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) State Administration	5 Y, 0 N	Bond	Everhart	
2) Local Government & Veterans' Affairs	14 Y, 0 N	Grayson	Highsmith-Smith	
3) Judiciary	<u>15 Y, 0 N</u>	Jaroslav	<u>Havlicak</u>	
4) Agriculture & Environment Approp. (Sub)				
5) Appropriations				

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.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. STORAGE NAME: h0185e.ju.doc April 15, 2003

DATE:

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

1.	Reduce government?	Yes[x]	No[]	N/A[]
2.	Lower taxes?	Yes[]	No[]	N/A[x]
3.	Expand individual freedom?	Yes[]	No[]	N/A[x]
4.	Increase personal responsibility?	Yes[]	No[]	N/A[x]
5.	Empower families?	Yes[]	No[]	N/A[x]

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.¹ The Key Largo Wastewater Board is responsible for ensuring that state-mandated advanced wastewater treatment standards are achieved in Key Largo by 2010.² 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.³ 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 [x] No []

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¹ 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

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

³ 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 [x]

IF YES, WHEN?

- C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []
- D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] 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.

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