

By the Committee on Appropriations; and Senators Garcia and Pizzo

576-04657-21

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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 without providing advanced
8 waste treatment; providing an effective date.

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

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

14 163.11 Biscayne Bay Commission.-

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

23 (2) The commission shall serve as the official coordinating
24 clearinghouse for all public policy and projects related to
25 Biscayne Bay to unite all governmental agencies, businesses, and
26 residents in the area to speak with one voice on bay issues; to
27 develop coordinated plans, priorities, programs, and projects
28 that might substantially improve the bay area; and to act as the
29 principal advocate and watchdog to ensure that bay projects are

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30 funded and implemented in a proper and timely manner.

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

33 1. One member appointed by the Governor.

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

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

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

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

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

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

52 (b) Members shall serve for a term of 4 years; however, for
53 the purpose of providing staggered terms, the initial
54 appointments of representatives of the South Florida Water
55 Management District Governing Board, the Department of
56 Environmental Protection, the Fish and Wildlife Conservation
57 Commission, and the Florida Inland Navigation District shall be
58 for a term of 2 years. A vacancy shall be filled for the

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59 remainder of the unexpired term in the same manner as the
60 initial appointment. Notwithstanding s. 20.052, private citizen
61 members of the commission are not required to be confirmed by
62 the Senate.

63 (c) All members shall be voting members.

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

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

69 (5) The commission shall:

70 (a) Consolidate existing plans, programs, and proposals,
71 including the recommendations outlined in the June 2020 Biscayne
72 Bay Task Force report, into a coordinated strategic plan for
73 improvement of Biscayne Bay and the surrounding areas,
74 addressing environmental, economic, social, recreational, and
75 aesthetic issues. The commission shall monitor the progress on
76 each element of such plan and shall revise the plan regularly.

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

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

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

87 (e) Provide a forum for exchange of information.

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88 (f) Act as a clearinghouse for public information.

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

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

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

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

107 403.086 Sewage disposal facilities; advanced and secondary
108 waste treatment.-

109 (1)

110 (c) Notwithstanding this chapter or chapter 373, sewage
111 disposal facilities may not dispose of any wastes into Old Tampa
112 Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph
113 Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay,
114 Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or,
115 beginning July 1, 2025, Indian River Lagoon, or into any river,
116 stream, channel, canal, bay, bayou, sound, or other water

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117 tributary thereto, without providing advanced waste treatment,
118 as defined in subsection (4), approved by the department. This
119 paragraph does not apply to facilities which were permitted by
120 February 1, 1987, and which discharge secondary treated
121 effluent, followed by water hyacinth treatment, to tributaries
122 of tributaries of the named waters; or to facilities permitted
123 to discharge to the nontidally influenced portions of the Peace
124 River.

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