

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 185                      Key Largo Wastewater Treatment District; Monroe County  
**SPONSOR(S):** Sorensen  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:** None

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></u>	<u>Jaroslav</u>	<u>Havlicak</u>
4) <u>Agriculture &amp; Environment Approp. (Sub)</u>	<u></u>	<u></u>	<u></u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

**SUMMARY ANALYSIS**

The Key Largo Wastewater Treatment District is an independent special district that provides wastewater treatment in Key Largo. 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 Key Largo Wastewater Treatment District 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 unknown but positive recurring fiscal impact on the district.

## 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: n/a

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

The Key Largo Wastewater Treatment District is an independent special district, created in 2002 by ch. 2002-337, L.O.F., and charged with constructing and operating a wastewater treatment system for Key Largo.<sup>1</sup> The Key Largo Wastewater Board is responsible for ensuring that state-mandated advanced wastewater treatment standards are achieved in Key Largo by 2010.<sup>2</sup> The five member governing board is elected.

The Administrative Procedure Act ("APA"), ch. 120, F.S., 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.<sup>3</sup> The APA is only applicable to other entities, such as the Key Largo Wastewater Treatment District, if provision is made for applicability of the APA in general or special law applicable to the district. Section 4(2)(b) of the current charter for the district requires it to comply with the APA. Typically, single-county districts like the Key Largo Wastewater Treatment District are not required to comply with the APA.

##### Proposed Change

This bill amends the charter of the Key Largo Wastewater Treatment District to remove the requirement that the Key Largo Wastewater Treatment District comply with the APA.

#### C. SECTION DIRECTORY:

Section 1 amends the charter of the Key Largo Wastewater Treatment District to provide that the district is not subject to the APA, 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> Key Largo is the northernmost island of the Florida Keys island chain. It sits between Everglades to the west and the coral formations of North America's only living coral barrier reef to the east. The Florida Keys National Marine Sanctuary is six miles offshore. <http://www.fla-keys.com/keylargo/?source=overture>

<sup>2</sup> <http://www.co.monroe.fl.us/KL%20Wastewater/klwd.htm>

<sup>3</sup> See s. 120.52(1), F.S.

IF YES, WHEN?

December 27, 2002

WHERE?

*The Reporter*, a weekly 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.