

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 18, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to study (1) whether the County's Fats, Oils, and Grease (FOG) regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses and (2) whether the County's FOG regulations should be amended for that same purpose, and to provide a report

This item was amended at the February 3, 2026 Recreation, Tourism, and Resiliency Committee meeting to provide: (1) that the study also draw pertinent distinctions between the regulatory requirements applicable to businesses connected to septic tanks and the regulatory requirements applicable to businesses connected to sewer systems; and (2) that the report be provided in 60, instead of 90, days.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez, and Co-Sponsors Commissioner Marleine Bastien, Senator René García, Commissioner Raquel A. Regalado, and Commissioner Micky Steinberg.


Geri Bonzon-Keenan
County Attorney

GBK/wm

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- _____ **“3-Day Rule” for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____)** to approve
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
2-18-26

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO STUDY (1) WHETHER THE COUNTY'S FATS, OILS, AND GREASE (FOG) REGULATIONS CAN BE IMPLEMENTED OR ENFORCED IN A MANNER THAT IS LESS FINANCIALLY BURDENSOME ON LOCAL BUSINESSES AND (2) WHETHER THE COUNTY'S FOG REGULATIONS SHOULD BE AMENDED FOR THAT SAME PURPOSE, AND TO PROVIDE A REPORT

WHEREAS, on May 21, 2013, the Board adopted Resolution No. R-393-13, authorizing the execution of the Consent Decree, Case No. 1:12-cv-24400-FAM, effective December 6, 2013, between Miami-Dade County, the United States of America, the State of Florida, and the Florida Department of Environmental Protection ("FDEP"), in order to comply with the Federal Clean Water Act, chapter 403, Florida Statutes, and the Florida Administrative Code, with the purpose of eliminating sanitary sewer overflows and prohibited bypasses; and

WHEREAS, paragraph 19(a) of the Consent Decree required the County to review, evaluate, and revise its existing Grease Trap Ordinance and Fats, Oils, and Grease ("FOG") Control Program, subject to review and approval by the United States Environmental Protection Agency ("EPA") and FDEP; and

WHEREAS, the Grease Trap Ordinance and FOG Control Program required food service establishments to install and maintain grease interceptors to minimize the discharge of fats, oils, and grease that would otherwise cause sanitary sewer overflows and prohibited sewer bypasses; and

WHEREAS, on September 7, 2017, the EPA and FDEP gave final approval for amendments to the Grease Trap Ordinance and FOG Control Program, which provided additional design and operation requirements to assist food service establishments, design professionals, contractors, and others with the design, construction, and maintenance of effective FOG control devices; and

WHEREAS, on February 21, 2018, the Board adopted Ordinance No. 18-22, which codified those amendments in the Code of Miami-Dade County, Florida; and

WHEREAS, the majority of the County's FOG regulations are codified in section 24-42.6 of the Code, which was created by Ordinance No. 18-22 and which includes, among other things, new and more demanding standards for new FOG control devices; and

WHEREAS, section 24-42.6 also imposes the following requirements (among others):

- That on an annual basis, each FOG generator submit to the County a FOG control device certification prepared by a qualified professional attesting that the existing device functions as designed and is in good working order (subsection (10)(c));
- That when a FOG generator's FOG operating permit expires, the FOG generator shall comply with revised permit conditions based on new and more demanding requirements (subsection (4)(f));
- That when a business changes ownership or makes another change that requires the issuance of a certificate of use, certain circumstances, such as proposed construction or changes to the back of house, may require that the business comply with new and more demanding standards for the business's FOG control devices (subsection (7)(d)); and

- That if a FOG control device is breached and such breach is the source of a prohibited wastewater, FOG, or food waste discharge, the responsible party shall within 90 days obtain from the County all required approvals and permits and install a new FOG control device that complies with the new and more demanding standards (subsection (2)); and

WHEREAS, the foregoing requirements may impose financial hardship on local businesses and particularly on small businesses; and

WHEREAS, for example, a business could have to bear the economic burden of installing a new FOG control device after a breach, even if such breach was the device's first-ever breach, the breach was minor, and the resulting discharge caused little or no damage to the environment or applicable sewerage system; and

WHEREAS, the County's FOG regulations serve the County's significant and legitimate interests in protecting human health, the environment, and public wastewater and drinking water utilities; and

WHEREAS, the County's FOG regulations have also helped the County comply with the Consent Decree; and

WHEREAS, at the same time, the County's FOG regulations should not unreasonably inhibit the growth of the County economy and particularly the small-business sector, which forms a bedrock not just of our economy but of our community as a whole; and

WHEREAS, moreover, since the adoption of the County's amended FOG regulations in 2018, the County has invested significant funding in numerous projects in furtherance of both the County's obligations under the Consent Decree and the County's broader goals of protecting the environment and our public wastewater and drinking water utilities; and

WHEREAS, this Board thus finds it appropriate to reassess whether the County's FOG regulations strike a proper balance between competing interests; and

WHEREAS, this Board therefore wishes to direct the Administration to study: (1) whether the County's FOG regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses; and (2) whether the County's FOG regulations should be amended for that same purpose; and

WHEREAS, because the Consent Decree provides that substantive amendments to the County's FOG regulations generally require review and approval by the EPA and FDEP, this Board also wishes to direct the Administration to seek input from and collaborate with the EPA and FDEP in conducting this study,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board directs the County Mayor or County Mayor's designee to study: (1) whether the County's FOG regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses; and (2) whether the County's FOG regulations should be amended for that same purpose. The County Mayor or County Mayor's designee shall seek input from and collaborate with the EPA and FDEP in conducting this study and shall seek the review and approval of the EPA and FDEP as to any proposed amendments to the FOG regulations that the County Mayor or County Mayor's designee may wish to recommend to this Board. >>The study shall also draw pertinent distinctions between the regulatory requirements applicable to businesses connected to septic tanks and the regulatory requirements applicable to businesses connected to sewer systems.<<¹

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

Section 2. Upon completing the study, the County Mayor or County Mayor's designee shall prepare a written report with recommendations on: (1) how the County's FOG regulations can be implemented or enforced in a manner that is less financially burdensome on local businesses; and (2) how the County's FOG regulations should be amended for that same purpose and whether those proposed amendments have received review and approval by the EPA and FDEP. Pursuant to rule 5.06(j) of the Board's Rules of Procedure, the report shall be placed on an agenda of the full Board without committee review within ~~[[90]]~~ >>60<< days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez, and the Co-Sponsors are Commissioner Marleine Bastien, Senator René García, Commissioner Raquel A. Regalado and Commissioner Micky Steinberg. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------|------------------------|
| Anthony Rodriguez, Chairman | |
| Kionne L. McGhee, Vice Chairman | |
| Marleine Bastien | Juan Carlos Bermudez |
| Sen. René García | Oliver G. Gilbert, III |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Vicki L. Lopez |
| Natalie Milian Orbis | Raquel A. Regalado |
| Micky Steinberg | |

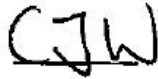
The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of February, 2026. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl