one of whom must be a resident of Sarasota County and~~
4 ~~elected by the electors of Sarasota County. Commencing in~~
5 ~~1998, the authority runoff elections shall be held at the time~~
6 ~~of the general election, instead of the second primary~~
7 ~~election.~~

8 Section 2. Section 17 of chapter 91-358, Laws of
9 Florida, is amended to read:

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

17 Section 3. If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 invalidity does not affect other provisions or applications of
20 the act which can be given effect without the invalid
21 provision or application, and to this end the provisions of
22 this act are severable.

23 Section 4. This act shall take effect upon becoming a
24 law.