

By Senator Bullard

39-1082-03

See HB 143

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

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

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

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

27 WHEREAS, for the benefit of the inhabitants of Monroe
28 County and as a result of substantial encouragement from state
29 and county governmental authorities, the Authority is
30 developing and plans to own, operate, and maintain a
31 wastewater system for the collection, transmission, treatment,

1 storage, and disposal of wastewater as provided in chapter
2 76-441, Laws of Florida, as amended, in order to ensure
3 compliance with state wastewater effluent standards for water
4 quality issues in the Florida Keys, high quality of life for
5 its citizens, and the continued viability of the area for
6 tourism, and

7 WHEREAS, the provisions of the Administrative Procedure
8 Act, as applicable to the Florida Keys Aqueduct Authority, are
9 financially burdensome to water and wastewater rate payers,
10 unnecessarily time consuming, and significantly prohibitive to
11 the Authority in meeting the state mandates in a timely
12 fashion, and

13 WHEREAS, the Administrative Procedure Act is normally
14 not applicable to single county special districts, NOW,
15 THEREFORE,

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

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19 Section 1. Section 2, paragraph (a) of subsection 9 of
20 section 9, section 10, and subsection (4) of section 14 of
21 chapter 76-441, Laws of Florida, as amended, are amended to
22 read:

23 Section 2. Applicability of certain provisions of
24 Florida law to the Florida Keys Aqueduct Authority.--Except as
25 specifically provided herein, the provisions of this act shall
26 control over the provisions of any other special or general
27 law. The Florida Keys Aqueduct Authority shall not be subject
28 to the Administrative Procedure Act, chapter 120, Florida
29 Statutes.

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1 Section 9. Powers of the Authority.--In addition and
2 not in limitation of the powers of the Authority, it shall
3 have the following powers:

4 (9)(a) SEWER SYSTEM.--To purchase, construct, and
5 otherwise acquire and to improve, extend, enlarge, and
6 reconstruct a sewage disposal system or systems and to
7 purchase and/or construct or reconstruct sewer improvements
8 and to operate, manage, and control all such systems so
9 purchased and/or constructed and all properties pertaining
10 thereto and to furnish and supply sewage collection and
11 disposal services to any municipalities and any persons,
12 firms, or corporations, public or private; to prohibit or
13 regulate the use and maintenance of outhouses, privies, septic
14 tanks, or other sanitary structures or appliances within the
15 Authority boundaries, provided that prior to prohibiting the
16 use of any such facilities adequate new facilities must be
17 available; to prescribe methods of pretreatment of waste not
18 amenable to treatment, to refuse to accept such waste when not
19 sufficiently pretreated as may be prescribed and to prescribe
20 penalties for the refusal of any person or corporation to so
21 pretreat such waste; to sell or otherwise dispose of the
22 effluent, sludge, or other by-products as a result of sewage
23 treatment and to construct and operate connecting or
24 intercepting outlets, sewers and sewer mains and pipes and
25 water mains, conduits, or pipelines in, along, or under any
26 street, alley, highways, within or without the Authority
27 boundaries when deemed necessary or desirable by the board of
28 directors in accomplishing the purposes of this act, with the
29 consent of the agency owning or controlling same. All such
30 regulation herein authorized shall comply with the standards
31 and regulations pertaining to same as promulgated by the

1 Department of Health ~~and Rehabilitative Services~~ and by the
2 Department of Environmental Protection Regulation and be
3 ~~adopted pursuant to chapter 120, Florida Statutes.~~

4 Section 10. Rules.--Upon reasonable advance notice to
5 the public and an opportunity for all persons to be heard on
6 the matter, the board shall adopt bylaws, rules, resolutions,
7 regulations, and orders prescribing the powers, duties, and
8 functions of the members of the board and employees of the
9 Authority; the conduct of the business of the Authority; the
10 maintenance of records of the Authority, and shall adopt
11 administrative rules and regulations with respect to any of
12 the projects of the Authority. ~~All such bylaws, rules,~~
13 ~~resolutions, regulations, orders and administrative rules~~
14 ~~shall be adopted pursuant to the provisions of chapter 120,~~
15 ~~Florida Statutes.~~

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

18 (4) No rate, fee, rental, or other charge may be
19 established resulting in increased costs for service to the
20 customer nor may any rate, fee, rental, or other charge be
21 increased by the Authority until a public hearing has been
22 held relating to the proposed increase in the City of Key
23 West, and in the Marathon and the upper Keys areas. However,
24 if the proposed rule affects wastewater only in a single
25 wastewater district and affects rates, fees, or charges that
26 could result in increased costs of service to the customer, no
27 rate, fee, rental, or other charge may be increased by the
28 Authority until two advertised public hearings have been held
29 relating to the proposed increase at a site convenient to the
30 public located in the district area. Such public hearings
31 shall not occur within 15 days of each other.

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