

By Senator Garcia

37-01395-21

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1 A bill to be entitled
2 An act relating to Biscayne Bay; creating s. 163.11,
3 F.S.; establishing the Biscayne Bay Commission;
4 providing for commission purpose, membership, duties,
5 and authority; amending s. 403.086, F.S.; prohibiting
6 sewage disposal facilities from disposing of any
7 wastes into Biscayne Bay; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

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

13 163.11 Biscayne Bay Commission.—

14 (1) (a) The Biscayne Bay Commission is hereby established as
15 the official coordinating clearinghouse for all public policy
16 and projects related to Biscayne Bay to unite all governmental
17 agencies, businesses, and residents in the area to speak with
18 one voice on bay issues; to develop coordinated plans,
19 priorities, programs, projects, and budgets that might
20 substantially improve the bay area; and to act as the principal
21 advocate and watchdog to ensure that bay projects are funded and
22 implemented in a proper and timely manner. The commission shall
23 comply with the requirements of s. 20.052 except as otherwise
24 provided in this section.

25 (b) The commission may seek and receive funding to further
26 its coordinating authority or functions regarding bay
27 improvement projects of the commission. This act does not affect
28 or supersede the regulatory authority of any governmental agency
29 or any local government, and any responsibilities of any

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30 governmental entity relating to Biscayne Bay remain with the
31 respective governmental entity. However, the commission may
32 accept any specifically defined coordinating authority or
33 functions delegated to the commission by any governmental entity
34 through a memorandum of understanding or other legal instrument.
35 The commission shall use powers of persuasion to achieve its
36 objectives through the process of building a consensus work plan
37 and through widespread publication of regular progress reports.

38 (2) The Biscayne Bay Commission shall consist of:

39 (a) A policy committee comprised of three members of the
40 Miami-Dade Board of County Commissioners; three members of the
41 Miami-Dade County League of Cities; one member of the South
42 Florida Water Management District Governing Board who resides in
43 Miami-Dade County; one representative of the Department of
44 Environmental Protection; one representative of the Fish and
45 Wildlife Conservation Commission; one representative of the
46 Florida Inland Navigation District; and one representative of
47 the United States Department of the Interior. All members shall
48 be voting members. The policy committee may meet monthly, but
49 shall meet at least quarterly.

50 (b) A chief officer, who shall be authorized to represent
51 the commission and to implement all policies, plans, and
52 programs of the commission. The chief officer shall advise the
53 Miami-Dade County Mayor and act as a liaison with county
54 departments, county boards, external agencies, stakeholder
55 groups, and local, state, and federal governments.

56 (c) A working group consisting of all governmental agencies
57 that have jurisdiction in the Biscayne Bay area, as well as
58 representatives from business and civic associations.

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59 (3) The policy committee shall have the following powers
60 and duties:

61 (a) Consolidate existing plans, programs, and proposals,
62 including the recommendations outlined in the June 2020 Biscayne
63 Bay Task Force report, into a coordinated strategic plan for
64 improvement of Biscayne Bay and the surrounding areas,
65 addressing environmental, economic, social, recreational, and
66 aesthetic issues. The committee shall monitor the progress on
67 each element of such plan and shall revise the plan regularly.

68 (b) Prepare an integrated financial plan using the
69 different jurisdictional agencies available for projected
70 financial resources. The committee shall monitor the progress on
71 each element of such plan and revise the plan regularly.

72 (c) Provide technical assistance and political support as
73 needed to help implement each element of the strategic and
74 financial plans.

75 (d) Accept any specifically defined coordinating authority
76 or function delegated to the committee by any level of
77 government through a memorandum of understanding or other legal
78 instrument.

79 (e) Publicize a semiannual report describing
80 accomplishments of the commission and each member agency, as
81 well as the status of each pending task. The committee shall
82 distribute the report to the Miami City Commission, the Miami-
83 Dade County Board of County Commissioners, the Mayor of Miami,
84 the Mayor of Miami-Dade County, the Governor, the chair of the
85 Miami-Dade County Legislative Delegation, stakeholders, and the
86 local media.

87 (f) Seek grants from public and private sources and receive

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88 grant funds to provide for the enhancement of its coordinating
89 authority and functions and activities and administer contracts
90 that achieve these goals.

91 (g) Provide a forum for the exchange of information and
92 facilitate the resolution of conflicts.

93 (h) Act as a clearinghouse for public information and
94 conduct public education programs.

95 (i) Establish the Biscayne Bay working group, appoint
96 members to the group, and organize subcommittees, delegate
97 tasks, and seek counsel from members of the working group as
98 necessary to carry out the powers and duties listed in this
99 subsection.

100 (j) Elect officers and adopt rules of procedure as
101 necessary to carry out the powers and duties listed in this
102 subsection and solicit appointing authorities to name
103 replacements for policy committee members who do not participate
104 on a regular basis.

105 (k) Hire the commission's chief officer and employ any
106 additional staff necessary to assist the chief officer.

107 Section 2. Paragraph (c) of subsection (1) of section
108 403.086, Florida Statutes, is amended to read:

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

111 (1)

112 (c) Notwithstanding this chapter or chapter 373, sewage
113 disposal facilities may not dispose of any wastes into Old Tampa
114 Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph
115 Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay,
116 Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or,

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117 beginning July 1, 2025, Indian River Lagoon, or into any river,
118 stream, channel, canal, bay, bayou, sound, or other water
119 tributary thereto, without providing advanced waste treatment,
120 as defined in subsection (4), approved by the department. This
121 paragraph does not apply to facilities which were permitted by
122 February 1, 1987, and which discharge secondary treated
123 effluent, followed by water hyacinth treatment, to tributaries
124 of tributaries of the named waters; or to facilities permitted
125 to discharge to the nontidally influenced portions of the Peace
126 River.

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