

By Senator Smith

5-1557-02

See HB 1215

1                                   A bill to be entitled  
2           An act relating to the Gainesville-Alachua  
3           County Regional Airport Authority; amending  
4           chapter 86-469, Laws of Florida, as amended;  
5           changing the classification of the Authority  
6           from a dependent special district to an  
7           independent special district; revising the  
8           composition of the membership of the Authority;  
9           providing for the conduct of business  
10          consistent with the change in membership;  
11          deleting obsolete provisions; authorizing the  
12          creation of a Board of Trustees to whom powers  
13          of the Authority may be delegated; providing an  
14          effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 3 of chapter 86-469, Laws of  
19 Florida, as amended by chapter 95-457, Laws of Florida, is  
20 amended to read:

21           Section 3. Gainesville-Alachua County Regional Airport  
22 Authority.--

23           (1) CREATION AND PURPOSE.--For the purpose of managing  
24 and operating the airport and airport facilities, there is  
25 hereby created an independent ~~a dependent~~ special district to  
26 be known as the Gainesville-Alachua County Regional Airport  
27 Authority. The exercise by the authority of the powers  
28 conferred upon it by this act will be deemed to be for an  
29 essential and proper purpose.

30           (2) MEMBERSHIP.--The powers of the authority shall be  
31 vested in its members in office from time to time. There

1 shall be five ~~nine~~ members. The Authority shall be composed of  
2 two members to be appointed by the Gainesville City  
3 Commission; one member to be appointed by the Board of County  
4 Commissioners of Alachua County; the President of the  
5 University of Florida or a Vice President of the University of  
6 Florida designated by the President; and one member to be  
7 appointed by the Governor. ~~As a condition of eligibility for~~  
8 ~~appointment and to hold office, each member shall reside~~  
9 ~~within the city or county. No person shall serve as a member~~  
10 ~~of the authority and, at the same time, hold any publicly~~  
11 ~~elected office in the State of Florida.~~

12 (3) ~~INITIAL APPOINTMENTS; EXPIRATION OF TERMS.~~ --The  
13 current terms of office of members appointed under chapter  
14 86-469, Laws of Florida, shall expire on October 1, 2002.  
15 ~~Initial appointments shall be as follows:~~

16 (a) ~~The initial members of the authority shall consist~~  
17 ~~of:~~

- 18 1. ~~All members of the preexisting authority; and~~
- 19 2. ~~The four members separately appointed by the~~  
20 ~~Governor and the county to the authority created by chapter~~  
21 ~~85-378, Laws of Florida.~~

22 (b) ~~If any of the members designated in paragraph (a)~~  
23 ~~declines to serve, such office shall be filled within 30 days~~  
24 ~~of the effective date of this act, as follows:~~

- 25 1. ~~The Governor shall replace by appointment any of~~  
26 ~~the three members appointed by him under chapter 85-378, Laws~~  
27 ~~of Florida;~~

- 28 2. ~~The board of county commissioners shall replace by~~  
29 ~~appointment the member appointed thereby under chapter 35-378,~~  
30 ~~Laws of Florida; and~~

31

1           ~~3. The city commission shall replace by appointment~~  
2 ~~any of the remaining members.~~

3           ~~(c) The term of any member initially appointed under~~  
4 ~~this act shall expire on July 31 of the year such member's~~  
5 ~~term was scheduled to expire under chapter 85-378, Laws of~~  
6 ~~Florida, or under Gainesville City Ordinance No. 2721/0-82-33,~~  
7 ~~as appropriate, except that the term of any such member~~  
8 ~~previously appointed by the city who was also subsequently~~  
9 ~~appointed to the authority created under chapter 85-378, Laws~~  
10 ~~of Florida, shall expire on July 31 of the year which~~  
11 ~~represents the later expiration date of the two appointments.~~

12           ~~(4) SUBSEQUENT APPOINTMENTS; TERMS.-- Upon expiration~~  
13 ~~of initial terms of office:~~

14           ~~(a) Subsequent appointments shall be made by the~~  
15 ~~appropriate appointing entity on or prior to the date of~~  
16 ~~expiration of the preceding term in the same manner as~~  
17 ~~described in paragraph (3)(b). In the event an appointment has~~  
18 ~~not been made by such date, the Governor shall make the~~  
19 ~~appointment within 20 days thereafter.~~

20           ~~(b) All members shall serve 3-year terms of office,~~  
21 ~~beginning on August 1 and expiring on July 31 of the~~  
22 ~~appropriate year.~~

23           ~~(5) FILLING OF VACANCIES.-- Except as may be otherwise~~  
24 ~~provided herein, vacancies in office shall be filled for the~~  
25 ~~balance of the term by the appropriate appointing entity, in~~  
26 ~~the same manner as set forth in paragraph (3)(b). In such~~  
27 ~~cases, the appointment shall be made no later than 30 days~~  
28 ~~after the office has become vacant. In the event an~~  
29 ~~appointment has not been made by such date, the Governor shall~~  
30 ~~make the appointment within 20 days thereafter.~~

31           ~~(6) ORGANIZATION; MEETINGS; NOTICE; QUORUM.--~~

1           ~~(a) A chairman, vice chairman, and secretary/treasurer~~  
2 ~~shall be chosen by and from the authority membership. The~~  
3 ~~chairman, vice chairman, and secretary/treasurer shall each~~  
4 ~~serve a term of office of 1 year, and no member shall hold the~~  
5 ~~same office for more than 2 consecutive terms.~~

6           ~~(b)1. The authority shall meet at the call of the~~  
7 ~~chairman, at the request of three or more of its members, and~~  
8 ~~at such other times as may be prescribed by rule of the~~  
9 ~~authority.~~

10           ~~2. The authority shall give reasonable notice of all~~  
11 ~~meetings at least 48 hours prior thereto, which shall be~~  
12 ~~published in a newspaper in general circulation in Alachua~~  
13 ~~County, and shall include agenda items whenever such items~~  
14 ~~involve leasing of any airport property. All meetings of the~~  
15 ~~authority shall be so noticed except emergency meetings which~~  
16 ~~shall only be called when there is an immediate danger to the~~  
17 ~~public health, safety or welfare.~~

18           ~~(c) The presence of five members is required to~~  
19 ~~constitute a quorum, and the affirmative vote of a majority of~~  
20 ~~the members present and eligible to vote, but no fewer than~~  
21 ~~four of the members present and eligible to vote, is required~~  
22 ~~for any action or recommendation by the authority.~~

23           ~~(7) REMOVAL FROM OFFICE.--A member may be removed by~~  
24 ~~the entity appointing such member, but only upon grounds~~  
25 ~~constituting misfeasance, neglect of duty, incompetence,~~  
26 ~~permanent inability to perform official duties, or commission~~  
27 ~~of a felony. The unexcused failure to attend three~~  
28 ~~consecutive regular meetings of the authority shall be deemed~~  
29 ~~neglect of duty, without limiting the meaning of that term.~~

30           ~~(8) RESTRICTIONS.--~~

31

1           ~~(a) No person who has transacted business with the~~  
2 ~~authority shall be eligible for appointment to the authority~~  
3 ~~until 3 years after the last transaction. No person who has~~  
4 ~~served on the authority shall be eligible to transact business~~  
5 ~~with the authority until 3 years after his last date of~~  
6 ~~service. Said transactions include transactions either for~~  
7 ~~oneself or as an employee of, agent for, or consultant to any~~  
8 ~~other person or legal entity. However, nothing in this~~  
9 ~~paragraph shall be construed as prohibiting an appointed~~  
10 ~~member from purchasing supplies or services from any~~  
11 ~~fixed-base operators or tenants at the airport or airport~~  
12 ~~industrial park.~~

13           ~~(b) No member, officer, agent, or employee of the~~  
14 ~~authority, either for himself or as agent for anyone else, or~~  
15 ~~as a stockholder or owner in any other legal entity, shall~~  
16 ~~participate in or benefit directly or indirectly from any~~  
17 ~~sale, purchase, lease, franchise, contract, or other~~  
18 ~~transaction, entered into by the authority or the city. The~~  
19 ~~provisions of this paragraph shall be cumulative to any~~  
20 ~~general laws of the state which may from time to time be~~  
21 ~~applicable to members, officers, agents or employees of the~~  
22 ~~authority and which require the disclosure of, or prohibit,~~  
23 ~~conflicts of interest.~~

24           ~~(9) EXPENSES.--The members of the authority shall~~  
25 ~~receive no salary or other compensation for their services.~~  
26 ~~The authority shall, however, be authorized to pay reasonable~~  
27 ~~costs and expenses necessarily incurred by the members in~~  
28 ~~performance of their duties.~~

29           Section 2. Subsection (15) of section 4 of chapter  
30 86-469, Laws of Florida, as amended by chapter 95-457, Laws of  
31

1 Florida, is amended, and subsection (20) is added to that  
2 section, to read:

3 Section 4. Powers and duties.--The authority shall  
4 have exclusive jurisdiction over the operation and maintenance  
5 of, and improvements to, the airport and airport facilities,  
6 and pursuant thereto shall have the following powers and  
7 duties, which are in addition to all other powers granted by  
8 other provisions of this act:

9 (15) When deemed desirable by the authority, and, when  
10 agreed to by other governmental entities ~~the city~~, to utilize  
11 the purchasing authority and capability of such entities ~~the~~  
12 ~~city~~ for such things as, but not limited to, computer  
13 services, supplies, equipment, labor, and contractual  
14 services. However, all such material and services shall be  
15 paid by the authority out of its own budget.

16 (20) To create a Board of Trustees to whom may be  
17 delegated powers and duties granted to the Authority and who  
18 may exercise said powers and duties as agent for, and on  
19 behalf of, the Authority to the extent of such delegation.

20 Section 3. This act shall take effect October 1, 2002.  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31