

CHAPTER 2021-47

Committee Substitute for House Bill No. 1177

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, businesses, and residents in the area to speak with one voice on bay issues; to develop coordinated plans, priorities, programs, and projects 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.

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

1. One member appointed by the Governor.

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

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

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

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

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

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

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

(c) All members shall be voting members.

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

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

(5) The commission shall:

(a) 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, addressing environmental, economic, social, recreational, and aesthetic issues. The commission shall monitor the progress on each element of such plan and shall revise the plan regularly.

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

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

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

(e) Provide a forum for exchange of information.

(f) Act as a clearinghouse for public information.

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

(7) The commission shall 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 first report shall be submitted by January 15, 2022. The report shall also be made available on the Department of Environmental Protection’s website and Miami-Dade County’s website.

(8) 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. Paragraph (c) of subsection (1) of section 403.086, Florida Statutes, is amended to read:

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

(1)

(c) Notwithstanding this chapter or chapter 373, sewage disposal facilities may not dispose of any wastes into 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, Biscayne Bay, or, beginning July 1, 2025, Indian River Lagoon, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the department. This paragraph 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 the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

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

Approved by the Governor June 3, 2021.

Filed in Office Secretary of State June 3, 2021.