

## House Bill No. 1791

An act relating to the Sarasota-Manatee Airport Authority; amending s. 3 of chapter 91-358, Laws of Florida, as amended; revising the membership of the governing board of the authority; providing for designating certain positions on the governing board to residents of Manatee County and certain positions on the governing board to residents of Sarasota County; providing for the Governor to appoint the members of the governing board of the authority; limiting the number of consecutive years a member may be reappointed; providing for staggered terms of office; providing qualifications for membership; providing for a member to be suspended or removed from office by the Governor under specified circumstances; deleting provisions requiring the election of members to the governing board of the authority; repealing section 3, (3) and (4) of chapter 91-358, Laws of Florida, providing for nonpartisan ballots; amending s. 17 of chapter 91-358, Laws of Florida; providing that the authority is not an agency for purposes of the Administrative Procedure Act, chapter 120, F.S.; providing for severability; providing for a referendum; providing that candidates elected in the year 2000 do not assume office if the referendum is approved; providing an effective date.

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

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.

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

(e) Each appointed member of the authority must be a person of integrity, responsibility, and business ability, who is competent and knowledgeable in one or more fields, including, but not limited to, public affairs, law, economics, accounting, engineering, finance, natural-resources conservation, energy, or another field substantially related to the duties and functions of the authority. The membership of the authority shall fairly represent the specified fields and shall be nonpartisan. It is desirable, but not essential, that one or more appointed members be experienced in an aviation-related field. A person who is serving in another public office is not eligible for appointment, unless that person resigns the other office before being appointed to the authority. A person who, at the time of an anticipated appointment by the Governor, is transacting business with the authority, or who is reasonably expected to transact business with the authority, either for himself or herself or as an employee of, agent for, or consultant to any other person or legal entity, may not be appointed as a member of the authority.

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

~~(2) The authority shall consist of eight members who must be elected on a nonpartisan basis as follows: four members must be elected for terms of 4 years each on separate nonpartisan ballots at the first and second primary elections to be held in 1990, and each 4 years thereafter, two of whom must be residents of Manatee County and elected by the electors of Manatee County and two of whom must be residents of Sarasota County and elected by the electors of Sarasota County. Two members must be elected for terms of 4 years each on separate nonpartisan election ballots at the first and second primary elections to be held in 1988, and each 4 years thereafter, one~~

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

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

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

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

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

Section 5. This act shall take effect only upon its approval by a majority of the qualified electors residing within Manatee and Sarasota Counties voting in a referendum election to be held during the November 2000 general elections. The following ballot question shall be placed on the ballot at the November 2000 general elections:

APPOINTMENT OF SARASOTA-MANATEE  
AIRPORT AUTHORITY MEMBERS

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

\_\_\_ YES      \_\_\_ NO

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

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

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.