

## Senate Bill No. 2890

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 amended, in order to ensure compliance with state wastewater effluent standards for water quality issues in the Florida Keys, high quality of life for its citizens, and the continued viability of the area for tourism, and

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

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

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

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

Section 2. Applicability of certain provisions of Florida law to the Florida Keys Aqueduct Authority.—Except as specifically provided herein, the provisions of this act shall control over the provisions of any other special or

general law. Decisions made by the Florida Keys Aqueduct Authority shall not be subject to the Administrative Procedure Act, chapter 120, Florida Statutes.

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

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

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

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

(4) No rate, fee, rental, or other charge may be established resulting in increased costs for service to the customer nor may any rate, fee, rental, or other charge be increased by the Authority until a public hearing has been held relating to the proposed increase in the City of Key West, and in the Marathon and the upper Keys areas. However, if the proposed rule affects wastewater only in a single wastewater district and affects rates, fees, or

charges that could result in increased costs of service to the customer, no rate, fee, rental, or other charge may be increased by the Authority until two advertised public hearings have been held relating to the proposed increase at a site convenient to the public located in the district area. Such public hearings shall not occur within 15 days of each other.

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

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.