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

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

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

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

WHEREAS, for the benefit of the inhabitants of Monroe County and as a result of substantial encouragement from state and county governmental authorities, the Authority is developing and plans to own, operate, and maintain a wastewater system for the collection, transmission, treatment, storage, and disposal 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 Decisions made by the Florida Keys Aqueduct Authority shall not  
 55 be subject to the Administrative Procedure Act, chapter 120,  
 56 Florida Statutes.

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

60 (9)(a) SEWER SYSTEM.--To purchase, construct, and



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



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91 Section 10. Rules.--Upon reasonable advance notice to the  
 92 public and an opportunity for all persons to be heard on the  
 93 matter, the board shall adopt bylaws, rules, resolutions,  
 94 regulations, and orders prescribing the powers, duties, and  
 95 functions of the members of the board and employees of the  
 96 Authority; the conduct of the business of the Authority; the  
 97 maintenance of records of the Authority, and shall adopt  
 98 administrative rules and regulations with respect to any of the  
 99 projects of the Authority. ~~All such bylaws, rules, resolutions,~~  
 100 ~~regulations, orders and administrative rules shall be adopted~~  
 101 ~~pursuant to the provisions of chapter 120, Florida Statutes.~~

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

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

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