

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: PCS/SB 1482 (305928)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Agriculture, Environment, and Natural Resources and Senators Garcia and Pizzo)

SUBJECT: Biscayne Bay

DATE: April 21, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schreiber</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Fav/CS</u>
3.	<u>Reagan</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1482 creates the Biscayne Bay Commission (commission) as an advisory council within the Department of Environmental Protection (DEP) to coordinate and advocate for new and existing plans and programs for improvement of Biscayne Bay and the surrounding areas.

The bill provides that the commission shall serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay to unite all entities in the area:

- To speak with one voice on bay issues;
- To develop coordinated plans, priorities, programs, and projects that will improve the bay; and
- To act as the principal advocate to ensure that bay projects are funded and implemented in a proper and timely manner.

The bill provides that the commission shall:

- Consolidate existing plans, programs, and proposals, including recommendations from the June 2020 Biscayne Bay Task Force report into a coordinated strategic plan for the improvement of Biscayne Bay.
- Prepare a financial plan using the projected financial resources available from the different jurisdictional agencies, monitor the progress of the plan and revise the plan regularly.

- Provide technical assistance and support as needed to implement the strategic and financial plans.
- Work in consultation with the U.S. Department of the Interior.
- Provide a forum and act as a clearinghouse for exchange of information.

The bill provides that the commission may establish subcommittees as necessary to carry out its responsibilities.

The bill requires the commission to submit a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task to the Miami City Commission, the Miami-Dade County Board of County Commissioners, the Mayor of Miami, the Mayor of Miami-Dade County, the Governor, and the chair of the Miami-Dade County Legislative Delegation.

The bill requires the first report be submitted January 15, 2022.

The bill requires the report to be made available on the DEP and Miami-Dade County websites.

The bill provides that this act does not affect or supersede the regulatory authority of any governmental agency or any local government, and any responsibilities of any governmental entity relating to Biscayne Bay remain with the respective governmental entity.

The bill also prohibits sewage disposal facilities from disposal of any wastes into Biscayne Bay or its tributaries without providing advanced waste treatment.

The bill will have an indeterminate negative fiscal impact on the agencies staffing the commission.

The bill takes effect upon becoming a law.

## II. Present Situation:

### Biscayne Bay

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.<sup>1</sup> The bay is home to over 500 species of fish and other marine organisms, and it is a source of sustenance, economic activity, and recreational opportunities for nearly 2.8 million residents and millions of visitors each year.<sup>2</sup> Historically, Biscayne Bay would receive freshwater from the Everglades through coastal water bodies and wetlands, as well as

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<sup>1</sup> Biscayne Bay Task Force, *A Unified Approach to Recovery for a Healthy & Resilient Biscayne Bay*, *Biscayne Bay Task Force Report and Recommendations* (June 2020) (hereinafter *2020 Task Force Report*), available at [https://ecmrer.miamidade.gov/OpenContent/rest/content/content/MANAGEMENT%20PLAN.pdf?id=0902a1348f07bc65&contentType\[\]=pdf,txt,\\*/true](https://ecmrer.miamidade.gov/OpenContent/rest/content/content/MANAGEMENT%20PLAN.pdf?id=0902a1348f07bc65&contentType[]=pdf,txt,*/true) (last visited Mar. 8, 2021).

<sup>2</sup> *Id.* at 4; United States Army Corps of Engineers (USACE), *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited Mar. 9, 2021).

groundwater discharges.<sup>3</sup> The shoreline originally consisted of mangroves and freshwater and saltwater marshes. The estuary's benthic (bottom) habitat was dominated by seagrasses, corals, and sponges.<sup>4</sup> The bay is part of a watershed that covers most of Miami-Dade County, and today the land to the west of the bay is generally characterized by three major regions: a highly urbanized northern region enclosed with islands, a central suburban region that is highly urbanized, and a southern region that is used largely for agriculture.<sup>5</sup>

Around the mid-1900s, environmental conditions in Biscayne Bay began to change in response to rapid population growth in southeast Florida and large-scale drainage and flood protection systems along the coast, including the Central and Southern Florida (C&SF) project.<sup>6</sup> Natural sheet flow and groundwater discharges into the bay were almost completely eliminated due to conversion of rivers and creeks into canals, construction of levies, and development of urban and agricultural areas.<sup>7</sup> The coastal water table has been lowered, which increases saltwater encroachment.<sup>8</sup> Destruction of coastal wetlands eliminated natural filtration of pollutants, and increased runoff from urbanized and agricultural areas have increased nutrient loading, decreasing water quality in the bay.<sup>9</sup> In recent years, the bay has experienced widespread loss of seagrass and decreasing biodiversity.<sup>10</sup> Since 2005, the bay has experienced six major ecological events, including algal blooms, seagrass die-offs, and a fish kill in 2020.<sup>11</sup>

Today, the bay receives pulsed, point source discharges from canals, in addition to rainfall and groundwater discharges.<sup>12</sup> The bay currently faces numerous sources of pollution including pet waste, fertilizer, yard clippings, leaking sewer infrastructure, and septic tank effluent.<sup>13</sup> Challenges presented by storms and sea level rise compound and complicate these issues.<sup>14</sup>

The bay is managed mainly by the Department of Environmental Protection (DEP) or the National Park Service within the U.S. Department of the Interior. Biscayne Bay contains or abuts numerous areas designated as having special ecological significance and legal protections at the national, state, and local levels. These areas include the following:

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<sup>3</sup> Anna Wachnicka, South Florida Water Management District (SFWMD), Governing Board Workshop, *Ecological Characteristics of Biscayne Bay*, slide 3 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26871> (last visited Mar. 9, 2021).

<sup>4</sup> Anna Wachnicka, SFWMD, Governing Board Workshop, video around 0:11:00 (Dec. 9, 2020), available at <http://sfwmd.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2043&Format=Agenda> (last visited Mar. 9, 2021).

<sup>5</sup> Lawrence Glenn, SFWMD, Governing Board Workshop, *Biscayne Bay Workshop*, slides 2-4 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26870> (last visited Mar. 9, 2021).

<sup>6</sup> *Id.*; see Matahal Ansar, SFWMD, Governing Board Workshop, *Operations of C&SF Water Control Structures Discharging to Biscayne Bay*, slide 3 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26872> (last visited Mar. 9, 2021).

<sup>7</sup> Anna Wachnicka, SFWMD, *Governing Board Workshop*, video around 0:14:00 (Dec. 9, 2020).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Anna Wachnicka, SFWMD, Governing Board Workshop, *Ecological Characteristics of Biscayne Bay*, slides 3, 8-10, 21 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26871> (last visited Mar. 9, 2021).

<sup>11</sup> Christian Avila, SFWMD, Governing Board Workshop, *Water Quality of the Biscayne Bay Watershed*, 4-5 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26873> (last visited Mar. 9, 2021).

<sup>12</sup> *2020 Task Force Report*, at 4.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

- Miami-Dade County Aquatic Park and Conservation Area;<sup>15</sup>
- Biscayne Bay Aquatic Preserve;<sup>16</sup>
- Biscayne Bay-Cape Florida to Monroe County Line Aquatic Preserve;<sup>17</sup>
- Bill Sadowski Critical Wildlife Area;<sup>18</sup>
- Bill Baggs Cape Florida State Park;<sup>19</sup>
- Biscayne National Park;<sup>20</sup> and
- Florida Keys National Marine Sanctuary.<sup>21</sup>

Biscayne Bay is subject to estuary-specific numeric nutrient criteria that are established by the DEP.<sup>22</sup> Under the DEP's rules, the waters in Biscayne Bay's state aquatic preserves and Biscayne National Park are designated as Outstanding Florida Waters.<sup>23</sup>

The Comprehensive Everglades Restoration Plan (CERP) is a regional program, implemented through a partnership between the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (USACE), largely based on modifications to the C&SF project.<sup>24</sup> Recently, in partnership with the USACE, the SFWMD began the Biscayne Bay and Southeastern Everglades Restoration initiative, a planning feasibility study involving six CERP component projects.<sup>25</sup> The objectives of the study include improving distribution of freshwater to Biscayne Bay, improving ecological and hydrological connectivity between coastal wetlands, and increasing resiliency of coastal habitats to sea level rise.<sup>26</sup>

In August of 2019, a grand jury convened by the Miami-Dade State Attorney's Office issued a report finding that Biscayne Bay is now in a "precarious balance," with three major problems negatively impacting the water quality of the bay:

- Sewage contamination, which results in excessive amounts of harmful bacteria;
- The presence of excess nutrients, which results in destructive algal blooms; and

<sup>15</sup> See Miami-Dade County Code of Ordinances, s. 24-48.22.

<sup>16</sup> Section 258.397, F.S. The law prohibits the discharge into the preserve of wastes or effluents which substantially inhibit the purposes of the section.

<sup>17</sup> See s. 258.39(11), F.S.

<sup>18</sup> Fish and Wildlife Conservation Commission (FWC), *Bill Sadowski CWA*, <https://myfwc.com/conservation/terrestrial/cwa/bill-sadowski/> (last visited Mar. 9, 2021).

<sup>19</sup> Department of Environmental Protection (DEP), *Bill Baggs Cape Florida State Park*, <https://www.floridastateparks.org/parks-and-trails/bill-baggs-cape-florida-state-park> (last visited Mar. 9, 2021).

<sup>20</sup> National Park Service (NPS), *Biscayne National Park*, <https://www.nps.gov/bisc/index.htm> (last visited Mar. 9, 2021).

<sup>21</sup> National Oceanic and Atmosphere Administration (NOAA), *Florida Keys National Marine Sanctuary*, <https://floridakeys.noaa.gov/> (last visited Mar. 9, 2021).

<sup>22</sup> Fla. Admin. Code R. 62-302.532(1)(h).

<sup>23</sup> Fla. Admin. Code R. 62-302.700(9).

<sup>24</sup> USACE and US Department of Interior, *2015-2020 Momentum, Report to Congress, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project*, 6 (Dec. 2020), available at [https://issuu.com/usace\\_saj/docs/final\\_2020\\_report\\_to\\_congress\\_on\\_cerp\\_progress\\_hig](https://issuu.com/usace_saj/docs/final_2020_report_to_congress_on_cerp_progress_hig) (last visited Jan. 18, 2021).

<sup>25</sup> Mindy Parrott, SFWMD, *Governing Board Workshop, Biscayne Bay and Southeastern Everglades Restoration (BBSEER), Comprehensive Everglades Restoration Plan*, 2 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26877> (last visited Mar. 9, 2021).

<sup>26</sup> *Id.* at 3.

- Pollution and littering, which result in massive amounts of trash being discharged into the bay via the storm drainage system.<sup>27</sup>

The report stated that, without corrective action, the declining water quality of Biscayne Bay may become irreversible.<sup>28</sup>

### ***Biscayne Bay Task Force***

In 2019, the Miami-Dade Board of County Commissioners established by resolution the Biscayne Bay Task Force (task force).<sup>29</sup> The task force was established to advise the board of county commissioners and the mayor of Miami-Dade County on issues related to Biscayne Bay.<sup>30</sup> It was required to review existing information, hear comments from county staff and stakeholders, and prepare a report including: an action plan identifying problem areas and projects, and recommendations regarding proposed state and federal legislation, activities or appropriations.<sup>31</sup> Membership consisted of nine county residents including the Director of the County Division of Environmental Resources Management, the County's Chief Resilience Officer, experts in a range of issues, and other community members engaged on the issues.<sup>32</sup> Ultimately, the task force met 18 times and received approximately 35 presentations regarding Biscayne Bay from a broad array of stakeholders.<sup>33</sup> The task force submitted its report in June of 2020 and dissolved in August of 2020.

In the report, the task force recommended a unified and collaborative approach to restoring Biscayne Bay. The report recommends the establishment of an overarching administrative structure to implement the report's recommendations.<sup>34</sup> This recommended structure involves Miami-Dade County creating an intergovernmental Biscayne Bay Watershed Management Board supported by necessary experts and community input, a Chief Bay Officer in the Office of the Mayor, and a Biscayne Bay Watershed Restoration Plan, developed and implemented by the watershed management board, which implements the recommendations of the task force.<sup>35</sup> The report contains over 60 task force recommendations under the following seven policy themes:

- Water Quality.
- Governance.
- Infrastructure.
- Watershed Habitat Restoration and Natural Infrastructure.
- Marine Debris.

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<sup>27</sup> Miami-Dade County Grand Jury, *Final Report of the Miami-Dade County Grand Jury: Fall Term A.D. 2018*, 2 (Aug. 8, 2019), available at <https://www.documentcloud.org/documents/6248684-Grand-Jury-Report-Biscayne-Bay.html> (last visited Mar. 9, 2021). In general, the report discusses many topics including direct discharge of sewage into the ocean, leaking sewer pipes, single use plastics, sediment, stormwater runoff, agricultural activities, and contamination of the Biscayne Aquifer through septic tanks and hypersaline water in cooling canals associated with a power plant.

<sup>28</sup> *Id.*

<sup>29</sup> Miami-Dade County, *Biscayne Bay Task Force*, <https://www.miamidade.gov/global/government/taskforce/biscayne-bay-task-force.page> (last visited Mar. 8, 2021).

<sup>30</sup> Miami-Dade County Board of County Commissioners, *Resolution No. 165-19, 2-4* (Feb. 5, 2019), available at <https://www.miamidade.gov/global/government/taskforce/biscayne-bay-task-force.page> (last visited Mar. 8, 2021).

<sup>31</sup> *Id.* at 5.

<sup>32</sup> *Id.* at 6.

<sup>33</sup> See *2020 Task Force Report*, at 2.

<sup>34</sup> *Id.* at 7.

<sup>35</sup> *Id.* at 7.

- Education and Outreach.
- Funding.<sup>36</sup>

### Advanced Waste Treatment

Chapter 403, F.S., requires that any facility or activity which discharges wastes into waters of the state or which will reasonably be expected to be a source of water pollution must obtain a permit from the DEP.<sup>37</sup> Generally, persons who intend to collect, transmit, treat, dispose, or reuse wastewater are required to obtain a wastewater permit. A wastewater permit issued by the DEP is required for both operation and certain construction activities associated with domestic or industrial wastewater facilities or activities. A DEP permit must also be obtained prior to construction of a domestic wastewater collection and transmission system.<sup>38</sup>

Florida law prohibits sewage disposal facilities from disposing of any wastes into certain specified water bodies,<sup>39</sup> or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment that is approved by the DEP.<sup>40</sup> The applicable standard for advanced waste treatment is defined in statute using the maximum concentrations of nutrients or contaminants that a reclaimed water product may contain.<sup>41</sup> The reclaimed water product may contain no more, on a permitted annual average basis, than the concentrations listed in the table below.<sup>42</sup> The standard also requires high-level disinfection, as defined in rule by the DEP.<sup>43</sup>

These requirements do not prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.<sup>44</sup>

Nutrient or Contaminant	Maximum Concentration Annually
Biochemical Oxygen Demand	5 mg/L
Suspended Solids	5 mg/L
Total Nitrogen	3 mg/L
Total Phosphorus <sup>45</sup>	1 mg/L

<sup>36</sup> *Id.* at 9-29, 39-40.

<sup>37</sup> Section 403.087, F.S.

<sup>38</sup> DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Mar. 9, 2021).

<sup>39</sup> Section 403.086, (1)(c), F.S. These specified water bodies are: Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, and, beginning July 1, 2025, Indian River Lagoon; ch. 86-173, s. 2, Laws of Fla. This prohibition was originally passed in 1987; ch. 2020-150, s. 17, Laws of Fla. The prohibition was amended in 2020.

<sup>40</sup> Section 403.086, (1)(c), F.S.

<sup>41</sup> Section 403.086(4), F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 403.086(4)(b), F.S.; Fla. Admin. Code R. 62-600.440(6).

<sup>44</sup> Section 403.086(3), F.S.

<sup>45</sup> Section 403.086(4), F.S. In waters where phosphorus has been shown not to be a limiting nutrient or contaminant, DEP is authorized to waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

When a reclaimed water product has been established to be in compliance with these standards, that water is presumed to be allowable, and its discharge is permitted in the specified waters at a reasonably accessible point where such discharge results in minimal negative impact.<sup>46</sup> This presumption may only be overcome by a demonstration that one or more of the following would occur:

- Discharging the reclaimed water meeting the advanced waste treatment standard will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters, and is not clearly in the public interest.
- The reclaimed water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.
- The increased volume of fresh water contributed by the reclaimed water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing.<sup>47</sup>

If one of these three conditions has been demonstrated, remedies may include, but are not limited to: requiring more stringent effluent limitations, ordering the point or method of discharge changed, limiting the duration or volume of the discharge, or prohibiting the discharge only if no other alternative is in the public interest.<sup>48</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 163.11, F.S., entitled “Biscayne Bay Commission.”

The bill establishes the Biscayne Bay Commission (commission) as an advisory council within the Department of Environmental Resources (DEP) and the DEP shall provide administrative support and service within available resources.

The bill provides that the commission shall serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay to unite all governmental agencies, businesses, and residents in the area to speak with one voice on bay issues; to develop coordinated plans, priorities, programs, projects, and budgets that might substantially improve the bay area; and to act as the principal advocate and watchdog to ensure that bay projects are funded and implemented in a proper and timely manner. The bill requires the commission, except as otherwise provided in the bill, to comply with s. 20.052, F.S., which contains requirements for establishing, evaluating, or maintaining commissions that are created by specific statutory enactment.

The commission shall be comprised of the following members:

- One member appointed by the Governor.
- Three members of the Miami-Dade Board of County Commissioners, appointed by the board.
- One member of the Miami-Dade County League of Cities, nominated by the league and appointed by the Secretary of the DEP.

<sup>46</sup> Section 403.086(5), F.S.

<sup>47</sup> Section 403.086(5)(a), F.S.

<sup>48</sup> Section 403.086(5)(b), F.S.



- One member of the South Florida Water Management District Governing Board (SFWMD) who resides in Miami-Dade County, appointed by the board.
- One representative of the DEP, appointed by the Secretary of the DEP.
- One representative of the Fish and Wildlife Conservation Commission (FWC), appointed by the commission.
- One representative of the Florida Inland Navigation District (IND)<sup>49</sup> appointed by the district.
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- The bill provides that regarding membership of the commission:
  - Members shall serve four year terms, however, for the purpose of providing staggered terms, the initial appointments of representatives of the SFWMD, the DEP, the FWC, and the IND shall be for two years.
  - A vacancy shall be filled for the remainder of the unexpired term in the same manner as the initial appointment.
  - Notwithstanding s. 20.502, F.S., private citizen members of the commission are not required to be confirmed by the Senate.
  - All members shall be voting members.
  - Members shall serve without compensation and are not entitled to reimbursement for per diem and travel expenses.
  - The commission may meet monthly, but must meet at least quarterly.
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The bill provides that the commission shall:

- Consolidate existing plans, programs, and proposals, including the recommendations outlined in the June 2020 Biscayne Bay Task Force report, into a coordinated strategic plan for improvement of Biscayne Bay and the surrounding areas. The plan must address environmental, economic, social, recreational, and aesthetic issues. The committee shall monitor the progress on each element of the coordinated strategic plan and revise it regularly.
- Prepare a consolidated financial plan using the different jurisdictional agencies available for projected financial resources. The committee must monitor the progress on each element of the integrated financial plan and revise it regularly.
- Provide technical assistance and political support as needed to help implement each element of the strategic and financial plans.
- Work in consultation with the United States Department of the Interior.
- Provide a forum for exchange of information.
- Act as a clearinghouse for public information.
- Submit a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The committee must distribute the report to:
  - The Miami City Commission;
  - The Miami-Dade County Board of County Commissioners;
  - The Mayor of Miami;
  - The Mayor of Miami-Dade County;
  - The Governor;

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<sup>49</sup> See Florida Inland Navigation District, <http://www.aicw.org/> (last visited Mar. 9, 2021). The Florida Inland Navigation District is a special State taxing district for the continued management and maintenance of the Atlantic Intracoastal Waterway, commonly referred to as M-95 marine highway.



- The chair of the Miami-Dade County Legislative Delegation.

The bill provides that the first report shall be submitted by January 15, 2022. The report shall also be made available on the DEP's and the Miami-Dade County's websites.

The bill provides that this act does not affect or supersede the regulatory authority of any governmental agency or any local government, and any responsibilities of any governmental entity relating to Biscayne Bay remain with the respective governmental entity.

**Section 2** amends s. 403.086, F.S., which establishes waste treatment requirements for sewage disposal facilities.

The bill prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in s. 403.086(4), F.S., approved by the DEP. This requirement does not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of Biscayne Bay.

**Section 3** states that the act shall take effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

The bill prohibits sewage disposal facilities from disposing of wastes into Biscayne Bay or its tributaries without providing advanced waste treatment. This may result in indeterminate increased costs to private sewage disposal facilities in the areas surrounding Biscayne Bay.

**C. Government Sector Impact:**

The bill creates a commission that must meet at least quarterly, and part of it must consist of members from specified local, state, and federal government entities. This may result in indeterminate increased costs to the government entities required to provide one or more members. The commission is authorized to seek and receive funding, including grant funding, to further or enhance its purposes. Pursuant to s. 20.052(4)(d), F.S., members may be authorized to receive per diem and reimbursement for travel expenses.

The bill prohibits sewage disposal facilities from disposing of wastes into Biscayne Bay or its tributaries without providing advanced waste treatment. This may result in indeterminate increased costs to public sewage disposal facilities in the areas surrounding Biscayne Bay.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 163.11 of the Florida Statutes.

This bill substantially amends section 403.086 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**PCS (305928) by Appropriations (Recommended by Appropriations Subcommittee on Agriculture, Environment, and General Government):**

The committee substitute:

- Establishes the Biscayne Bay Commission (Commission) as an advisory council, as defined in statute, within the Department of Environmental Protection (DEP).
- Requires DEP to provide administrative support and service to the Commission as requested by the Commission and within DEP's available resources.

- Provides for the following Commission membership and specified appointment processes:
  - One member appointed by the Governor.
  - Three members of the Miami-Dade Board of County Commissioners, appointed by the board.
  - One member of the Miami-Dade County League of Cities, nominated by the league and appointed by the Secretary of Environmental Protection.
  - One member of the South Florida Water Management District Governing Board who resides in Miami-Dade County, appointed by the board.
  - One representative of the Department of Environmental Protection, appointed by the Secretary of Environmental Protection.
  - One representative of the Fish and Wildlife Conservation Commission, appointed by the commission.
  - One representative of the Florida Inland Navigation District, appointed by the district.
- Requires that members serve four-year terms. For the purpose of providing staggered terms, the initial appointments of representatives from the following entities are for two-year terms: the South Florida Water Management District, DEP, the Fish and Wildlife Conservation Commission, and the Florida Inland Navigation District.
- Requires that a vacancy be filled in the same manner as the initial appointment.
- Provides that private citizen members of the Commission are not required to be confirmed by the Florida Senate.
- Requires members of the Commission to serve without compensation, and provides that members are not entitled to reimbursement for per diem and travel expenses.
- Provides that all members of the Commission are voting members.
- Requires the Commission to meet at least quarterly, and authorizes it to meet monthly.
- Requires the Commission to implement specified activities, instead of granting similar duties to a policy committee within the Commission.
- Requires the Commission to work in consultation with the U.S. Department of the Interior.
- Authorizes the Commission to establish subcommittees as necessary.
- Requires the Commission's first semiannual report to be submitted by January 15, 2022, and the report must be made available on the websites of DEP and Miami-Dade County.

The amendment deletes from the underlying bill provisions that do the following:

- Authorize the Commission to seek and receive funding.
- Authorize the Commission to accept specifically defined coordinating authority or functions delegated to the Commission by a governmental entity.
- Require that the Commission consist of three parts:
  - A policy committee that must meet at least quarterly, with specified membership of voting members.
  - A chief officer that represents the Commission as a liaison.

- A working group consisting of government agencies as well as representatives from business and civic associations.
- Authorize the following powers and duties of the policy committee, which the amendment does not retain as responsibilities of the Commission:
  - Accept specifically defined coordinating authority or functions delegated to the committee by government entities.
  - Seek grant funding and administer contracts.
  - Facilitate the resolution of conflicts.
  - Conduct public education programs.

B. Amendments:

None.