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1 A bill to be entitled
 2 An act relating to Monroe County; amending chapter 76-441,
 3 Laws of Florida, as amended; providing for the exemption
 4 of the Florida Keys Aqueduct Authority from the provisions
 5 of chapter 120, Florida Statutes, the Administrative
 6 Procedure Act; deleting reference to chapter 120, Florida
 7 Statutes, from the law relating to the Authority;
 8 providing for public hearings under certain circumstances;
 9 providing an effective date.

10
 11 WHEREAS, the Florida Keys Aqueduct Authority was created in
 12 chapter 76-441, Laws of Florida, as amended, and

13 WHEREAS, the Florida Keys Aqueduct Authority's stated
 14 primary purpose and function is to obtain, supply, and
 15 distribute an adequate water supply for the Florida Keys and to
 16 collect, treat, and dispose of wastewater in the Florida Keys in
 17 accordance with the Department of Health and the Department of
 18 Environmental Protection, and

19 WHEREAS, the authority has exclusive jurisdiction over the
 20 administration, maintenance, development, and provision of
 21 wastewater system services in Monroe County with the exception
 22 of the City of Key West, the City of Key Colony Beach, the City
 23 of Layton, Islamorada, Village of Islands, and Key Largo
 24 Wastewater Treatment District, and

25 WHEREAS, for the benefit of the inhabitants of Monroe
 26 County and as a result of substantial encouragement from state
 27 and county governmental authorities, the Authority is developing
 28 and plans to own, operate, and maintain a wastewater system for
 29 the collection, transmission, treatment, storage, and disposal
 30 of wastewater as provided in chapter 76-441, Laws of Florida, as



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31 amended, in order to ensure compliance with state wastewater
 32 effluent standards for water quality issues in the Florida Keys,
 33 high quality of life for its citizens, and the continued
 34 viability of the area for tourism, and

35 WHEREAS, the provisions of the Administrative Procedure
 36 Act, as applicable to the Florida Keys Aqueduct Authority, are
 37 financially burdensome to water and wastewater rate payers,
 38 unnecessarily time consuming, and significantly prohibitive to
 39 the Authority in meeting the state mandates in a timely fashion,
 40 and

41 WHEREAS, the Administrative Procedure Act is normally not
 42 applicable to single county special districts, NOW, THEREFORE,

43

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

45

46 Section 1. Section 2, paragraph (a) of subsection 9 of
 47 section 9, section 10, and subsection (4) of section 14 of
 48 chapter 76-441, Laws of Florida, as amended, are amended to
 49 read:

50 Section 2. Applicability of certain provisions of Florida
 51 law to the Florida Keys Aqueduct Authority.--Except as
 52 specifically provided herein, the provisions of this act shall
 53 control over the provisions of any other special or general law.
 54 The Florida Keys Aqueduct Authority shall not be subject to the
 55 Administrative Procedure Act, chapter 120, Florida Statutes.

56 Section 9. Powers of the Authority.--In addition and not
 57 in limitation of the powers of the Authority, it shall have the
 58 following powers:

59 (9) (a) SEWER SYSTEM.--To purchase, construct, and
 60 otherwise acquire and to improve, extend, enlarge, and



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61 reconstruct a sewage disposal system or systems and to purchase
 62 and/or construct or reconstruct sewer improvements and to
 63 operate, manage, and control all such systems so purchased
 64 and/or constructed and all properties pertaining thereto and to
 65 furnish and supply sewage collection and disposal services to
 66 any municipalities and any persons, firms, or corporations,
 67 public or private; to prohibit or regulate the use and
 68 maintenance of outhouses, privies, septic tanks, or other
 69 sanitary structures or appliances within the Authority
 70 boundaries, provided that prior to prohibiting the use of any
 71 such facilities adequate new facilities must be available; to
 72 prescribe methods of pretreatment of waste not amenable to
 73 treatment, to refuse to accept such waste when not sufficiently
 74 pretreated as may be prescribed and to prescribe penalties for
 75 the refusal of any person or corporation to so pretreat such
 76 waste; to sell or otherwise dispose of the effluent, sludge, or
 77 other by-products as a result of sewage treatment and to
 78 construct and operate connecting or intercepting outlets, sewers
 79 and sewer mains and pipes and water mains, conduits, or
 80 pipelines in, along, or under any street, alley, highways,
 81 within or without the Authority boundaries when deemed necessary
 82 or desirable by the board of directors in accomplishing the
 83 purposes of this act, with the consent of the agency owning or
 84 controlling same. All such regulation herein authorized shall
 85 comply with the standards and regulations pertaining to same as
 86 promulgated by the Department of Health and ~~Rehabilitative~~
 87 ~~Services~~ and by the Department of Environmental Protection
 88 ~~Regulation and be adopted pursuant to chapter 120, Florida~~
 89 ~~Statutes.~~

90 Section 10. Rules.--Upon reasonable advance notice to the



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91 public and an opportunity for all persons to be heard on the
 92 matter, the board shall adopt bylaws, rules, resolutions,
 93 regulations, and orders prescribing the powers, duties, and
 94 functions of the members of the board and employees of the
 95 Authority; the conduct of the business of the Authority; the
 96 maintenance of records of the Authority, and shall adopt
 97 administrative rules and regulations with respect to any of the
 98 projects of the Authority. ~~All such bylaws, rules, resolutions,~~
 99 ~~regulations, orders and administrative rules shall be adopted~~
 100 ~~pursuant to the provisions of chapter 120, Florida Statutes.~~

101 Section 14. Fees, rentals, and charges; procedure for
 102 adoption and modification, minimum revenue requirements.--

103 (4) No rate, fee, rental, or other charge may be
 104 established resulting in increased costs for service to the
 105 customer nor may any rate, fee, rental, or other charge be
 106 increased by the Authority until a public hearing has been held
 107 relating to the proposed increase n the City of Key West, and in
 108 the Marathon and the upper Keys areas. However, if the proposed
 109 rule affects wastewater only in a single wastewater district and
 110 affects rates, fees, or charges that could result in increased
 111 costs of service to the customer, no rate, fee, rental, or other
 112 charge may be increased by the Authority until two advertised
 113 public hearings have been held relating to the proposed increase
 114 at a site convenient to the public located in the district area.
 115 Such public hearings shall not occur within 15 days of each
 116 other.

117 Section 2. This act shall take effect upon becoming a law.