

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1287

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): La Rosa

114 Y's 0 N's

COMPANION SB 996
BILLS:

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1289 passed the House on April 26, 2013, and subsequently passed the Senate on April 30, 2013.

The Tohopekaliga Water Authority (Authority) provides water, wastewater, and reclaimed water services to Osceola County, Polk County, and a portion of Orange County. The Authority was established in 2003 and is governed by a six member board, appointed by the City of Kissimmee City Commission and the Osceola County Board of County Commissioners. This bill grants these appointing bodies the option to appoint the Authority's current chair, who has served since 2003, for an additional 3-year term.

This bill has no fiscal impact on state or local government.

The bill was approved by the Governor on June 28, 2013, ch. 2013-266, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Tohopekaliga Water Authority

Purpose

The Tohopekaliga Water Authority (Authority) was created by 2003-368, L.O.F., to provide regional stewardship over water resources in Osceola County, Florida. The Poinciana System, serving Polk and Osceola Counties, transferred to the Authority in 2007. The Authority also provides services to a small section of Orange County through an interlocal agreement.

Today, the Authority is the largest provider of water, wastewater, and reclaimed water services in Osceola County, serving 73,000 water, 71,000 wastewater, and 10,000 reclaimed water customers in Kissimmee, Poinciana, and unincorporated areas of Osceola County. The Authority owns and operates 20 water plants and 10 wastewater plants while maintaining 1,174 miles of water mains, 980 miles of wastewater mains, 242 miles of reclaimed water mains, and 357 wastewater pump stations. With a 165-person workforce, the Authority treats and distributes approximately 35 million gallons of potable water and reclaims 21 million gallons of wastewater each day.

Board of Supervisors: Structure

The Authority is governed by a six-member board of supervisors, including a chairperson. The Osceola Board of County Commissioners appoints supervisors for positions one and three. The City Commission of the City of Kissimmee appoints positions two and four. Both entities collectively appoint by joint resolution position five, who also serves as the chairperson. Chapter 2007-287, L.O.F., allows for the appointment of an additional supervisor by each general purpose local government that has adopted a resolution authorizing the Authority to provide services within its boundary and has entered an interlocal agreement with the Authority. Pursuant to this, the Polk County Board of County Commissioners appointed the sixth board position in 2007.

Board of Supervisors: Payment

Board members are compensated for their services by receiving \$100 per meeting, not to exceed three meetings per month. Additionally, supervisors are reimbursed for expenses as provided in s. 112.061, F.S., or otherwise approved by the board for travel on Authority business outside of the boundaries and service area of the District. The board generally meets twice a month, but may hold a special meeting if needed.

Board of Supervisors: Term Limits

The Authority's charter limits each supervisor to no more than three consecutive 3-year terms, not including any initial term of less than 3 years. The charter staggered the terms of the first five positions by providing for varying initial terms. Positions one and three had 2-year initial terms; three and four, 3-year; five, 4-year. Therefore, consecutive term limits for the original five appointees are 11 years for positions one and two,¹ 12 years for positions three and four,² and 13 years for position five.³

¹ Initial term of 2 years, plus a maximum of three consecutive 3-year terms: $2 + 9 = 11$ years.

² Initial term of 3 years, plus a maximum of three consecutive 3-year terms: $3 + 9 = 12$ years.

³ Initial term of 4 years, plus a maximum of three consecutive 3-year terms: $4 + 9 = 13$ years.

The Authority's current six board members have served for the following terms:

- Position 1: March 2012 – Present
- Position 2: October 2011 – Present
- Position 3: December 2010 – Present
- Position 4: June 2009 – Present
- Position 5: October 2003 – Present.
- Position 6: October 2012 – Present.

The current chair has served that position since the Authority's inception in 2003. Based on the charter language, the governing bodies are unable to appoint that supervisor for another term as he has served three consecutive 3-year terms after an initial term of more than 3 years.

Effect of Changes

This bill allows the City of Kissimmee City Commission and the Osceola County Board of County Commissioners to appoint the current chair for an additional 3-year term. If these appointing bodies had and exercised that ability, the current chair's tenure would extend through September 2016.

Although the language is broad enough to allow positions three, four, and the chair the possibility of an additional term, operationally this bill will only impact the chair position as the others have already been replaced.

This bill only gives the appointing bodies the option to maintain the chair for another term, not the obligation to do so. If exercised, this option will maintain the board's most senior member for another term and provide a continuum of institutional knowledge despite recent board turnover.

This bill is effective upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 23, 2013 and February 2, 2013

WHERE? The *Orlando Sentinel*, a daily newspaper published in Osceola County, Florida; *The Ledger*, a daily newspaper published at Lakeland in Polk County, Florida; the *Osceola News-Gazette*, a twice-weekly newspaper published at Kissimmee, in Osceola County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No