

ENROLLED

CS/HB 1177, Engrossed 1

2021 Legislature

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An act relating to Biscayne Bay; creating s. 163.11, F.S.; establishing the Biscayne Bay Commission; providing for commission purpose, membership, duties, and authority; amending s. 403.086, F.S.; prohibiting sewage disposal facilities from disposing of any wastes into Biscayne Bay without providing advanced waste treatment; providing an effective date.

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

Section 1. Section 163.11, Florida Statutes, is created to read:

163.11 Biscayne Bay Commission.—

(1) The Biscayne Bay Commission is hereby established as an advisory council, as defined in s. 20.03, within the Department of Environmental Protection. The department shall provide administrative support and service to the commission as requested by the commission and within the available resources of the department. The commission shall comply with the requirements of s. 20.052 except as otherwise provided in this section.

(2) The commission shall serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay to unite all governmental agencies,

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26 businesses, and residents in the area to speak with one voice on
 27 bay issues; to develop coordinated plans, priorities, programs,
 28 and projects that might substantially improve the bay area; and
 29 to act as the principal advocate and watchdog to ensure that bay
 30 projects are funded and implemented in a proper and timely
 31 manner.

32 (3) (a) The Biscayne Bay Commission shall be comprised of
 33 the following members:

34 1. One member appointed by the Governor.

35 2. Three members of the Miami-Dade Board of County
 36 Commissioners, appointed by the board.

37 3. One member of the Miami-Dade County League of Cities
 38 who resides within the boundaries of a city that borders
 39 Biscayne Bay, nominated by the league and appointed by the
 40 Secretary of Environmental Protection. To the extent
 41 practicable, the league must nominate a member from each city
 42 that borders Biscayne Bay on a rotating basis.

43 4. One member of the South Florida Water Management
 44 District Governing Board who resides in Miami-Dade County,
 45 appointed by the board.

46 5. One representative of the Department of Environmental
 47 Protection, appointed by the Secretary of Environmental
 48 Protection.

49 6. One representative of the Fish and Wildlife
 50 Conservation Commission, appointed by the commission.

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51 7. One representative of the Florida Inland Navigation
 52 District, appointed by the district.

53 (b) Members shall serve for a term of 4 years; however,
 54 for the purpose of providing staggered terms, the initial
 55 appointments of representatives of the South Florida Water
 56 Management District Governing Board, the Department of
 57 Environmental Protection, the Fish and Wildlife Conservation
 58 Commission, and the Florida Inland Navigation District shall be
 59 for a term of 2 years. A vacancy shall be filled for the
 60 remainder of the unexpired term in the same manner as the
 61 initial appointment. Notwithstanding s. 20.052, private citizen
 62 members of the commission are not required to be confirmed by
 63 the Senate.

64 (c) All members shall be voting members.

65 (d) Members of the commission shall serve without
 66 compensation and are not entitled to reimbursement for per diem
 67 and travel expenses pursuant to s. 112.061.

68 (4) The commission may meet monthly, but shall meet at
 69 least quarterly.

70 (5) The commission shall:

71 (a) Consolidate existing plans, programs, and proposals,
 72 including the recommendations outlined in the June 2020 Biscayne
 73 Bay Task Force report, into a coordinated strategic plan for
 74 improvement of Biscayne Bay and the surrounding areas,
 75 addressing environmental, economic, social, recreational, and

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76 | aesthetic issues. The commission shall monitor the progress on
77 | each element of such plan and shall revise the plan regularly.

78 | (b) Prepare a consolidated financial plan using the
79 | projected financial resources available from the different
80 | jurisdictional agencies. The commission shall monitor the
81 | progress on each element of such plan and revise the plan
82 | regularly.

83 | (c) Provide technical assistance and support as needed to
84 | help implement each element of the strategic and financial
85 | plans.

86 | (d) Work in consultation with the United States Department
87 | of the Interior.

88 | (e) Provide a forum for exchange of information.

89 | (f) Act as a clearinghouse for public information.

90 | (6) The commission may establish subcommittees as
91 | necessary to carry out its responsibilities.

92 | (7) The commission shall submit a semiannual report
93 | describing the accomplishments of the commission and each member
94 | agency, as well as the status of each pending task, to the Miami
95 | City Commission, the Miami-Dade County Board of County
96 | Commissioners, the Mayor of Miami, the Mayor of Miami-Dade
97 | County, the Governor, and the chair of the Miami-Dade County
98 | Legislative Delegation. The first report shall be submitted by
99 | January 15, 2022. The report shall also be made available on the

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100 Department of Environmental Protection's website and Miami-Dade
 101 County's website.

102 (8) This act does not affect or supersede the regulatory
 103 authority of any governmental agency or any local government,
 104 and any responsibilities of any governmental entity relating to
 105 Biscayne Bay remain with the respective governmental entity.

106 Section 2. Paragraph (c) of subsection (1) of section
 107 403.086, Florida Statutes, is amended to read:

108 403.086 Sewage disposal facilities; advanced and secondary
 109 waste treatment.—

110 (1)

111 (c) Notwithstanding this chapter or chapter 373, sewage
 112 disposal facilities may not dispose of any wastes into Old Tampa
 113 Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph
 114 Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay,
 115 Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or,
 116 beginning July 1, 2025, Indian River Lagoon, or into any river,
 117 stream, channel, canal, bay, bayou, sound, or other water
 118 tributary thereto, without providing advanced waste treatment,
 119 as defined in subsection (4), approved by the department. This
 120 paragraph does not apply to facilities which were permitted by
 121 February 1, 1987, and which discharge secondary treated
 122 effluent, followed by water hyacinth treatment, to tributaries
 123 of tributaries of the named waters; or to facilities permitted
 124 to discharge to the nontidally influenced portions of the Peace

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125 | River.

126 | Section 3. This act shall take effect upon becoming a law.