

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 143 Monroe County Florida Keys Aqueduct Authority  
**SPONSOR(S):** Sorensen  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	<u>5 Y, 0 N</u>	<u>Bond</u>	<u>Everhart</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	<u>14 Y, 0 N</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
3) <u>Judiciary</u>	<u>16 Y, 0 N</u>	<u>Jaroslav</u>	<u>Havlicak</u>
4) <u>Agriculture &amp; Environment Apps. (Sub)</u>	<u>(W/D)</u>	<u>Dixon</u>	<u>Dixon</u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The Florida Keys Aqueduct Authority is an independent special district that provides drinking water and wastewater services. A special provision in the district's charter requires the district to comply with the Administrative Procedure Act.

This bill removes the special requirement that the Florida Keys Aqueduct Authority comply with the Administrative Procedure Act.

This bill does not appear to have a fiscal impact on state government. This bill appears to have an \$80,000 positive recurring fiscal impact on the district.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0143f.ap.doc  
**DATE:** April 16, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

The Florida Keys Aqueduct Authority (FKAA) is an independent special district, first created in 1937, and recreated in ch. 76-441, L.O.F. The FKAA is the sole provider of potable water for all of the residents of the Florida Keys and presently serves 42,237 customers within Monroe County. Potable water is transported to the Keys through a 130 mile transmission pipeline with an additional 649 miles of distribution pipelines which deliver water to the customer's property.<sup>1</sup> The FKAA also operates wastewater treatment plants serving parts of the Keys. The five member board is appointed by the Governor.

The Administrative Procedure Act, ch. 120, F.S. (the "APA"), is applicable to state executive branch agencies and departments, regional planning agencies, and multicounty special districts in which a majority of the governing board consists of nonelected persons. See s. 120.52(1), F.S. The APA is only applicable to other entities, such as the FKAA, if provision is made for applicability of the APA in general or special law applicable to the district. Sections 9 and 10 of the current charter for the FKAA require the FKAA to comply with the APA. Typically, single-county districts like the FKAA are not required to comply with the APA.

##### Proposed Change

This bill amends the charter of the Florida Keys Aqueduct Authority (FKAA) to remove the requirement that the FKAA comply with the Administrative Procedure Act, ch. 120, F.S. The charter is further amended to require public hearing before any fee increase.

#### C. SECTION DIRECTORY:

Section 1 amends the charter of the Florida Keys Aqueduct Authority to provide that the district is not subject to ch. 120, F.S.

Section 2 provides an effective date of upon becoming law.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

#### A. NOTICE PUBLISHED? Yes No

<sup>1</sup> See <http://www.fkaa.com/>

IF YES, WHEN? December 26, 2002

WHERE? *Key West Citizen*, a daily newspaper of general circulation in Monroe County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.