

Biscayne Bay Watershed Management Advisory Board

Board Package

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AGENDA

BISCAYNE BAY WATERSHED MANAGEMENT
ADVISORY BOARD (BBWMAB) MEETING

May 31, 2024 – 9:00 am – 12:00 pm

LOCATION – Stephen P. Clark Government Center, Commission Chambers, 2nd Floor
111 NW First Street, Miami, FL 33128

1. **Roll Call**
2. **Reasonable Opportunity to be Heard**
3. **Approval of Agenda – Actionable Item**
4. **Approval of Minutes for April 5, 2024 – Actionable Item**
5. **In Memoriam for Dr. Joan Browder, NOAA National Marine Fisheries Service**
Dr. Erik Stabenau, Branch Chief, Restoration Sciences, NPS
6. **Reasonable Assurance Plan Details – Requested by Commissioner Steinberg**
Pamela Sweeney, Sr. Water Scientist, DERM
7. **Biscayne Bay Report Card 2024 – Requested by DERM staff**
Pamela Sweeney, Sr. Water Scientist, DERM
8. **Impervious Surfaces Ordinance – Requested by Commissioner Cohen Higgins**
Marina Blanco-Pape, Chief, Water Management Division, DERM
9. **Law enforcement on Biscayne Bay – Requested by Dave Doebler**
Lt. Michael Barrios, MDPD, Marine Patrol Unit
10. **Board Member Action Items – Actionable Item**

11. **Goals 2024** – *Requested by Commissioner Cohen Higgins*
BBWMAB Chair, Commissioner Danielle Cohen Higgins

12. Future Agenda Items

BBWMAB Chair, Commissioner Danielle Cohen Higgins

12. Adjournment

BBWMAB Chair, Commissioner Danielle Cohen Higgins

Biscayne Bay Watershed Management Advisory Board

Stephen P. Clark Government Center
 Commission Chambers, 2nd Floor
 111 NW First Street
 Miami, FL 33128

MINUTES April 5, 2024, 9:00 am

MEETING CALLED BY	<p>Roll call was taken – quorum was not established when called at 9:15am. Roll call taken again at 9:20am and quorum was established.</p> <p>Members Absent: Commissioner Kevin Cabrera, Dr. Joan Browder, Dr. Diego Lirman, Spencer Crowley, Jerry Menendez, Roberto Torres, Brett Bibeau, Julissa Kepner, John Alger.</p>												
MEMBER ATTENDEES	<table border="0"> <tr> <td>Chair – Commissioner Danielle Cohen Higgins</td> <td>Dr. Todd Crowl</td> </tr> <tr> <td>Vice-Chair – Mayor Vince Lago</td> <td>Gerald McGinley</td> </tr> <tr> <td>Commissioner Micky Steinberg</td> <td>Dr. Erik Stabenau</td> </tr> <tr> <td>Commissioner Alex Fernandez</td> <td>Dave Doebler</td> </tr> <tr> <td>Commissioner Rachel Streitfeld</td> <td>Kevin Cunniff</td> </tr> <tr> <td>Mayor Tim Meerbott</td> <td></td> </tr> </table>	Chair – Commissioner Danielle Cohen Higgins	Dr. Todd Crowl	Vice-Chair – Mayor Vince Lago	Gerald McGinley	Commissioner Micky Steinberg	Dr. Erik Stabenau	Commissioner Alex Fernandez	Dave Doebler	Commissioner Rachel Streitfeld	Kevin Cunniff	Mayor Tim Meerbott	
	Chair – Commissioner Danielle Cohen Higgins	Dr. Todd Crowl											
Vice-Chair – Mayor Vince Lago	Gerald McGinley												
Commissioner Micky Steinberg	Dr. Erik Stabenau												
Commissioner Alex Fernandez	Dave Doebler												
Commissioner Rachel Streitfeld	Kevin Cunniff												
Mayor Tim Meerbott													
	<p>Staff support for Biscayne Bay Watershed Management Advisory Board in attendance: Chief Bay and Water Resources Officer, Loren Parra (OOR); Lisa Spadafina (RER-DERM); Rashid Istanbuli (RER-DERM); Pamela Sweeney (RER-DERM); Laura Eldredge (RER-DERM); Marina Blanco-Pape, RER-DERM; Nancy Jackson (OOR); Larissa Aploks (RER).</p>												

AGENDA TOPICS

WELCOME REMARKS

Mayor Daniela Levine-Cava

REMARKS	<p>Chair, Cohen Higgins welcomed Mayor Levine-Cava to the meeting and invited her to address the board members. The Mayor thanked the board members for their work and contributions in protecting Biscayne Bay and also introduced our new Chief Bay and Water Resources Officer, Loren Parra to the board..</p>
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2024 LEGISLATIVE SESSION WRAP-UP

Jess McCarty - Executive Assistant County Attorney

PRESENTATION	<p>Chair, Cohen Higgins recognized Jess McCarty to present on the 2024 Legislative Session. Highlights of the session for Biscayne Bay included \$500k appropriation for the Biscayne Bay Watershed Plan (Vicki Lopez / Alexis Calatayud); adoption of omnibus environmental bill including designation of the Kristin Jacobs Coral Reef as an Aquatic Preserve; \$20m appropriated for Biscayne Bay Water Quality Program; and expansion of Anchoring Limitation Areas in Miami-Dade County.</p> <p>Board Comments:</p> <p>Dave Doebler asked why Indian River Lagoon receives a larger appropriation than Biscayne Bay and expressed need for increased funding.</p> <p>Jess McCarty stated that the economic importance of Biscayne Bay for southeast Florida warrants additional investment – there is no justification for the difference in funding.</p> <p>Chair Cohen-Higgins stated that she will continue to go to Tallahassee during session to advocate for increased funding.</p>
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PUBLIC COMMENT	<p>Albert Gomez - Resident – Supports the city of Miami policy adopting Leave No Trace. Would also like to see Mangrove Island protected as a rookery. He supports the speed zone on waterways item recently adopted by the BCC and sponsored by Commissioners Steinberg and Cabrera.</p> <p>Lauren Jonaitis - Tropical Audubon/Biscayne Bay Marine Health Summit – Thanked Commissioner Steinberg for passing the speed zone on waterways item. Echoes Mr. Gomez on need to protect Mangrove Island and to support Leave No Trace policy. Would like to see a BTR process like that of Miami Beach implemented county wide.</p> <p>Laura Reynolds - Friends of Biscayne Bay/Hold the Line Coalition – Supports wetlands protections. Made reference to actions the BCC can take now to protect wetlands including revising the CDMP, removing land considered for CERP from urban expansion areas, and carrying out a wetlands study.</p>
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APPROVAL OF AGENDA

Commissioner Danielle Cohen Higgins - Chair

BOARD ACTION	<p>A motion was made to adopt the Agenda by Vice-Chair Lago and seconded by Mayor Tim Meerbott, motion passed unanimously.</p>
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APPROVAL OF MEETING MINUTES

Commissioner Danielle Cohen Higgins - Chair

BOARD ACTION	<p>Vice-Chair Vince Lago made a motion to approve Meeting Minutes from December 1, 2023, seconded by Mayor Tim Meerbott; meeting minutes adopted unanimously.</p>
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REASONABLE ASSURANCE PLAN

Pamela Sweeney, Sr. Water Scientist,
DERM

DISCUSSION	<p>Chair Cohen Higgins recognized Sr. Water Scientist, Pamela Sweeney, to address the board. The Reasonable Assurance Plan (RAP) will now include the entire Biscayne Bay watershed. A new consultant who has implemented successful RAPs in the state of Florida has been contracted to manage the RAP. Additional technical experts will need to be brought on board to carry out the various types of modeling required to measure nutrient loads and corresponding projects to reduce pollution.</p> <p>Board Comments: Commissioner Steinberg asked about the timeline. Pamela Sweeney responded that the RAP would take 2 years. Dave Doeblner expressed concern about delay and additional time required to complete the RAP. Chair Cohen-Higgins recognized that we need a more specific timeline and measured goals and directed staff to include specific timeline, with cost of consultants, and expected outcomes at the next board meeting.</p>
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MARINE DEBRIS PLANNING TEAM

Laura Eldredge, Restoration Section Manager, DERM

<p>PRESENTATION</p>	<p>Chair Cohen Higgins requested that Laura Eldredge present on the Marine Debris Planning Team. Laura stated that the Marine Debris Team and creation of plan was recommended by the Biscayne Bay Task Force.</p> <p>The multi-jurisdictional team including representatives from the state, various county departments, municipal partners and non-profits have been meeting over the past year to develop a plan making recommendations around Derelict Vessels, Littering & Illegal Dumping, Boaters, and Community Action & Education. Final plan will be ready to share by the next board meeting.</p> <p>Team carried out Ghost Trap Rodeo and launched Biscayne Bay Friendly campaign and hosted the 3-day "Leave No Trace" Spotlight event for the spoil islands.</p> <p>Board Comments:</p> <p>Dr. Todd Crawl mentioned the DV Taskforce created by Commissioner Heyman and asked for an update on those efforts.</p> <p>Commissioner Steinberg answered that she is creating legislation to improve the DV removal process and address issues of enforcement on the Bay. She thanked DERM and Marine Patrol for the work they've done recently near Pelican Harbor Marina removing DVs, floating docks, and other large debris. Dave Doebler brought up the example of Monroe County which has specific legislation creating a no discharge zone meaning no boats in the area can dump waste. They also provide a mobile pump-out service for free. Monroe County has been very successful identifying and addressing at-risk vessels before they become derelict. We should look into implementing these measures in Miami-Dade County. Commissioner Fernandez requested that whatever actions the county takes on DVs and marine debris would like to see uniform and county-wide policy and not have piecemeal efforts made by various municipalities.</p> <p>Chair Cohen-Higgins requested that Commissioner Steinberg bring details of her efforts regarding DVs and marine debris at the next board meeting.</p>
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FDOT JULIA TUTTLE PD&E STUDY

Robert Linares, P.E., Consultant Project Manager, Caitlin Hill, Environmental Scientist, and Tommy Ruiz, P.E., Drainage Manager

PRESENTATION	<p>The FDOT consulting team made a presentation regarding the PD&E study for the Julia Tuttle Causeway. The focus of the presentation was related to specific environmental impacts to Biscayne Bay and opportunities to improve water quality via stormwater management and green infrastructure.</p> <p>FDOT consultants presented an overview of the I-195 / Julia Tuttle Causeway project.</p> <p>Focused on the environmental aspects of the project including protection of seagrass and other marine species; need for additional means of handling stormwater given the designation of Biscayne Bay as an Outstanding Florida Water; requirement to build with resilience in mind specifically regarding sea level rise.</p> <p>Board Comments:</p> <p>Commissioner Streitfeld expressed her concern about the project and especially damage that could be done to seagrass. She would like to work with other elected officials to improve the project.</p> <p>Commissioner Steinberg stated that looking at this project through the lens of District 4 residents she has many concerns especially regarding the increased capacity to Miami Beach without the corresponding infrastructure on the beach side.</p> <p>Commissioner Fernandez agreed with issues of capacity to receive this level of traffic on Miami Beach and questioned the planned height of the Causeway given what is predicted as sea level rise in the future.</p> <p>Dr. Todd Crowl suggested additional sources of data including studies which show intensity of rainfall into the future for FDOT to consider when evaluating the height of the bridge and causeway necessary for future sea level rise.</p> <p>Chair Cohen-Higgins encouraged board members to bring forward urgings for the BCC regarding this project at the next advisory board meeting.</p> <p>Kevin Cunniff stated that this area is designated critical habitat for Johnson seagrass, and he does not believe the current study includes sufficient protections for seagrass in the area.</p>
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MYTHOS AI

Geoff Douglass, CEO Mythos AI

PRESENTATION	<p>Mythos AI is a local company being contracted by FIU to map the northern bay specifically for creation of circulation models. They are not working with the County but will meet with the Port to demonstrate their vessel and how it can help re-open Ports after hurricanes and storms.</p> <p>Dr. Todd Crowl explained that he wanted to show what Mythos AI could do to help provide data and mapping in a much faster way using their autonomous vessel. We currently do not have accurate circulation models of the bay.</p> <p>Board Comments:</p> <p>Chair Cohen-Higgins stated that in the future she would prefer that Board members present any new technology or innovation that they would like to share with the board.</p> <p>Chair Cohen-Higgins requested that Dr. Crowl bring back to the board findings from the work with Mythos AI specifically regarding the circulation model.</p>

FUTURE AGENDA ITEMS

Commissioner Danielle Cohen Higgins - Chair

DISCUSSION	<ul style="list-style-type: none">• Chair Cohen-Higgins polled members on interest in hearing about the Rookery on Mangrove Island given the amount of public comment on the topic and requested to bring back to next meeting.• Chair Cohen-Higgins requested that final draft of Impervious Ordinance be presented to the board.• Chair Cohen-Higgins wants to discuss goals of the board for the remainder of the calendar year. Requested that board members bring action items and urgings for the BCC as part of our goals for the year.• Commissioner Streitfeld requested specific funding for increased Marine Patrol enforcement on Biscayne Bay.• Mayor Lago suggested that the Advisory Board request a Sunshine meeting with the Miami-Dade delegation to discuss funding needs for Biscayne Bay asking our state leaders to be more involved.• Dave Doebler requested an action item for wetlands protection.• Commissioner Streitfeld would like to see an urging for the BCC to implement a BTR process regulating commercial uses of the Bay similar to the system in Miami Beach.• Dave Doebler requested an update regarding law enforcement. What does Marine Patrol need to do their job effectively and how can we support them.• Dave Doebler requested that board discuss Leave No Trace implementation on the Spoil Islands and the need for funding to do so.• Dave Doebler requested that Commissioner Steinberg include the mobile pump-out station used in Monroe County as part of her item on Marine Debris. Pump out Monroe County as part of Steinberg’s item.
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ADJOURN

Commissioner Danielle Cohen Higgins - Chair

DISCUSSION	The Chair thanked the BBWMAB and staff for their work and let everyone know to expect a full meeting with action items next time. The meeting was adjourned.
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Date: April 12, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Report on the 2024 Annual Report Card Program on the Health of Biscayne Bay-Directive No. 180799

Executive Summary

This report is provided pursuant to Resolution No. R-463-18, which I sponsored as Commissioner, directing the County Mayor or County Mayor's designee to develop an annual "report card" program that evaluates the health of Biscayne Bay (Bay) and employs a simple and easy-to-understand "stop-light" approach to reporting on the health of the Bay. The Resolution also directed that the evaluation shall be data-driven, use sound scientific principles, incorporate information on water quality and habitat values throughout Biscayne Bay, include easy-to-read graphics suitable for the general public to understand, and that the results of the health evaluation shall be made publicly accessible.

The attached 2024 Biscayne Bay Report Card was developed by staff in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), and captures inputs and progress from all areas of our County, including the Biscayne Bay Watershed Management Advisory Board (BBWMAB) and our Chief Bay Officer. The County has created a website dedicated to Biscayne Bay (www.miamidade.gov/BiscayneBay), which provides public access to the annual report card in an interactive online format.

The Southern North Bay Subregion C (SNB-C), one of 12 regions in the Bay, showed some improvement over the last year, and the remaining 11 regions stayed as rated in 2023. These results can vary from year to year, making it even more important to continue our long-term commitment to ongoing Bay initiatives. The SNB-C receives flushing from the Atlantic Ocean at each tidal cycle, which can allow waters impacted by pollutants to mix with and be taken away by the tide. Given that Biscayne Bay and the tributaries, canals and groundwater that feed it are facing unprecedented threats to their health and resilience, my administration continues to aggressively pursue short and long-term actions to restore the health of the Bay. As I have shared before, because the water resources of our County know no jurisdictional bounds, restoring our Bay will require ongoing support and long-standing commitment from our municipal, state, and federal partners.

Bay Health Support and Actions

Building upon the successes from prior years in my administration, many additional actions were initiated in 2023 to continue the ongoing goal of improving the health of Biscayne Bay. Some of these actions include: (1) initiating additional studies to inform our scientists on the sources of pollution impacting our ground and surface waters; (2) assisting our state and federal partners with regional restoration projects; (3) proffering Miami-Dade County Code (Code) changes to provide additional protections to our water quality while promoting resilient development and; (4) initiating capital improvement projects utilizing innovative technology to further reduce pollution from entering into our ground and surface waters which ultimately lead to the Bay.

Economic and Scientific Studies

The 2023 update to the 2005 Biscayne Bay Economic Study was completed in partnership with the South Florida Water Management District (SFWMD). The report describes Biscayne Bay as a major economic driver in the County. The overall contributions of Biscayne Bay-related activities amount to an estimated \$64 billion in economic output, \$24 billion in income, 448,000 jobs, and \$4 billion in tax revenue for the County. We are grateful to the County's first Chief Bay Officer, Irela Bagué, for her leadership on this study, as it provides important economic information for decision-makers at all levels of government. More about the study can be found at www.miamidade.gov/BiscayneBay.

I also want to again recognize the work of our Biscayne Bay Watershed Management Advisory Board (BBWMAB), whose work advising the Board included recommending that the County work with the state and federal government to develop a Reasonable Assurance Plan (RAP), in collaboration with municipalities, the state, and other Bay stakeholders. The RAP will allow the County and our collaborators to address our numerous water quality impairments with a focus on nutrient loading reductions. It will establish pollutant loading allocations across the watershed to help reduce the amount of nutrients entering canals and the Bay. In turn, this will help the County and its collaborators to foster healthier water quality conditions for seagrass communities to rebound. This past year, RER-DERM procured key services needed to develop this complex plan, including the outreach needed to engage collaborators.

Regional and Local Restoration Activities

We met two major Biscayne Bay Coastal Wetlands milestones last year, and I am proud that several Board members joined me for the groundbreaking of the Cutler Wetlands Component of the Biscayne Bay Coastal Wetlands Comprehensive Everglades Restoration Plan (CERP) project. This project is the final component of the five-part Biscayne Bay Coastal Wetlands Project that is being constructed by the United States Army Corps of Engineers (Corps) and SFWMD, in partnership with Miami-Dade County, to will deliver freshwater from the C-1 Canal through the S-701 pump station in order to rehydrate coastal wetlands adjacent to Biscayne Bay, diverting polluted water that would otherwise be discharged directly into the Bay with no treatment. This wetland restoration component will not only help improve the health of Biscayne Bay in this part of the system but will help build resilience along three miles of the County's coastline by rehydrating and enhancing mangrove communities along the coast. Another restoration win this past year was the commencement of operations of the Biscayne Bay Coastal Wetlands S-709 pump station. This project will divert water from the C-103 canal to rehydrate coastal wetlands via a series of culverts, recreating natural sheetflow to Biscayne Bay. I championed these rehydration projects even before becoming Mayor, and the County will continue to provide its historic support for CERP through the many supporting activities that occur through RER-DERM.

In addition to these regional efforts, many restorative actions were taken on a local level to reduce the amount of marine debris and further advance a reduction in the amount of pollution from reaching the Bay. Our County removed 39 derelict vessels last year, 281 ghost traps, more than 5,000 golf balls, and 135,000 pounds of trash from spoil islands as part of our ongoing work to address marine debris and derelict vessels and fishing gear impacting our Bay. RER-DERM's Environmentally Endangered Lands (EEL) Program acquired more than 14 acres of land with high environmental value. These lands help the County protect water resources by storing stormwater and recharging the Biscayne Aquifer. The EEL program now manages over 28,000 acres of environmental land for this and future generations. RER-DERM is also developing a plan to evaluate the potential impacts to Biscayne Bay associated with agricultural runoff, and this information will add to the County's future studies and the development of solutions, with a key solution being improved management practices at agricultural sites based on particular agricultural practice and needs.

Legislation

This past year, RER-DERM led the preparation of the Impervious Surface Ordinance and engaged stakeholders including municipalities, developers, the building industry, and environmental organizations to revise environmental and zoning regulations. Adoption of this ordinance is expected to result in increased resilience to mitigate flooding and reduce water quality impacts and risks. The new regulations, if approved by the Board, will adjust the standards based on the County's updated stormwater modeling, including the interaction of groundwater, surface water, sea level rise projections, the local hydrology, topography, and land use. Ordinance revisions include amendments to development standards and procedures related to the implementation of new and substantially improved stormwater infrastructure, retention, quality of direct discharges, and impervious surfaces. The updated ordinance also establishes recertification of stormwater management systems that serve or drain into a public right-of-way. The updates and technical changes are set to achieve higher regulatory standards to increase resilience and reduce risks from future increases in sea level rise. The ordinance is anticipated to be presented for first reading in the coming weeks.

On July 7, 2022, Ordinance No. 22-83 passed amending Section 24-15 of the County Code requiring plan review approval for properties served by Onsite Sewage Treatment and Disposal Systems (OSTDS), often regarded as “septic systems”, and creating Section 24-42.7 which provides the requirements for new and replacement OSTDS. The more rigorous standards aim to reduce the pollutants and nutrients discharged by OSTDS thereby improving the ground and surface water quality throughout Miami-Dade County. As of January 1, 2023, conventional OSTDS are no longer approved for new or complete replacement systems. This is a significant win for water resource protection of Miami-Dade County because performance-based treatment systems (PBTS), of which there are several types, can significantly lower concentrations of nutrients and bacteria reaching groundwater and/or surface water. For example, the equivalent of 672 three-bedroom homes each with a waste stream of 300 gallons per day, would otherwise have the potential to load total nitrogen at a rate of 61,409 pounds per year and total phosphorus at a rate of 11,054 pounds per year. Using a Type 3 PBTS at 672 single-family homes, there was a 70% reduction in total nitrogen down to 18,423 pounds per year and a 44% reduction in total phosphorus down to 6,141 pounds per year. While the Florida Department of Health (FDOH) is responsible for authorizing septic tank abandonment, the County works closely with FDOH in the authorization of new systems. Data obtained from FDOH from 2023 indicates that 603 permits were issued for abandonment and does not indicate whether abandonment is occurring because the parcel is now connecting to sanitary sewer or whether a new septic system is being installed. FDOH is also responsible for conducting inspections. More information will be provided regarding new and decommissioned systems in a forthcoming report to the Board.

I also want to acknowledge that the County lost an incredible engineer late last year, Carlos Hernandez, who spearheaded this legislation. Carlos served as RER-DERM's Chief of the Water and Wastewater Division and was a brilliant thought leader and dedicated public servant who helped the County advance key policies like this one, protecting both citizens and the environment during his tenure. We are so grateful for his service.

Addressing Pollution Using Innovative Technology Solutions

The County continues its Biscayne Bay Water Quality Characterization and Pollution Reduction Project, funded by the Florida Department of Environmental Protection (DEP). The main objective of the project is to identify and eliminate pollution reaching Biscayne Bay, and this work includes characterizing sources of pollution reaching Miami River, Little River, Biscayne Canal, and Arch Creek as well as reaching groundwater. RER-DERM has spearheaded the effort to innovate not only stormwater solutions that can help eliminate and reduce nutrient pollution impacting our Bay but also wastewater solutions such as Smart Covers. Thanks to the use of these devices being strategically located in sanitary sewer manholes across coastal Miami-Dade County where sewage spills have been known to occur, 39 sewage spills were prevented. And more than one thousand reports alerted RER-DERM staff and utility owners to potential spills, which demonstrates the many successes of this innovative technology.

The Biscayne Bay Water Quality Characterization and Pollution Reduction Project has continued to provide funding to test different types of stormwater devices to evaluate how effectively stormwater is being treated for nutrients before being discharged to the Bay. In 2023, RER-DERM completed the installation of six innovative technologies at three pilot locations to treat stormwater before discharging to the Little River Canal (C-7 Basin). These innovative applications and testing of new technologies are part of on-going activities being implemented, leveraging the DEP grant. RER-DERM is currently preparing the procurement of an additional five pilot locations for further testing and construction. Pre- and post-construction sampling and monitoring is being conducted to determine the effectiveness and applicability of these new technologies for systemwide implementation.

RER-DERM also worked to secure funding to test technology that can serve as an alternative to septic tanks in those areas where conversions are not on the horizon, but concerns exist about pollution traveling to surface waters. A signature objective of this funding is also to convert those homes from septic to sewer that are most vulnerable to failure from sea level rise and are proximal to a surface water body, like Little River. At this time 37 homes along the Little River have been fully converted. RER-DERM led the effort to work with state grant managers to assist with the cost of private side connection, a unique feat and a meaningful one when costs of connection can be steep. For those projects meeting the state's guidelines, the County was able to offset the cost of private side connection. My administration is committing to finding solutions to help all residents that must convert from septic to sanitary sewer do so with the least financial burden possible. The Water and Sewer

Department (WASD) estimates that a total of 120,000 homes are served by septic systems, with approximately 9,000 of those systems being vulnerable to failure from rising groundwater levels with more to be affected in future years. WASD's Connect 2 Protect program remains focused on providing service to those most immediately affected.

Community Outreach and Education

Regarding solutions to nutrient pollution within the reach of our residents, the County's fertilizer ban goes into effect May 15 – October 31. Outreach related to the County's fertilizer ordinance last year resulted in over 4,500 educational fertilizer awareness mailers being sent to all licensed pesticide and fertilizer applicators in the County. RER-DERM also partnered with fertilizer retail outlets for the display of informational signage at fertilizer points-of-sale in Lowes, Home Depot, and Walmart Garden Centers during the restricted fertilizer application period. For communities interested in educating their residents on responsible fertilizer use under the ordinance, please visit www.miamidade.gov/BiscayneBay and download our toolkit.

Also within the reach of our residents is volunteering for Baynanza. On April 13th, we will celebrate the 42nd anniversary of Baynanza, the County's signature annual cleanup of Biscayne Bay that RER-DERM has coordinated since its inception. This event spans the length of the County, providing opportunities for volunteers to find a location closest to them to help give the Bay a hand. Last year, over 4,200 participants collected over 15 tons of trash at 31 sites along the Bay, including RER-DERM working to establish sites in four Commission districts new to Baynanza. These initiatives have also been supported by our local environmental advocacy organizations whose work contributes greatly to the restoration and future health of Biscayne Bay and the County is grateful for your dedication.

Additional grant funding totaling more than \$6,000,000 were received by RER-DERM this past year and each will make a notable impact in helping to restore water quality, better protecting natural resources, and educating our residents and visitors on the importance of a healthy Biscayne Bay. These funding opportunities include \$3,000,000 from the FDEP Innovative Technology Grant - \$3,000,000; \$2,500,000 from the FDEP Resilient Florida Grant, and \$1,050,000 from United States Environmental Protection Agency (EPA). The FDEP Innovative Technology Grant, in partnership with SWFMD, will test the efficacy of three innovative technologies to scrub nutrients from canal surface water in the Snake Creek (C-9) basin. In this novel approach, surface water will be pumped onto the upland of the canal bank, with each technology having its own chamber within which the efficacy will be tested, and then released ostensibly with lower nutrient concentrations as it is discharged back into the canal. The FDEP Resilient Florida Grant will help RER-DERM restore West Matheson Hammock Park's historic Snapper Creek slough as well as restore wetlands and bring rare plant species back from near extinction. Over 150,000 tons of solid waste have already been removed from the site in partnership with United by Blue, more than 30 acres have had invasive removal activities have taken place, more than 4,000 trees will be planted among other restoration activities. The EPA is providing over \$1,050,000 to create a habitat suitability model for the County's seagrass ecosystem that will employ data from County partners to complement our own as well as develop and implement a Biscayne Bay boating community outreach initiative. I want to thank our state and federal partners for their commitment to Biscayne Bay.

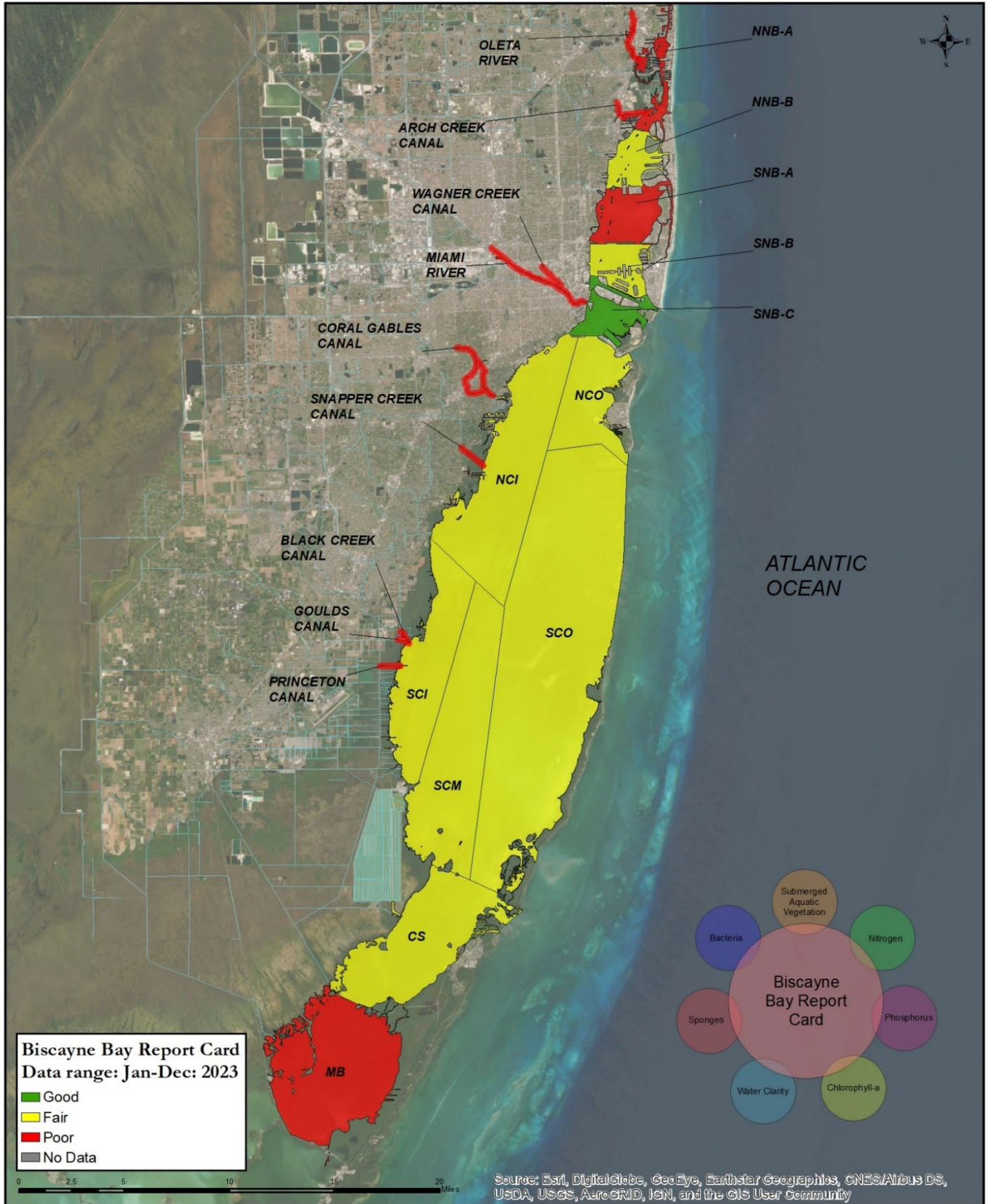
While we balance the needs of residents, a growing workforce, housing, transit, and infrastructure needs, we must conduct our work through the lens of restoring the health and resilience of Biscayne Bay. We have confirmed the extent to which Biscayne Bay plays a major role in the economy of the County. We will work to ensure that County departments are unified in this approach and that we work to help educate our residents and visitors that their care for or lack thereof for the Bay will also impact its future health. My administration remains steadfast in its commitment to continue to pursue tangible and necessary actions to restore the health of Biscayne Bay and implement needed policies, legislation, research, and outreach to accomplish the goals we have set forth together.

In accordance with Ordinance 14-65, this memorandum and report will be placed on the next available Board meeting agenda. If you have any questions regarding this report, please contact Lourdes Gomez, RER Director, at 305-375-2886 or Lourdes.Gomez@miamidade.gov.

Attachment: 2024 Biscayne Bay Report Card

c: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Lourdes M. Gomez, Director, RER
Lisa Spadafina, Assistant Director, RER-DERM
Loren Parra, Chief Bay & Water Resources Officer
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, Commission Auditor
Basia Pruna, Director, Clerk of the Board
Eugene Love, Agenda Coordinator

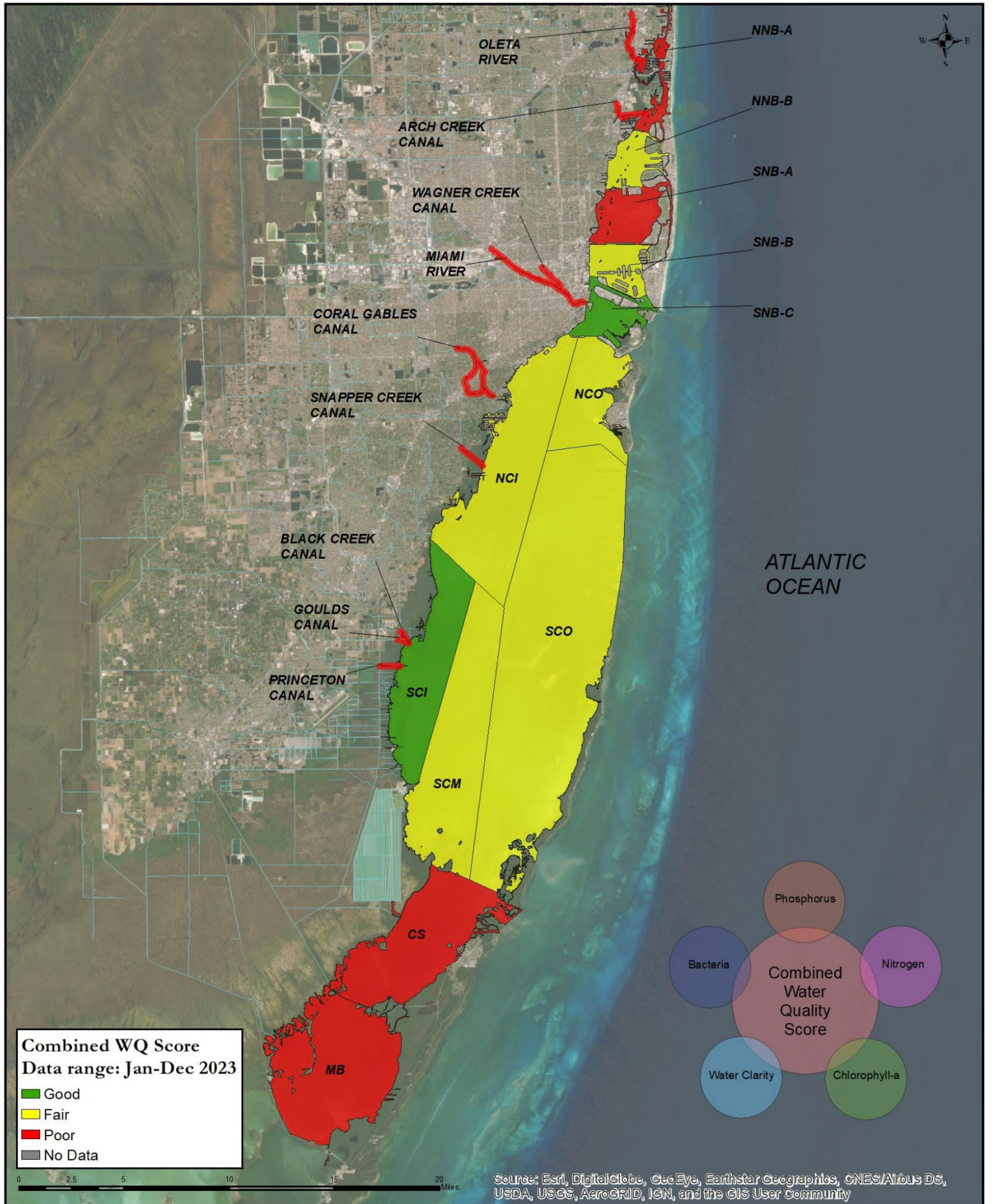
2024 Biscayne Bay Report Card



The above map represents the overall health score of each Bay region and representative canal, presenting as the “2024 Biscayne Bay Report Card”. All other maps for each parameter can be found at www.miamidade.gov/BiscayneBay.

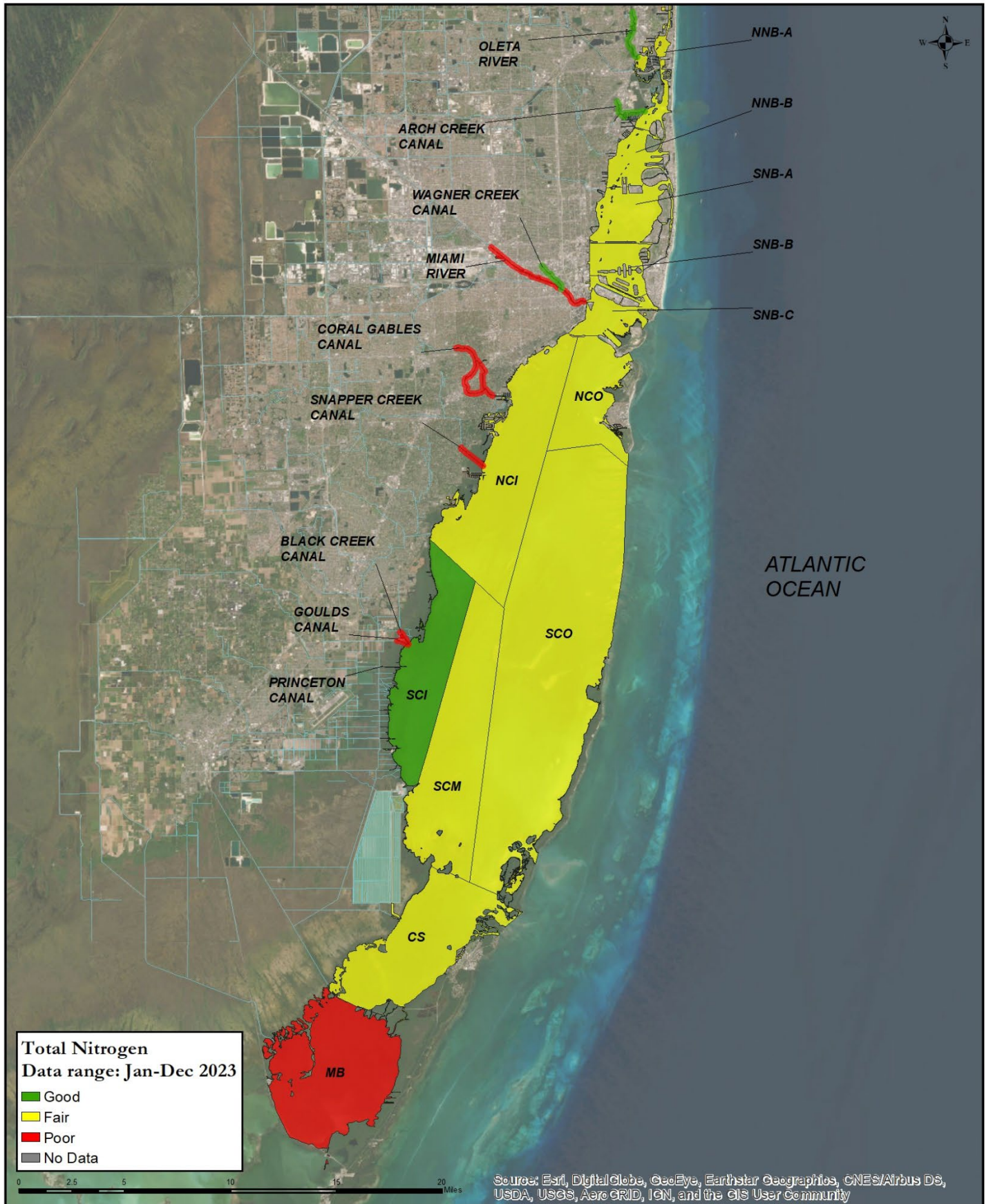
2024 Biscayne Bay Report Card

Water Quality Combined Score



2024 Biscayne Bay Report Card

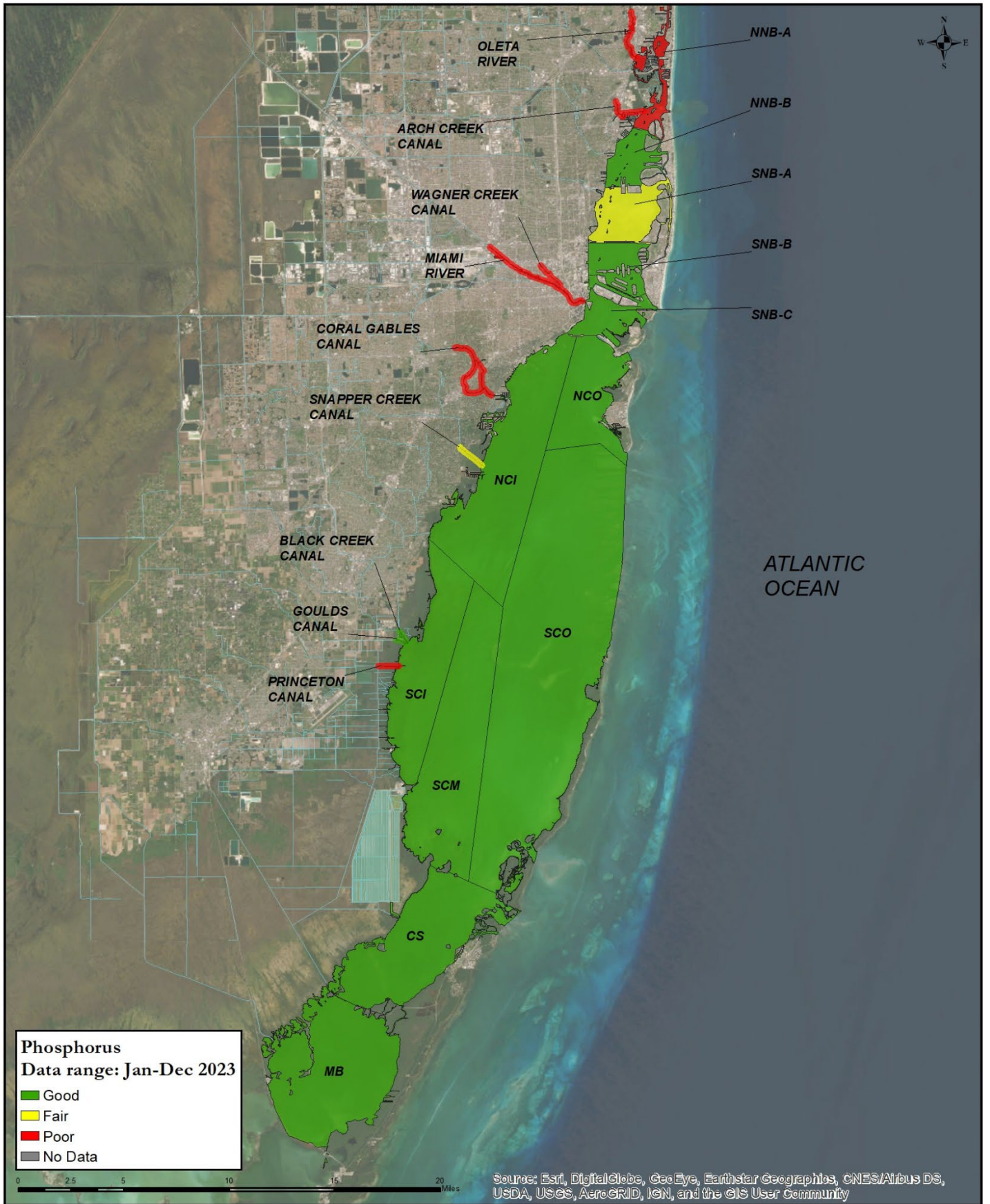
Total Nitrogen Score



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

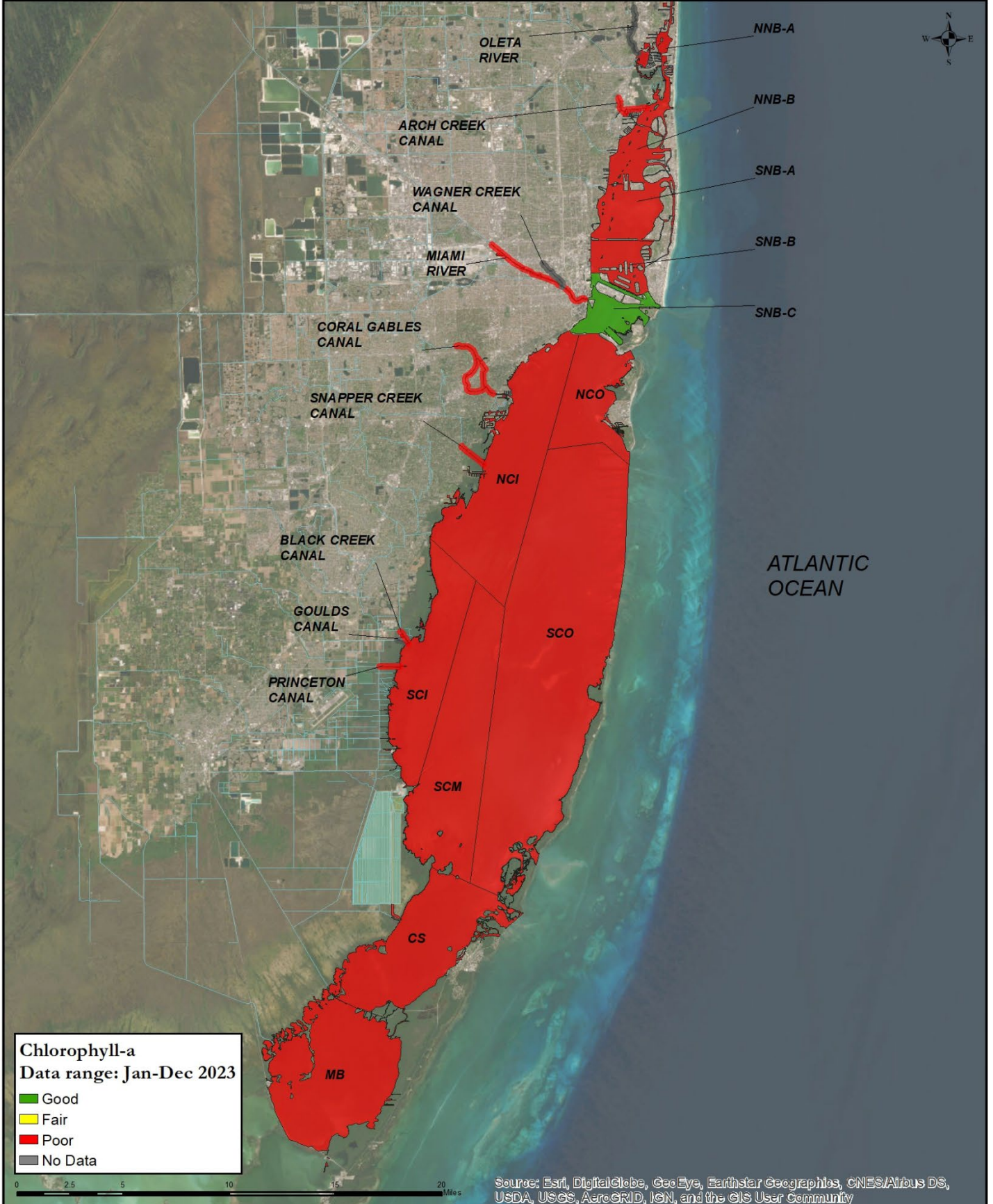
2024 Biscayne Bay Report Card

Total Phosphorus Score



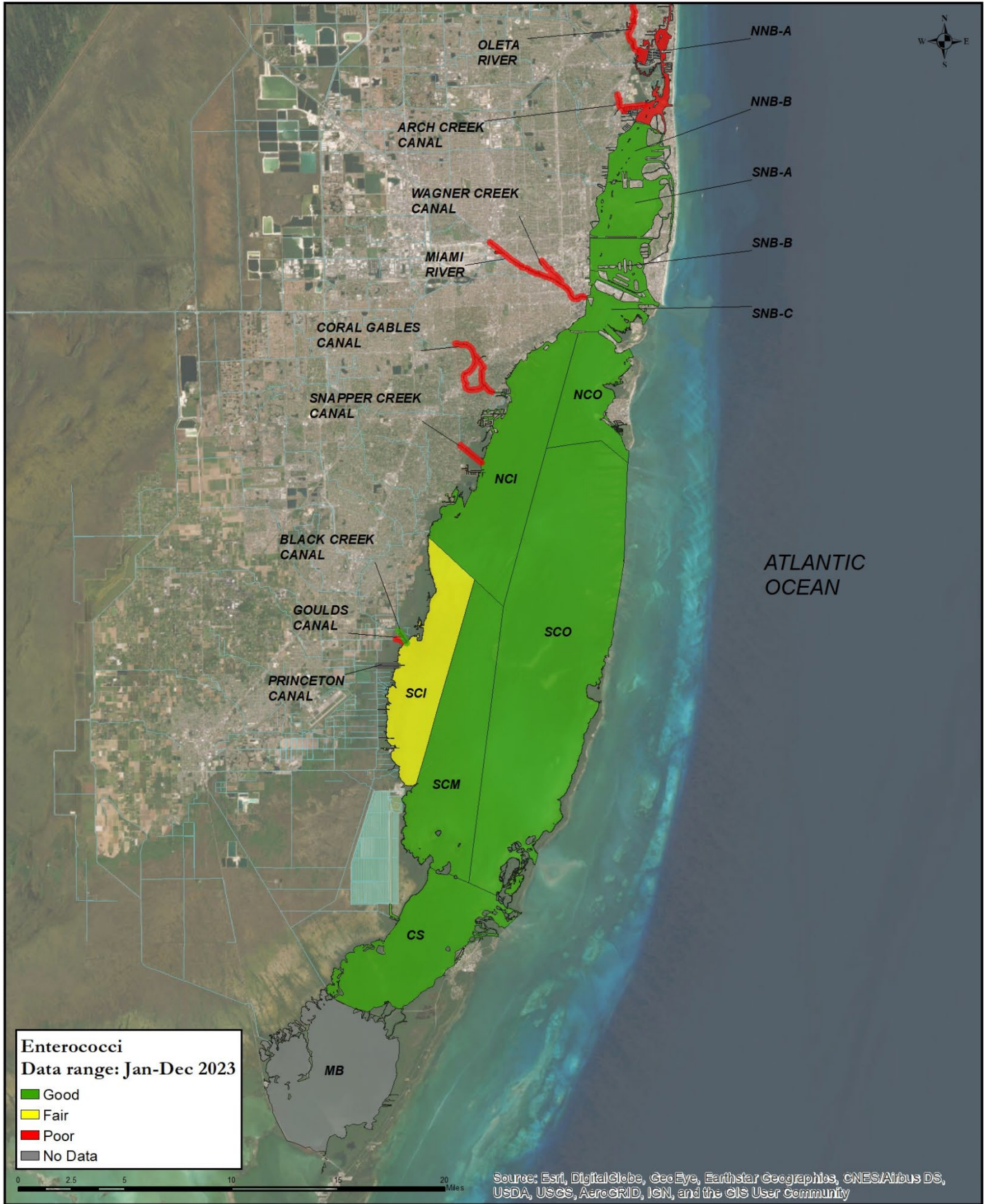
2024 Biscayne Bay Report Card

Chlorophyll-a Score



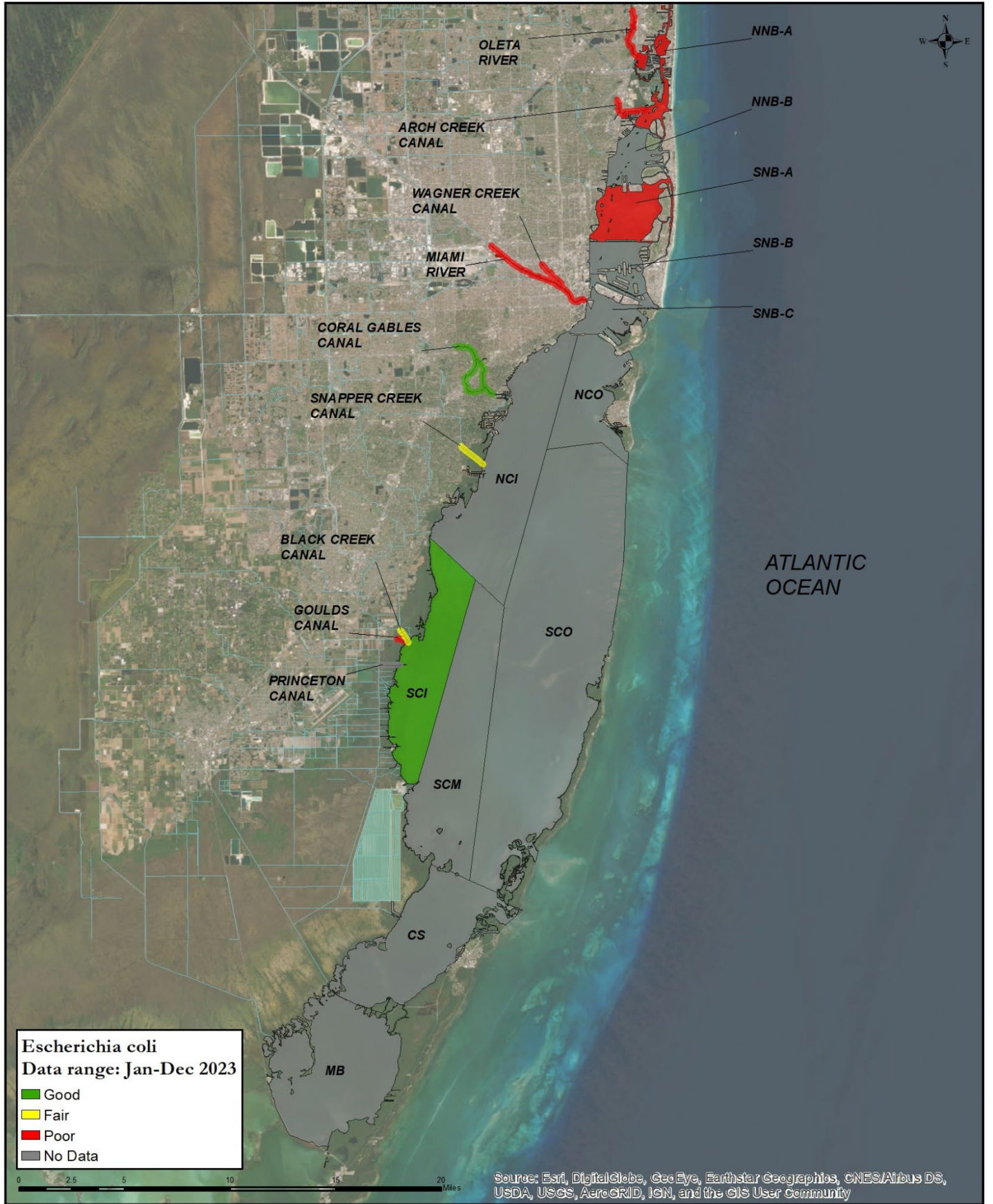
2024 Biscayne Bay Report Card

Bacteriological Score (*Enterococcus spp.*)



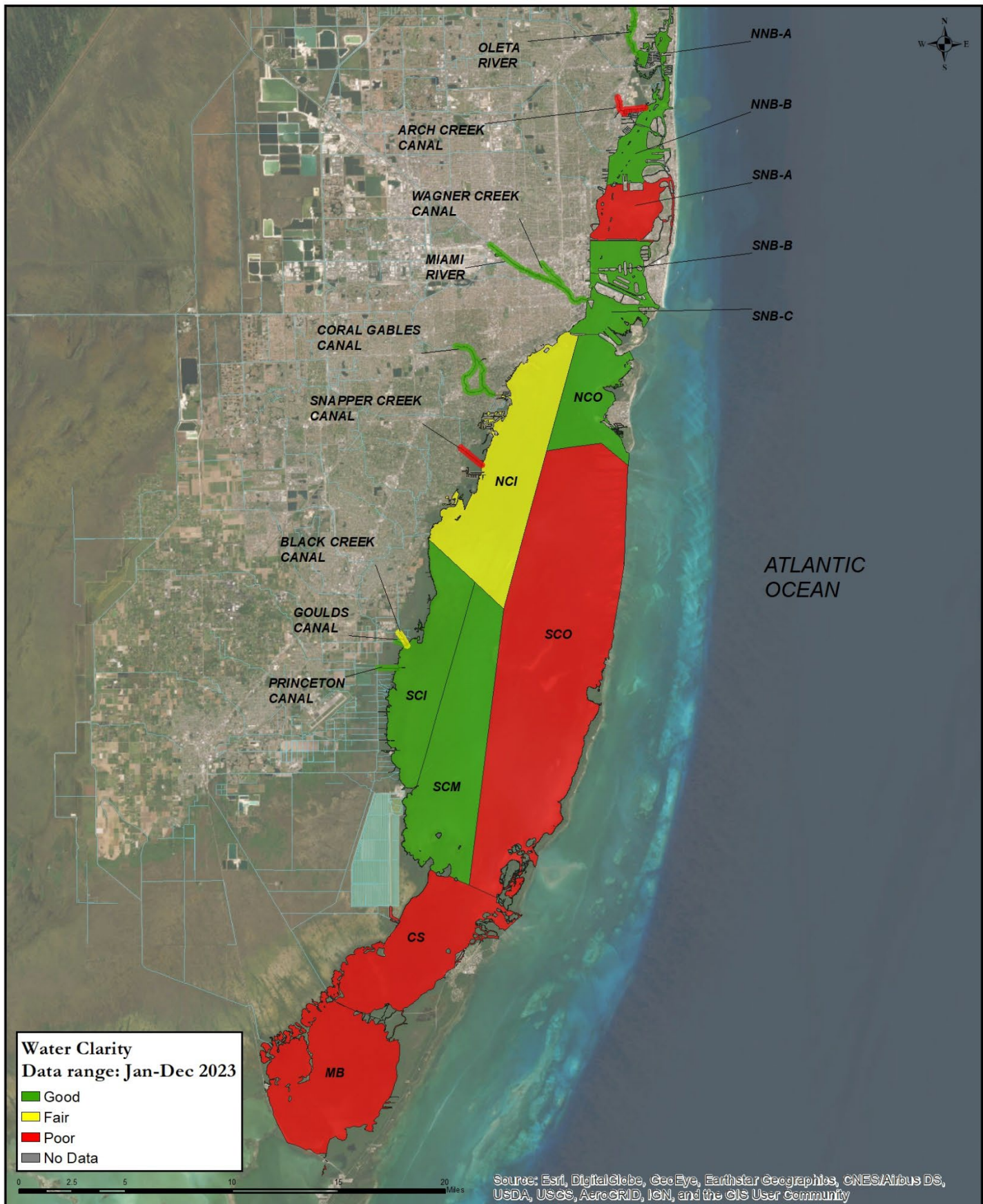
2024 Biscayne Bay Report Card

Bacteriological Score (*Escherichia coli*)



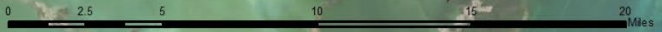
2024 Biscayne Bay Report Card

Water Clarity Score



Water Clarity
Data range: Jan-Dec 2023

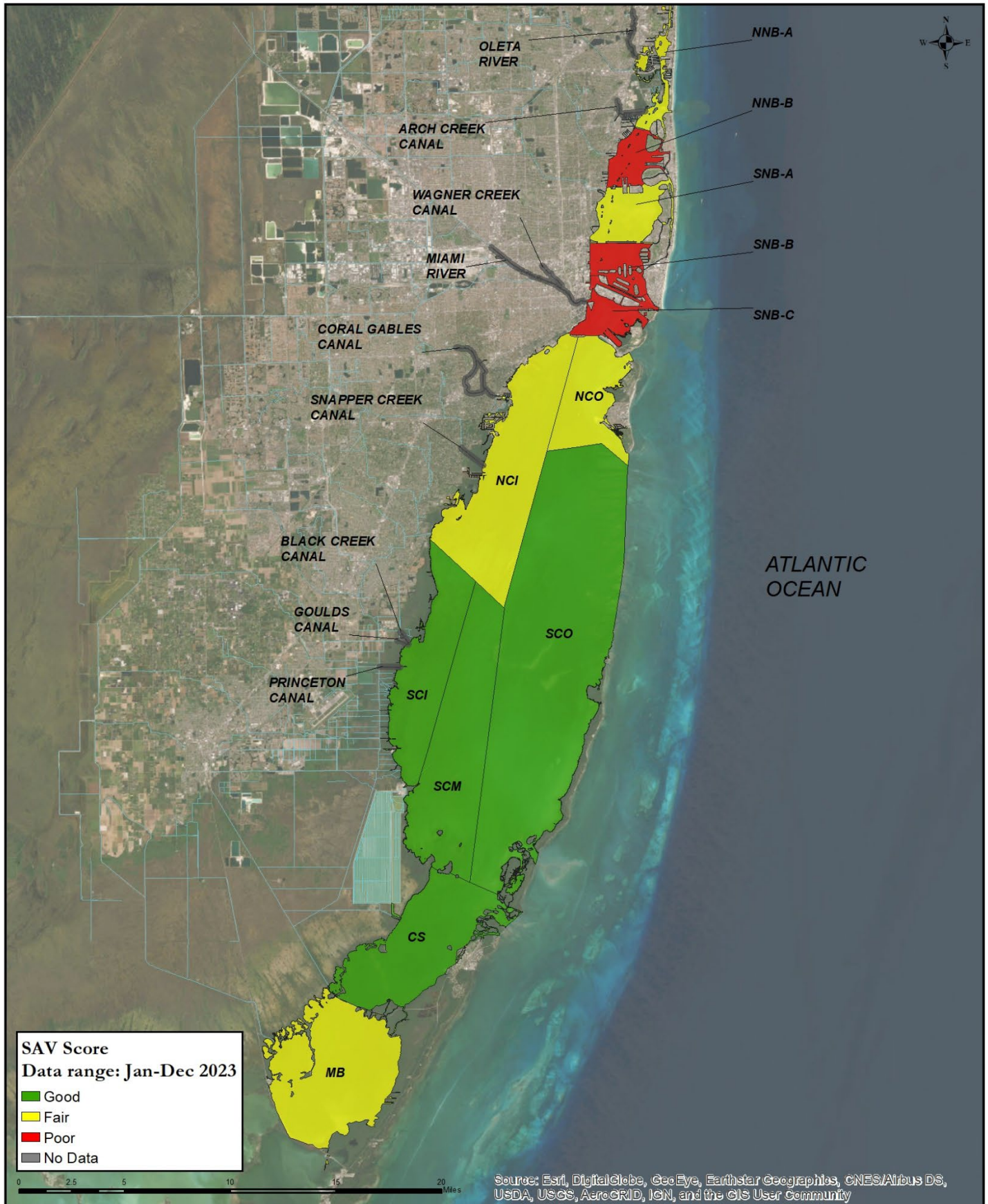
- Good
- Fair
- Poor
- No Data



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

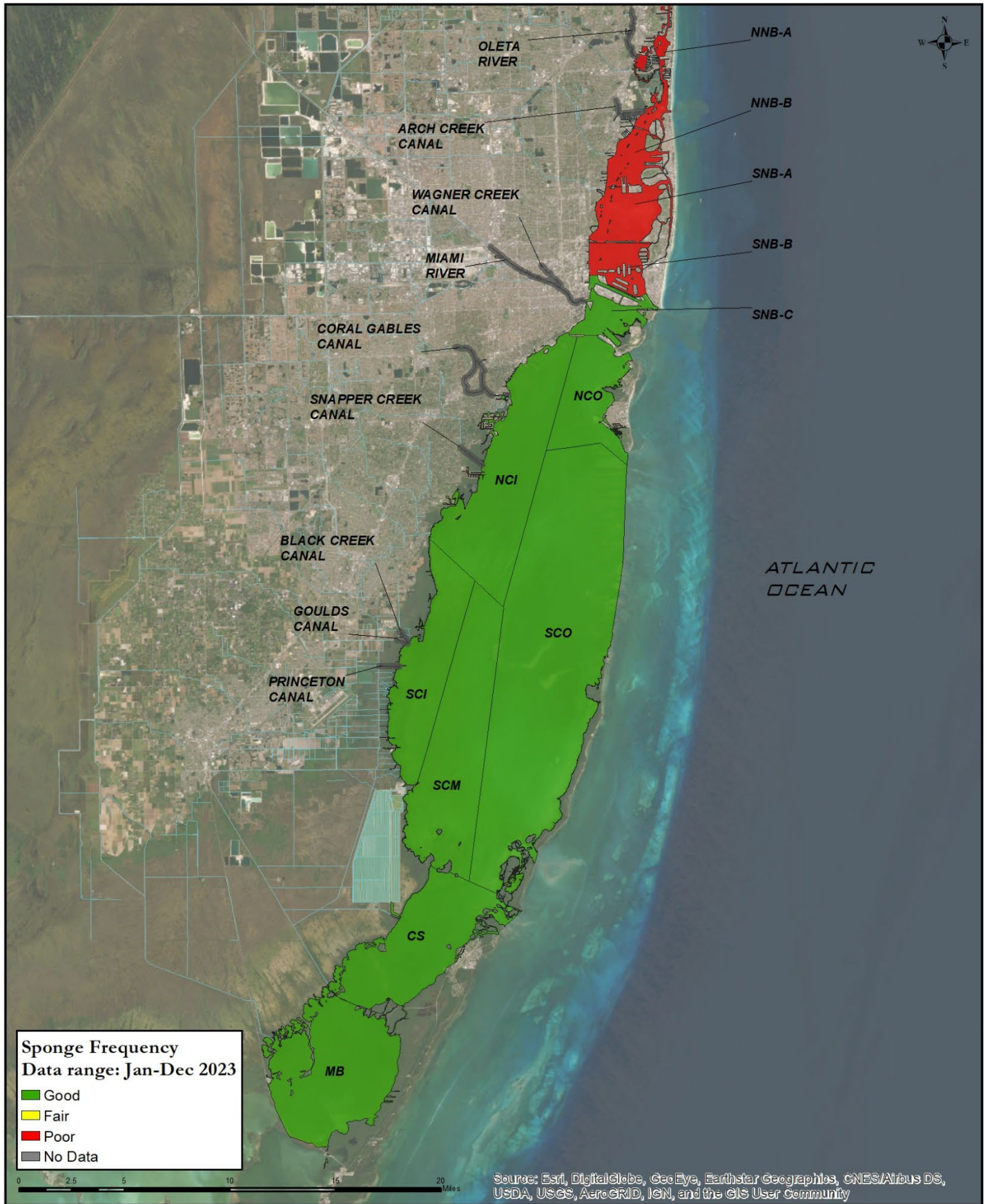
2024 Biscayne Bay Report Card

Submerged Aquatic Vegetation Score



2024 Biscayne Bay Report Card

Sponge Frequency Score



Report Card Region	2019 Score	2020 Score	2021 Score	2022 Score	2023 Score	2024 Score	2024 Biscayne Bay Health Status by Region*		
							0 - 2.90	2.91 - 3.90	> 3.90
NNB-A	Fair	Poor	Poor	Fair	Poor	Poor	Continued elevated bacteria, chlorophyll, and nutrient values; some improvement in cover of submerged aquatic vegetation (includes macroalgal cover)		
NNB-B	Fair	Fair	Poor	Fair	Fair	Fair	Continued elevated chlorophyll-a and nutrient values, some improvement in total phosphorus; continued low cover of submerged aquatic vegetation and sponge frequency		
SNB-A	Poor	Poor	Poor	Poor	Poor	Poor	Continued elevated chlorophyll-a and nutrient values, some improvement in total phosphorus and nitrogen; continued low cover of submerged aquatic vegetation and sponge frequency		
SNB-B	Poor	Fair	Fair	Fair	Fair	Fair	Continued elevated chlorophyll-a and nutrient values, some improvement in total phosphorus and nitrogen; continued low sponge frequency and cover of submerged aquatic vegetation		
SNB-C	Fair	Fair	Fair	Good	Fair (3.9)	Good (4.1)	Some improvement in total phosphorus and nitrogen; continued low cover of submerged aquatic vegetation with some increase in sponge frequency		
NCI	Fair	Fair	Poor	Fair	Fair	Fair	Continued elevated chlorophyll-a values and low cover of submerged aquatic vegetation with some improvement in total nitrogen and sponge frequency		
NCO	Fair	Fair	Fair	Fair	Fair	Fair	Reduced cover of submerged aquatic vegetation with some improvement in sponge frequency		
SCI	Poor	Fair	Fair	Fair	Fair	Fair	Continued elevated chlorophyll-a values and increase in bacteria levels; some improvement in total nitrogen and sponge frequency; reduced water clarity		
SCM	Fair	Good	Fair	Fair	Fair	Fair	Continued elevated chlorophyll-a values; some improvement in total phosphorus, nitrogen, and sponge frequency		
SCO	Good	Fair	Fair	Fair	Fair	Fair	Continued elevated chlorophyll-a values; some improvement in total nitrogen		
CS	Fair	Fair	Fair	Fair	Fair	Fair	Continued elevated chlorophyll; improvement in sponge frequency		
MB	Poor	Poor	Poor	Fair	Poor	Poor	Continued elevated chlorophyll-a values and low cover of submerged aquatic vegetation with some improvement in total phosphorus, nitrogen and sponge frequency		

* The annual Biscayne Bay Report Card uses data from the prior calendar year, January through December.

MEMORANDUM

Agenda Item No. 4(D)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to environmental protection and zoning in the incorporated and unincorporated areas; amending division 1 of article I, division 1 of article III, and division 1 of article IV of chapter 24, article III of chapter 33, and sections 24-25, 33-1, and 8CC-10 of the Code; comprehensively revising development standards, procedures, and permitting requirements relating to drainage, impervious surfaces, and stormwater infrastructure, and providing exceptions to review of applications in incorporated areas under certain circumstances; revising requirements and procedures for approval of plans required by chapter 24; revising requirements related to construction and maintenance of operating and other records for wastewater, air pollution, and potable water facilities and stormwater management systems; requiring review and recertification under certain conditions of stormwater management systems owned or operated by a municipality or other public entity, special taxing district, community development district, or private property owners' association; adopting and incorporating certain state rules and regulations; providing delayed effective dates for compliance with new standards; increasing time for completion of work pursuant to a Class V permit; revising definitions and cross-references; revising building height standards to address base flood elevation; amending section 24-38; revising basins where funds may be expended; making technical changes; providing for enforcement by civil penalty; providing for application to pending applications

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: May 21, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance relating to environmental protection and zoning in the incorporated and unincorporated areas; amending Division 1 of Article I, Division 1 of Article III, and Division 1 of Article IV of Chapter 24, Article III of Chapter 33, and Sections 24-25, 33-1, and 8CC-10 of the Code of Miami-Dade County, Florida; comprehensively revising development standards, procedures, and permitting requirements relating to drainage, and impervious surfaces, and stormwater infrastructure, and providing exceptions to review of applications in incorporated areas under certain circumstances; revising requirements and procedures for approval of plans required by Chapter 24; revising requirements related to construction and maintenance of operating and other records for wastewater, air pollution, and potable water facilities and stormwater management systems; requiring review and recertification under certain conditions of stormwater management systems owned or operated by a municipality or other public entity, special taxing district, community development district, or private property owners' association; adopting and incorporating certain state rules and regulations; providing delayed effective dates for compliance with new standards; increasing time for completion of work pursuant to a Class V permit; revising definitions and cross-references; revising building height standards to address base flood elevation; amending Section 24-38; revising basin where funds may be expended; making technical changes; providing for enforcement by civil penalty; providing for application to pending applications; providing severability, inclusion in the code, and an effective date

Executive Summary

This ordinance speaks to Miami-Dade County's robust commitment towards the enhancement and sustainability of regional stormwater management while fostering a healthier and more resilient Biscayne Bay. If enacted, the changes will advance the goals outlined in Resolution No. R-838-22 and further articulated in the report (Legistar # 231391) received by the Board of County Commissioners (Board) as Item 2B8 at the Board's July 18, 2023 meeting.

The proposed ordinance revises environmental and zoning regulations, amends development standards and procedures related to drainage, impervious (including paved) surfaces, and stormwater infrastructure, and implements technical changes, to achieve higher regulatory standards to enhance resilience, improve water quality, and reduce future risks of flooding resulting from projected sea level rise. The higher regulatory standards in this ordinance are prospective in nature and will apply to new construction, redevelopment, and substantial improvements to existing development as well as to future reviews and recertification of stormwater management systems that drain runoff from, or otherwise serve, a public right-of-way

and are operated by a municipality or other public entity; and of stormwater infrastructure owned or operated by a special taxing district, community development district (CDD), or private property owners' association that connects to or drains into public right-of-way drainage infrastructure. Future reviews and recertification of stormwater management systems do not apply to public entities, such as the Florida Department of Transportation, that also own and operate stormwater infrastructure outside of Miami-Dade County.

Most new requirements will not be enforced until March 31, 2025, to provide a transitional period and allow for building permits in process prior to that date to be completed. This lead time follows extensive workshopping and engagement with stakeholders, including property owners, engineers, contractors, and owners and operators of stormwater management systems, over the past year and is intended to allow stakeholders adequate time to transition to the new standards.

Proposed code changes are the direct result of modeling conducted by the Department of Regulatory and Economic Resources - Division of Environmental Resources Management (RER-DERM) to study the current and future interaction of groundwater, surface water, and the effects of sea level rise on the totality of the County's watershed area. The proposed changes will require public and private properties countywide to meet improved environmental standards to address sea level rise when seeking approval for new development or substantial redevelopment, thus advancing the County's Sea Level Rise Strategy.

Stormwater impacts the environmental sensitivity of surrounding areas and thus requires comprehensive evaluation through the development plan review and building permitting process. This comprehensive effort ensures that our community is safeguarded from flooding, contamination, and pollution, and also ensures that development activity at the surface does not introduce unnecessary risks to the aquifer. That risk is assessed and mitigated site by site as each permit for development and construction is issued. The proposed changes will apply holistically to all future development and to new or replacement stormwater management system infrastructure, particularly stormwater management systems that drain runoff from or otherwise serve public rights-of-way and are owned or operated by a municipality or other public entity, as well as to stormwater infrastructure that connects to or drains into public right-of-way drainage infrastructure and is owned or operated by a special taxing district, community development district, or private property owners' association.

Recommendation

It is recommended that the Board approve the proposed ordinance, which amends Chapters 24 and 33 and Section 8CC-10 of the Code of Miami Dade County (Code).

Scope

This ordinance applies countywide in both the incorporated and unincorporated areas, except that the provisions of Chapter 33 herein apply only in the unincorporated areas and the portions of the incorporated areas where the County exercises zoning and building jurisdiction. With respect to single family and duplex properties, the ordinance provides for municipalities to adopt or incorporate certain requirements by reference in their respective municipal codes and to provide for their own reviews related to certain improvements to single-family or duplex properties without additional review by RER-DERM under certain conditions.

Delegation of Authority

This ordinance amends various chapters of the Code, each of which is currently implemented and enforced by particular Divisions of the Department of Regulatory and Economic Resources (RER), such as DERM, the Development Services (Zoning) division, and the Construction Permitting (Building) division. Upon approval of this ordinance, RER will continue to implement and enforce the revised regulations contained within this ordinance.

Fiscal Impact/Funding Source

This proposed ordinance will result in increased plan reviews and inspections to ensure compliance with the updated Code provisions. Additional staffing to support these activities will be requested through the FY 24-25 budget process, will be integrated into the existing plan review and permitting procedures, and will be funded through applicable permit fees already enumerated in RER's fee schedules or with annual revenue from the County's Stormwater Utility Fees, as shown below.

Three additional engineering staff positions, two pollution control plan review positions, and three flood plain construction inspector positions are anticipated to be required to meet the additional workload associated with the technical reviews, permitting, and inspections for increases in impervious areas and paving for single-family and duplex residential lots, as well as to review the other new standards required by the proposed ordinance. Review fees to be applied for the new standards for single-family and duplex properties are already enumerated in the fee schedule. These fees are anticipated to offset the estimated \$820,000 in annual expenditures for the additional staffing. Improved standards being introduced as part of this ordinance for these properties will therefore not require the implementation of any new review fee. Paving reviews for multi-family and commercial properties are already being handled through the permitting process by RER.

The proposed ordinance will also require additional submittals of calculations and plan requirements for certain construction activities associated with Class II, Class V, Class VI, and cut and fill applications (including temporary drainage during the construction phase, pollutants annual load calculations, and Stormwater Pollution Protection Plans). These submittals will require additional time and/or reviews to process these applications. Two additional engineering staff positions and two pollution control inspector positions are anticipated to be required to meet the additional workload from submittals and subsequent compliance inspections. Revenue generated from various review and permit fees approved by the Board in the RER-DERM's fee schedule are anticipated to offset the estimated \$443,000 in annual expenditures for the additional staffing.

Lastly, approval of this item is anticipated to create the need for up to two additional engineering staff positions to review and coordinate the certification and recertification activities of municipal stormwater management systems and update the countywide mapping asset records. This incremental annual fiscal impact estimated at \$233,000, however, is not anticipated to represent a significant burden or operational expense in the context of the County's existing stormwater master planning activities and is expected to enhance regional planning efforts. As applicable, staff time

needed may be funded by the County's Stormwater Utility Fees as a countywide planning activity for the regional conveyance master planning responsibility.

The County itself, in its capacity as the custodian of its local tertiary drainage system, may incur increased costs for new construction and improvements because of the ordinance's revised standards—primarily those related to water quality, which apply to new construction and substantial improvements to stormwater infrastructure. These future improvements to the local (tertiary) drainage infrastructure are anticipated to be funded by RER-DERM through annual revenue generated via the County's Stormwater Utility Fees. State and federal grants and bond financing may also be pursued to supplement local revenue.

Track Record/Monitor

The RER-DERM Director or the Director's designee will be responsible for monitoring the implementation of this ordinance pertaining to Chapter 24. The Development Services (Zoning) Division Director or the Director's designee will be responsible for monitoring the implementation of this ordinance pertaining to Chapter 33.

Social Equity

Adoption of this ordinance is expected to result in the hardening of our built environment and added protection from flood risks and water quality impacts for developing and redeveloping properties, thus advancing the County's Sea Level Rise Strategy. New development and substantial improvements to private and public parcels will be required to meet the new requirements, which will make individual properties more resilient long-term. Implementation of the updated standards will increase our community's resilience by reducing flooding risks from projected sea level rise and improving water quality.

Current Florida Building Code standards require new structures to be built on higher base flood elevations, particularly in flood hazard areas. In 2022, in furtherance of those Building Code standards, the Board adopted Ordinance Nos. 22-141 and 22-142, which comprehensively revised the County's flood protection and floodplain regulations in Chapter 11C and adopted a new Flood Criteria Map. The new County Flood Criteria Map requires that lands be filled, graded, and harmonized as needed to match existing roads fronting the property. Revisions to Chapter 11C, in addition to existing language in Chapter 24, already require that development and redevelopment not negatively impact adjacent properties and prohibit stormwater runoff onto adjacent properties.

The proposed amendments to Chapters 24 and 33 of the Code further clarify and specify the applicable drainage, impervious surface, and stormwater management standards and how they should apply on individual lots and on stormwater systems that affect public rights-of-way. Therefore, this ordinance is expected to provide positive social equity impacts by achieving improved water quality and reducing regional flood impacts and risks. In addition, higher standards in environmental and zoning regulations are critical to minimizing the impact of urbanization and pollution on our watershed, thus improving the health of Biscayne Bay, increase the entire community's resilience, and reduce risks from projected sea level rise.

With respect to permitting and development approvals, this ordinance does not affect all construction and project design, as the new standards for permits and approvals are triggered by new development or by certain improvements to existing development. Furthermore, projects that are subject to the new regulatory standards already necessitate engineering design and construction services and are already required to build to a higher elevation pursuant to existing Florida Building Code requirements for minimum finished building floor and freeboard elevations. The proposed new standards are anticipated to provide positive social equity benefits through the design and construction of individual lots and their stormwater management systems, as they will increase flood protection for the subject properties and will improve the water quality of ground and surface waters in the County. Because projects that are subject to the new requirement already incur engineering design and construction costs to comply with existing Florida Building Code standards, any additional costs associated with meeting the requirements of the proposed ordinance are not expected to be significant.

New requirements to review and recertify stormwater management systems that drain runoff from or otherwise serve a public right-of-way and are owned or operated by a municipality or other public entity, or drainage infrastructure that is owned or operated by special taxing district, community development district, or private property owners' association and that connects to or drains into public right-of-way drainage infrastructure may require the applicable entities to expend funds on improvements to failing drainage infrastructure. However, such impacts will be offset by the positive impact to the public of reduced flooding in rights-of-way during rain events. In addition, civil penalties being incorporated into this ordinance for violations of revised stormwater requirements should serve to deter water quality violations and improve flood control across the County. Furthermore, properly maintained stormwater management infrastructure that performs at its designed capacity reduces pollution and nutrient loading on the watershed, which ultimately benefits Biscayne Bay.

Municipalities, like the County, may incur increased costs for new construction and improvements because of the ordinance's revised standards—primarily those related to water quality, which apply to new construction and substantial improvements to stormwater infrastructure. These future improvements to the municipal drainage infrastructure could potentially be funded by the respective municipality's stormwater fees or other financial opportunities that may be available to cities.

Background

Miami-Dade County has maintained robust commitments to floodplain and stormwater management over the last 30 years. These commitments include investing in stormwater master planning, capital improvements, systems operations, and infrastructure inspections and maintenance. Continued advancement in these areas depends on adopting and enforcing higher regulatory standards for public and private land development and redevelopment, construction permitting, flood control, and water quality protection. Success depends as much on the activities of the private sector as on those of the public sector and involves all parcels and road rights-of-way.

Just like South Florida advanced strict building wind standards in response to the impacts of Hurricane Andrew, RER-DERM advances and manages the equally important flood impact and drainage review as part of RER's overall construction plan review and permitting process pursuant to the County Code. Stormwater management is not only critical for the life safety of public and private structures but also to avoid additional burden and loss when storm water dissipates after rain events. The Code currently requires all private and public sites to handle their own drainage and retain their own stormwater and requires buildings to meet standards and provide features to ensure that buildings can withstand rain and to minimize flooding impacts.

This ordinance updates and heightens regulatory requirements and standards to address future groundwater, surface water, and hydrologic and hydraulic modeling scenarios to address projected sea level rise. The new, higher regulatory standards apply to the design, construction, maintenance, and operations of projects and infrastructure in Miami-Dade County and are based on comprehensive study and consideration. The proposed updates support the County's effort to increase resilience and reduce future risks posed by weather, flood events, and water quality impacts. Among the new standards are requirements applicable to "non-structural impervious surface improvements," which the proposed ordinance defines as "the installation or placement of pavement, slab, pavers, or other materials or items that reduce the pervious area, as determined by the Director; or the compaction of ground or fill in a manner that results in an impervious surface conducive to stormwater runoff, as determined by the Director."

Future sea level rise scenarios are based on the Intermediate High curve projections promulgated by the National Oceanic and Atmospheric Administration (NOAA), as further set forth in the Unified Sea Level Rise Projections – Southeast Florida (2019 Update), published by the Southeast Florida Regional Climate Change Compact. . This proposed ordinance uses a holistic approach to mitigate flood and water quality risks. The proposed changes in this ordinance are well integrated with the County's existing regulatory framework, including the Florida Building Code, the County's Public Works Manual, zoning and other Code requirements, and State and Federal regulations.

The proposed changes also implement several Comprehensive Development Master Plan (CDMP) policies:

- Policy LU-9B: "Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:
 - IV. Areas subject to seasonal or periodic flooding;
 - V. Stormwater management;"
- Policy LU-13A: "By 2022, Miami-Dade County shall develop future groundwater maps appropriate for use in the design of structures and stormwater management systems, at a minimum."
- Policy LU-13B: "By 2021, Miami-Dade County shall develop...criteria to assess how proposed development and redevelopment project features including location, site design, land use types, density and intensity of uses, landscaping, and building design, will help mitigate climate impacts or may exacerbate climate related hazards. . . ."
- Policy LU-13D: "Miami-Dade County shall continue to . . . address public buildings and infrastructure vulnerable to sea level rise and other climate change related impacts. This

analysis shall include public buildings, water and waste water treatment plants, transmission lines and pump stations, stormwater systems, roads, rail, bridges, transit facilities and infrastructure, airport and seaport infrastructure, libraries, parks, fire and police stations and facilities. . . .”

- Policy LU-13G: “Miami-Dade County shall develop standards for adapting the built environment to the impacts of climate change as an integral component of all planning processes, including but not limited to comprehensive planning, infrastructure planning, building and life safety codes, emergency management and development regulations, stormwater management, and water resources management.”
- Objective CON-2: “Protect ground and surface water resources from degradation, provide for effective surveillance for pollution and clean up polluted areas to meet all applicable federal, state and County ground and surface water quality standards.”
- Policy CON-5A: “The Stormwater Management (Drainage) Level of Service (LOS) Standards for Miami-Dade County contain both a Flood Protection (FPLOS) and Water Quality (WQLOS) component...”
- Policy CON-5C: “Miami-Dade County ... shall develop stormwater management criteria and plans for all unincorporated areas identified. Where such areas fall within municipal boundaries, the County will coordinate the stormwater management planning with the appropriate municipality(ies).”
- Policy CON-5H: “Miami-Dade County shall periodically evaluate stormwater drainage criteria as outlined in the County Code to ensure proper flood protection is being provided to County residents.”

Timeline for Implementation of Changes

The proposed code changes are prospective. Newly developed and redeveloped properties, as well as substantial improvements to existing developments, are already required to be designed to comply with code requirements for floodplain, zoning, building, and environmental regulations in effect at the time of platting and permitting. Effective March 31, 2025, increases in impervious surfaces, which are defined as “a surface area that does not allow penetration by water . . . or . . . a surface area that has a [minimal] permeability rate . . . ,” including structures, slabs, sidewalks, parking areas, certain pavers, and highly compacted ground, and development, substantial improvements, construction, or alteration of a parcel or property that contains stormwater infrastructure, will be subject to the updated standards in the proposed ordinance, which will be reviewed and decided by RER-DERM.

The proposed ordinance provides for municipalities to review, permit, and inspect non-structural impervious surface improvements on individual single-family and duplex properties, without additional DERM review, under certain conditions, including that the DERM Director reviews the applicable municipal ordinance and determines that its standards are at least as rigorous as the standards provided in the proposed ordinance. The ordinance further provides that municipalities may continue to review, permit, and inspect non-structural impervious surface improvements on individual single-family and duplex properties without additional DERM review, even where the DERM Director has not yet reviewed and approved the applicable municipal ordinance, under the following conditions: by December 31, 2024, the municipality notifies the County that the municipality intends to submit an ordinance for the DERM Director’s review; and by December

31, 2025, the municipality submits the adopted municipal ordinance for the DERM Director's review. But if the DERM Director determines that the municipal regulations are not at least as stringent as the proposed ordinance, then the DERM Director's review shall be required for non-structural impervious surface improvements on individual single-family and duplex properties. The DERM Director's review will also be required in the event of municipal noncompliance with the County Code or where approved non-structural impervious surface improvement on single-family or duplex properties is causing or has caused flooding or stormwater control issues on adjacent or adjoining properties or on the public right-of-way.

The proposed ordinance also requires each municipality or other public entity that operates solely within Miami-Dade County and that owns or operates a stormwater management system that drains runoff from or otherwise serves a public right-of-way, as well as each special taxing district, community development district, or private property owners' association that owns or operates stormwater infrastructure that connects to or drains into public right-of-way drainage infrastructure, to maintain certain records and to obtain from the DERM Director recertification of the respective stormwater infrastructure. By December 31, 2026, each such entity shall submit to the DERM Director records of the relevant stormwater infrastructure assets and its maintenance. Recertification of such stormwater management systems will then be due by March 31, 2028, and every ten years thereafter.

Summary of Updates

Our County's total stormwater management strategy necessarily depends on the independent actions of a number of private and public entities that manage their own stormwater infrastructure. The actions of our state and federal partners and the choices made by private operators and our 34 municipal stormwater utility jurisdictions affect our ability to manage flooding while ensuring that their respective stormwater management does not adversely affect water quality. We see the result of any one entity's inability to invest in needed upgrades or maintenance when our community experiences extreme weather events. Localized flooding becomes the very visible signature of underinvestment or improper maintenance.

The proposed ordinance revises key development standards and procedures related to drainage, impervious surfaces, and water quality protection. It also revises definitions and cross-references and makes technical changes to review and approval processes and to the text of the regulations. The ordinance further provides for enforcement of the standards by civil penalties.

Ordinance Highlights

The following groups together summaries of the key revisions:

- System performance is addressed by requiring mapping and recordkeeping from municipalities and other public entities that operate solely within Miami-Dade County and that own or operate stormwater management systems that drain runoff from or otherwise serve a public right-of-way, and from special taxing districts, CDDs, and private property owners' associations owning or operating infrastructure that connects to or drains into public right-of-way drainage infrastructure. Asset inventory and maintenance record keeping and reporting are critical to ensuring that all of our roadways are ready to responsibly handle rain events.

- Recertification of stormwater systems will be required by 2028 and in 10-year increments thereafter. The County may require shorter recertification cycles on a system-by-system basis. Recertification of systems will ensure that the existing drainage protects private and public properties from flooding impacts and does not adversely impact water quality in Biscayne Bay, and that systems continue to manage stormwater as originally designed. To ensure that flooding and pollution risks are minimized, entities will be responsible for timely implementing corrective actions for system deficiencies that are identified.
- Requirements for existing systems will be complemented by improved retention requirements on individual parcels to address water quality and flood control. Parcels will be required to handle a minimum retention equivalent to a 25-year storm event (which improves the existing retention requirement by anywhere from 30 to almost 100 percent compared to today's standard for individual lots, depending on the specific locations and circumstances of a parcel). A minimum 25-year storm event retention requirement also applies when new outfall discharges are planned into the primary or secondary canal system or surface waters depicted on the Water Control Plan, and 100-year retention applicability is expanded beyond the cut and fill basins to include properties outside of the Urban Development Boundary (UDB).
- Minimum permeability requirements—generally, the amount of water penetration on a parcel—are also specified, to ensure that alterations to existing properties do not adversely impact their neighbors with respect to stormwater discharge. In the unincorporated area or where the County otherwise exercises zoning and building jurisdiction, permits for impervious areas in single-family and duplex properties that did not otherwise require a building permit—meaning non-structural impervious surface improvements such as pavers—were not previously required for already developed residential lots. As noted above, municipalities may opt out of the County review of this new requirement by demonstrating that their existing or planned standards will meet the minimum standards articulated in this ordinance. The ordinance also expressly quantifies minimum permeability standards and requires them to be maintained as an ongoing standard. Commercial properties are already subject to review and will also be subject to the improved standards. The ordinance allows for new permeable materials and soils to meet pervious area requirements. These changes will be particularly significant in addressing complaints by neighbors, which many Commissioners have received, that blame improvements to adjacent properties for flood concerns on the neighbors' properties. The ordinance further encourages “green infrastructure” to address the new standards for stormwater management.
- Stormwater systems with direct discharge to surface water bodies will be required to be free of debris or sediment. We have all seen how sediment and debris smother water quality in our canals and the Bay. We cannot allow the quality of receiving surface water bodies to be degraded by drainage discharge if we are committed to water quality and the health of the Bay. The proposed “no debris discharge” standard will apply to new and substantially improved outfalls, defined as “the discharge point of water or other liquids into any surface water, retention system, or other land.” Dewatering standards have also been updated including clarification of these requirements that apply to residential swimming pools.

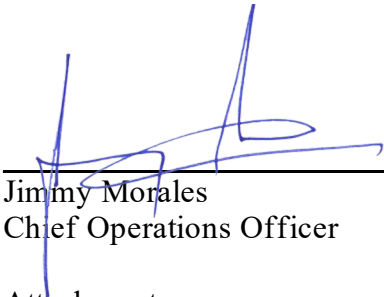
A more detailed summary of changes is provided as an attachment to this memorandum, in addition to summary slides that were presented as part of the report provided in response to Resolution No. R-838-22.

Municipal & Public Stakeholder Outreach and Reviews

In preparing this proposed ordinance, RER-DERM has engaged in extensive discussions with municipalities and other stakeholders to provide information and receive constructive feedback on the proposed Code changes. No County Code provision or other applicable law required this level of engagement, but RER-DERM provided this opportunity to facilitate and encourage stakeholder comment and involvement. The discussion and comment period occurred from June 22, 2023 through February 28, 2024.

During this period, RER-DERM held group and individual discussions with municipalities, universities, engineers, developers, development attorneys, and building and environmental organizations. Additionally, various County departments, including the Department of Transportation and Public Works (DTPW) and several RER divisions and offices (Building, Planning, Development Services, and the Office of Resilience), have participated in technical reviews and provided comments. The proposed ordinance has also been discussed with, and input has been received from, the Biscayne Bay Watershed Management Advisory Board. RER-DERM has thoroughly assessed and incorporated the input and suggestions received into the proposed ordinance.

Communication and outreach on this important Code upgrade will continue through ordinance adoption and afterwards, as the County works with residents, community groups, the development and business communities, our municipal partners, and other stakeholders to ensure the new requirements are well understood and applied to future development and substantial improvements.



Jimmy Morales
Chief Operations Officer

Attachment

Key Updates

Best Management Practices

- ▶ County approvals for all non-structural impervious surface improvements, *residential*, multifamily, commercial, swimming pools, paving and drainage (m-permits currently used for DERM reviews)
- ▶ Municipalities may regulate non-structural impervious surface improvements if they adopt their own (same or stricter) ordinance, for *single-family and duplex properties only*
- ▶ County may *still review properties causing flooding* on adjacent property or on the public right-of-way
- ▶ County approvals for *all development, improvement, construction, or alteration* on parcels with stormwater infrastructure



Department of Regulatory and Economic Resources Division of Environmental Resources Management

Best Management Practices to Address Increases of Impervious Areas, Paving. Updates to Standards for Implementing New & Improvements to Existing Infrastructure (Wastewater Systems, Industrial Waste Disposal, Air Emissions and Air Pollution Abatement Facilities, and Stormwater). Allowing Municipalities to Adopt and Enforce Their Own Ordinance to Address Impervious Surface Improvements for Single Family and Duplex Properties. Explicitly Restating the County's Authority to Review Properties Causing Flooding on Adjacent Property or on the Public Right-Of-Way

- Require approvals for non-structural impervious surface improvements (paving) for single family and duplex properties, implemented in unincorporated and incorporated areas. Review and approval of multifamily, commercial, swimming pools, paving and drainage is currently done by RER-DERM through review of municipal permits (M-permits)
- Allow municipalities to adopt and enforce their own ordinance addressing non-structural impervious surface improvements for single family and duplex properties, provided that such municipal ordinance is at least as stringent as the County Code
- County may still review and enforce the code requirements for properties causing flooding on adjacent property or on the public right-of-way
- Require approvals prior to any development, improvement, construction, or other alteration of a parcel or property that contains stormwater infrastructure
- Require that applications for approval to construct, extend, or alter a facility, equipment, or process, including stormwater infrastructure show compliance with the requirements and standards promulgated hereunder
- Require maintenance of records for completed work, approval for any alterations or changes to the already approved work, project closure report, as-built plans, operation, or approvals to changes in system functionality. This requirement applies to wastewater

systems, industrial waste disposal, air emissions and air pollution abatement facilities, and stormwater infrastructure.

- Require keeping of maintenance and operating records for a minimum of three years unless other operating permit conditions require them to be kept for a longer period of time.

Key Updates

Impervious Area Ordinance



Requirements to address maintenance & operations

- ▶ Stormwater *system records* *required* from municipalities, public entities, special taxing districts, community development districts, and private property owners' associations operating infrastructure in the public right-of-way or discharging into the public right-of-way system
- ▶ Records include *asset inventory*, *maintenance Standard Operating Procedures (SOPs)* and *maintenance reports*



Department of Regulatory and Economic Resources Division of Environmental Resources Management

Requirements to Address Maintenance and Operations of Municipal Stormwater Management Infrastructure

- Require that each municipality or other public entity that owns or operates a stormwater management system that drains runoff from the public right-of-way or other otherwise serves a public right-of-way, and from a special taxing district, community development district, or private property owners' association that owns or operates stormwater infrastructure that connects to or drains into public right-of-way drainage infrastructure, shall submit their asset inventory, maintenance reports and their system maintenance Standard Operating Procedures. This requirement does not apply to public entities, such as the Florida Department of Transportation, that also own and operate stormwater infrastructure outside of the County.

Requirements to address system performance

- ▶ **Initial Certification & Recertification** required for the same entities that maintain and submit system records, and recurring thereafter
- ▶ **Stormwater Master Plan or an Engineer's report** to certify performance, identify deficiencies and recommend corrective action(s)/timeline
- ▶ **Ensure system performance**, that the system is not adversely impacting water quality in the Bay, and it is managing flooding



Department of Regulatory and Economic Resources Division of Environmental Resources Management

Requirements to Address Stormwater Management System Performance

- Certify that stormwater management infrastructure that drains runoff from the public right-of-way or other otherwise serves a public right-of-way that is owned or operated by a municipality or other public entity, and each stormwater infrastructure that connects to or drains into public right-of-way drainage infrastructure that is owned or operated by a special taxing district, community development district, or private property owners' association continues to operate in accordance with, and otherwise complies with, the requirements of Chapter 24 and the conditions and terms of any prior approval of said stormwater infrastructure. Furthermore, certify if such stormwater infrastructure has caused, or that no record has been found that it has caused, any pollution, contamination of air, water, soil, or property, flooding, or runoff in violation of the rules or regulations promulgated hereunder.
- Include with the initial certification and subsequent recertifications of such stormwater management systems, copies of the documents listed below, or, in the alternative, documents submitted to the State to fulfill the requirements of the NPDES MS4 Permit for each municipal system that include the same information, in electronic or hard copy format.
 - a. Require each applicable municipality or other public entity, special taxing district, CDD, or private property owners' association to submit their stormwater master plan, stormwater capital improvement plan, annual maintenance records and SOPs since the last submittal, new asset records showing changes that have occurred since the last submittal, the annual fiscal analysis submitted to the State to fulfill the requirements of the NPDES MS4 Permit, or other annual fiscal analysis to certify their investment to improve and maintain system performance. This requirement does not apply to public entities, such as the Florida Department of Transportation, that also own and operate stormwater infrastructure outside of the County.

- b. Submit a report that is signed and sealed by a professional engineer licensed in the State of Florida, as an alternative to the submittal of records specified above, to certify and subsequently recertify the stormwater management system by providing an assessment and plan to improve and maintain system performance.
- Require ongoing recertification for existing stormwater infrastructure for which no prior approval exists and no approval was required at the time of installation. Certify whether such stormwater infrastructure has caused, or if no record has been found that it has caused, any pollution, contamination of air, water, soil, or property, flooding, or runoff in violation of Chapter 24 or the rules or regulations promulgated hereunder.
- Identify deficiencies and recommend corrective actions and a timeline by which such corrective actions will be implemented for stormwater infrastructure.

Key Updates

Impervious Area Ordinance



Requirements to address water quality and flood control

- ▶ **Retention** (all parcels, minimum 25 YR event)
- ▶ **Green infrastructure** as a strategy to meet retention requirements
- ▶ Setting **minimum permeability** requirements
- ▶ Updating **minimum quality** standards for direct discharges



Department of Regulatory and Economic Resources Division of Environmental Resources Management

Standards to Address Flood Control and Water Quality

- Provide updated references and data to be used, including but not limited to, design seasonal water table (October and May), future groundwater elevations, and tail-water design seasonal elevation including future surface water elevations for Sea Level Rise
- Require minimum standards and information to be provided for construction drawings, specifications, and operational procedures
- Set minimum standards for stormwater quantity and quality for development and other activities impacting the storage, runoff volume, flow, course, treatment, discharge, disposal, ponding, flooding, or quality of stormwater discharges, including but not limited

to best management practices, event mean concentrations, impervious area setbacks, percent pervious area, detention, and retention

- Limit post-development stormwater impacts and runoff to pre-development levels at the site boundary, and set minimum onsite retention for all parcels, of any size, including lots for single-family and duplex residences not part of a larger subdivision, as well as minimum requirements for water quality to be achieved with onsite retention
- Require and ensure prevention of stormwater seepage, runoff, discharge, or other greater impacts onto adjacent and adjoining parcels after development compared to pre-development conditions
- Require a minimum retention for new outfalls or additional direct discharge volumes; and require onsite retention and detention systems to provide a minimum water quality treatment volume, and a minimum post-development pollutant reduction, for outfalls to Biscayne Bay, surface waters designated as Outstanding Florida Waters or their tributaries
- Require minimum standards for water quantity and water quality for public right-of-way projects that are not part of a subdivision application
- Require erosion and sedimentation controls for construction activities
- Clarify the permit requirements for dewatering activities for swimming pools, for discharges into stormwater infrastructure, and for construction or alteration of stormwater infrastructure
- Set new minimum permeability requirements and allow permeable materials that meet those minimum requirements including installation standards
- Recognize that green infrastructure, Green Stormwater Infrastructure (GSI), Low Impact Development (LID), along with green areas, swales, pervious pavers, pervious pavement, dry shallow exfiltration trenches, retention systems, or similar infrastructure or other development may satisfy the minimum requirements for stormwater onsite retention and for stormwater detention capacity
- Prohibit dewatering and discharges when they may cause or allow sediment to discharge into waterways or off-site private or public properties or into stormwater infrastructure in a manner that causes sedimentation, impedes water flows, or degrades water quality
- Prohibit discharges of floating solids, settleable solids, or sludge deposits attributable to stormwater in fresh and tidal waters
- Require best management practices (BMPs) for stormwater treatment to use practices or combination of practices based on research, field-testing, and expert review, considered to be the most effective and practicable, including economic and technological considerations, for improving water quality by reducing excess nutrients and other pollutant loads in water

Other Zoning and Enforcement Updates

- Update the allowable heights of buildings by establishing that the height of a building shall be measured from the base flood elevation established pursuant to Chapter 11C , instead of from the average elevation of the finished building site
Update of the schedule of civil penalties to include:

<u>Non-structural impervious surface improvement installed, replaced, or expanded at a single-family residential property without plan approval.</u>	<u>\$500.00</u>
------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------

<u>Non-structural impervious surface improvement installed, replaced, or expanded at a property other than a single-family residential property without plan approval.</u>	<u>\$1,000.00</u>
<u>Any other stormwater infrastructure, constructed, installed, or altered without plan approval.</u>	<u>\$1,500.00</u>
<u>Violation of stormwater regulation standards</u>	<u>\$2,500.00</u>

Applicability to pending applications

- Provide that for applications filed prior to the effective date of the proposed ordinance, or where the ordinance provides for a later compliance date, prior to such later compliance date, the DERM Director shall continue to review such applications under the provision of Chapter 24 in effect at the time of application.



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(D)

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 ____, 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) ____, or 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. 4(D)
5-21-24

ORDINANCE NO. _____

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION AND ZONING IN THE INCORPORATED AND UNINCORPORATED AREAS; AMENDING DIVISION 1 OF ARTICLE I, DIVISION 1 OF ARTICLE III, AND DIVISION 1 OF ARTICLE IV OF CHAPTER 24, ARTICLE III OF CHAPTER 33, AND SECTIONS 24-25, 33-1, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; COMPREHENSIVELY REVISING DEVELOPMENT STANDARDS, PROCEDURES, AND PERMITTING REQUIREMENTS RELATING TO DRAINAGE, IMPERVIOUS SURFACES, AND STORMWATER INFRASTRUCTURE, AND PROVIDING EXCEPTIONS TO REVIEW OF APPLICATIONS IN INCORPORATED AREAS UNDER CERTAIN CIRCUMSTANCES; REVISING REQUIREMENTS AND PROCEDURES FOR APPROVAL OF PLANS REQUIRED BY CHAPTER 24; REVISING REQUIREMENTS RELATED TO CONSTRUCTION AND MAINTENANCE OF OPERATING AND OTHER RECORDS FOR WASTEWATER, AIR POLLUTION, AND POTABLE WATER FACILITIES AND STORMWATER MANAGEMENT SYSTEMS; REQUIRING REVIEW AND RECERTIFICATION UNDER CERTAIN CONDITIONS OF STORMWATER MANAGEMENT SYSTEMS OWNED OR OPERATED BY A MUNICIPALITY OR OTHER PUBLIC ENTITY, SPECIAL TAXING DISTRICT, COMMUNITY DEVELOPMENT DISTRICT, OR PRIVATE PROPERTY OWNERS' ASSOCIATION; ADOPTING AND INCORPORATING CERTAIN STATE RULES AND REGULATIONS; PROVIDING DELAYED EFFECTIVE DATES FOR COMPLIANCE WITH NEW STANDARDS; INCREASING TIME FOR COMPLETION OF WORK PURSUANT TO A CLASS V PERMIT; REVISING DEFINITIONS AND CROSS-REFERENCES; REVISING BUILDING HEIGHT STANDARDS TO ADDRESS BASE FLOOD ELEVATION; AMENDING SECTION 24-38; REVISING BASINS WHERE FUNDS MAY BE EXPENDED; MAKING TECHNICAL CHANGES; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING FOR APPLICATION TO PENDING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Division 1 of Article I of Chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE I. - IN GENERAL

DIVISION 1. - GENERAL PROVISIONS

* * *

Sec. 24-5. - Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in chapter 403, Florida Statutes, as may be amended from time to time, and in rules and regulations promulgated thereunder, as may be amended from time to time, shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

* * *

(30) *Basin B* shall mean those lands within the following geographical boundary>>, all of which are designated as a cut and fill basin<<:

Section 13, 14, and 24, Township 52 South, Range 39 East, less those portions thereof lying southwesterly of the southwesterly right-of-way of Okeechobee Road, and

Sections 16, 17, 18 and 20, Township 52 South, Range 40 East, and

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 19, Township 52 South, Range 40 East, less that portion thereof lying southwesterly of the northeasterly right-of-way of the Miami Canal and northwesterly of the northwesterly right-of-way of the Florida Turnpike, and

That portion of Section 21, Township 52 South, Range 40 East, lying westerly of the westerly right-of-way of Interstate I-75, and

Section 30, Township 52 South, Range 40 East, less that portion thereof lying northwesterly of the northwesterly right-of-way of the Florida Turnpike, and less those portions included within the right-of-way of the Miami River, and

Section 31, Township 52 South, Range 40 East, and

Sections 6, 7, 8, 17, 18 and 19, Township 53 South, Range 40 East, and

Section 30, Township 53 South, Range 40 East, less the southeast one quarter thereof.

All lying in Miami-Dade County, Florida.

* * *

- (32) >>*Bird Drive Basin* shall mean those lands within the following geographical boundary, all of which are designated as a cut and fill basin:

All those sections and fractions of Sections of the west one half of Township 54 South, Range 39 East and the west one quarter of Sections 3 and 10 which lie south of the Tamiami Trail, except Sections 21, 28 and 33 and except that portion of Section 31 which lies south of North Kendall Drive (State Road 94).

- (33)<<*Bird Drive Everglades Wetland Basin* shall mean the wetlands described below:

That portion of Section 3, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail) and lying west of S.W. 143 Avenue north of S.W. 9th Terrace

and lying west of S.W. 144 Avenue south of S.W. 9th Terrace; those portions of Sections 4, 5, and 6, Township 54 South, Range 39 East lying south of U.S. Highway 41 (Tamiami Trail); that portion of Section 10, Township 54 South, Range 39 East lying west of S.W. 144 Avenue; that portion of Section 31, Township 54 South, Range 39 East, lying north of S.W. 88th Street (North Kendall Drive); and Sections 7, 8, 9, 16, 17, 18, 19, 20, 29, 30, and 32, Township 54 South, Range 39 East.

* * *

>>(44)<< [[43]] *Building permit* shall mean a permit pursuant to the Florida Building Code.

* * *

>>(70)<< [[(69)]] *County Flood Criteria Map* shall be as defined in chapter 11C.

>>(71)<< [[70]] *County public works department* or *public works department* means the public works department as defined in section 2-99.

>>(72)<< [[71]] *County public works manual* shall mean the manual of minimum standards for public works construction promulgated by the County public works department pursuant to section 2-100.

* * *

>>(79)<< [[(78)]] *Department* shall mean the Division of Environmental Resources Management of the Miami-Dade County Department of Regulatory and Economic Resources or successor department responsible for administration of this chapter.

>>(80)<< [[(79)]] *Detention* ~~[[of stormwater]]~~ shall mean >>a facility or system that delays or reduces the discharge of a given volume of stormwater runoff into surface waters through<< the collection and temporary storage of >>said<< stormwater ~~[[in a manner that will provide treatment through physical, chemical or biological processes,]]~~ with subsequent ~~[[gradual]]~~ release ~~[[of the~~

~~stormwater]] >>into the ground or to surface waters<< [[in a manner not to exceed the design limitations of the temporary storage area]]. >>There are two type of detention, wet and dry:~~

- ~~(i) Wet detention is storage of stormwater at or below the design mean high water table.~~
- ~~(ii) Dry detention is storage of stormwater one foot above the design mean high water table.~~
- ~~(iii) Examples of detention systems are excavated or natural depression storage areas, pervious pavement with subgrade, or above ground storage areas.<<~~

~~>>(81)<< [[(80)]] *Detention pond* shall mean >>detention that consists of<< an open basin >>that<< [[which intercepts the groundwater table and]] is used for >>storage to reduce stormwater peak flow rates or pollutants<< [[the temporary storage of stormwater runoff]].~~

~~>>(82)<<[[(81)]] *Developed land* shall mean [[land upon which structures or facilities have been constructed.]] >>any land that contains development.<<~~

~~>>(83)<<[[(82)]] *Developed property* shall mean any parcel of land >>that<< [[which]] contains an impervious area.~~

~~>>(84)<<[[(83)]] *Development* shall mean>>:<< any [[proposed]] activity or material change in the use or character of land, including, but not limited to, the placement >>or construction<< of any structure, utility, fill, >>impervious area,<< or site improvement on land[[;]]>>:<< [[and]] >>or<< any act >>that<< [[which]] requires a building permit. >>Development includes, without limitation, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.<<~~

~~>>(85)<< [[(84)]] *Dewater* shall mean to>>:~~

- ~~(a)<< discharge off-site or on-site water>>, including during construction or during maintenance of stormwater or other utility infrastructure,<< from an excavation, underground structure, >>stormwater infrastructure, trench,<< or depressed land>>: or~~
- ~~(b) discharge water from an on-site lake to an on-site or off-site canal, ditch, other surface waters, or from~~

one location to another, including stormwater or other utility infrastructure, in a similar manner; however, discharging to an on-site lake that is already permitted pursuant to this chapter and that is already connected in accordance with this chapter to a conveyance canal or to surface waters shall not be classified as dewatering<<.

* * *

>>(87)<< [[(86)]] *Director* shall mean the primary official that has been delegated responsibility to administer the Department, with duties created pursuant to this chapter. Except where expressly provided or where context dictates otherwise, the term "Director" includes the Director's designee.

* * *

>>(94)<< [[(93)]] *Drainage area* shall mean a geographically defined land surface having topographical features such that stormwater runoff will be directed towards a >>drain or common receiving point or area<< [[~~drainage structure or natural waterway~~]].

* * *

~~[(98) *Dry exfiltration* shall mean an underground stormwater disposal system where the invert of a perforated conveyance pipe is placed at or above the average October groundwater level as set forth in the Miami Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.~~

(99) ~~*Dry infiltration or dry retention* shall mean the process which occurs when stormwater is conveyed to a grassed swale or open basin for disposal into the ground where the bottom of the grassed swale or open basin is at least one (1.0) foot above the average October groundwater level as set forth in the Miami Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.]~~

* * *

>>(110)<< ~~[(111)]~~ *Equivalent residential unit* >>(ERU)<< ~~[(sometimes hereinafter referred to as "ERU")]~~ shall mean the statistically estimated average horizontal impervious area of residential developed property per dwelling unit. This estimated average is calculated by dividing the total estimated impervious area of four ~~[(4)]~~ residential categories, to wit, single family, mobile home, multifamily and condominium, by the estimated total number of residential dwelling units. For the purposes of this article>>₂<< each dwelling unit, ~~[(to wit,)]~~ >>whether a<< single family residence, mobile home, >>unit in a<< multifamily >>building<<, or condominium >>unit<<, is assigned one ~~[(1)]~~ ERU.

* * *

>>(112)<< ~~[(113)]~~ *Exfiltration* ~~[(of stormwater)]~~ shall mean the process by which>>:
 (a)<< stormwater flows out of a trench or a buried perforated pipe >>or structure<< into the surrounding ground>>:or
 (b) in the context of a WCTS, wastewater flowing from the WCTS (including sewer service connections) into the ground through such means as defective pipes, pipe joints, connections, or manholes or other defects or perforations in the system<<.

* * *

>>(114)<< ~~[(115)]~~ *Facility* shall mean anything that is built or purchased to make an action or operation easier or to serve a special purpose.

* * *

>>(166)<< ~~[(167)]~~ *Impervious area* >>or impervious surface<< shall mean>>:
 (a)<< a ~~[(division of the horizontal ground)]~~ surface >>area that does not allow penetration by water, including<< ~~[(which is incapable of being penetrated by rainwater. This shall include)]~~, but not ~~[(be)]~~ limited to, all structures, roof extensions, slabs,

- patios, porches, driveways, sidewalks, parking areas, swimming pools, athletic courts, and decks>>; or
- (b) a surface area that has a permeability rate of less than 0.8 inches per hour (2 cm per hour) for penetration of water, including, without limitation: pavers and pavement that are not certified by the manufacturer to have a minimum permeability rate of 0.8 inches per hour (2 cm per hour); highly compacted ground or fill; and clays and other fine-grained soils.<<

* * *

>>(171)<< ~~[(172)]~~ *Infiltration* means>>:

- (a)<< the ~~[[distribution]]~~ >>permeation<< of water ~~[[on the surface of land]]~~ to ~~[[permit the water to]]~~ soak through the vegetation and soil ~~[[into the groundwater.]]>>; or~~
- (b) in the context of stormwater, this definition also includes, but is not limited to, the vertical downward flow of stormwater through the ground into the Biscayne Aquifer or the flow of groundwater into the surface waters in canals and ditches; or
- (c)<< ~~[(170) Infiltration, when used]~~ in the context of a WCTS, >>this definition also includes, but is not limited to, the entry of<< ~~[[shall mean]]~~ water, other than wastewater, ~~[[that enters]]~~ >>into<< the WCTS (including sewer service connections ~~[[and foundation drains]]~~) from the ground through such means as defective pipes, pipe joints, connections, or manholes >>or other defects or perforations in the WCTS<<.

~~[(173) Infiltration of stormwater shall mean the process by which stormwater flows vertically downward through the ground into the Biscayne Aquifer.]~~

* * *

~~[(213)]~~ >>(211) Non-structural impervious surface improvement shall mean the installation or placement of pavement, slab, pavers, or other materials or items that reduce the pervious area, as determined by the Director; or the compaction of ground or fill in a manner that results in an impervious

surface conducive to stormwater runoff, as determined by the Director.~~<< [[Nonstructural controls of stormwater shall mean any activity designed to reduce pollutant loading of stormwater including, but not limited to, pollution prevention management policies and public education programs.]]~~

* * *

>>(213)<< ~~[[(215)]]~~ *North Trail Basin* shall mean >>those lands<< ~~[[a basin]]~~ located in western Miami-Dade County >>within the following geographical boundary, all of which are designated as a cut and fill basin<< ~~[[comprising the following lands]]~~:

Sections 33, 34, 35 and 36, Township 53 South, Range 39 East and, Government Lots 1, 2, 3 and 4, Townships 53-54 South and, those portions of Sections 1, 2, 3 and 4, Township 54 South, Range 39 East, which lie north of the north right-of-way line of the Tamiami Canal.

* * *

~~[[(217)]]~~ >>(215) NPDES permit shall mean a permit issued pursuant to the federally approved state National Pollutant Discharge Elimination System (NPDES) Program, set forth in section 403.0885, Florida Statutes, as may be amended.

(218)<< *Nuisance* shall mean and include the use of any property, facilities, equipment, processes, products>>₂<< or compounds, or the commission of any acts or any work that causes or materially contributes to:

* * *

>>(222)<< ~~[[(221)]]~~ *On-site* shall mean within the boundaries of a facility location, property>>, project,<< or site>>₂<< including those sites spatially separated by public or private rights-of-way.

>>(223)<< ~~[[(222)]]~~ *On-site retention* shall mean >>retention<< ~~[[the containment and disposal]]~~ of stormwater >>on-site<< ~~[[runoff by means other than positive drainage within the limits of the project site]]~~.

* * *

~~[(227)]~~>>(228) Outfall shall mean the discharge point of water or other liquids into any surface water, retention system, or other land. This definition includes, but is not limited to, the outlet from which a pipe discharges into a lake, canal, wetland, other surface water, or retention system.

(229)<< Overflow ~~[[outfall]]~~ shall mean>>:

- (a)<< a drainage structure >>or pipe<< designed to discharge to an on-site or off-site location any excess stormwater runoff after an initial runoff volume has been retained on-site~~[[+]]~~>>; or
- (b) in the context of a WCTS,<< ~~[(225) Overflow shall mean]~~ the discharge of sewage from any publicly or privately-owned or operated sanitary sewer collection system or wastewater treatment facility to the surface of the ground or to a surface water.

* * *

>>(238) Pervious area shall mean a surface area that allows the penetration of water. This definition shall not include impervious areas that minimally or incidentally allow the penetration of water, whether by design or defect. Examples of pervious areas include but are not limited to: green areas and swales with soils classified as Group A in the Soil Survey promulgated by the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and with a minimum permeability rate of 0.8 inches per hour (2 cm per hour); and pavers and pavement that are certified by the manufacturer to have a minimum permeability rate of 0.8 inches per hour (2 cm per hour).

(240)<<~~[(237)]~~ Point of discharge (POD) for a heated-water discharge shall mean either that point at which the effluent physically leaves its carrying conduit (open or closed) and discharges into the waters of the State, or a specific point designated by the Florida Department of Environmental Protection for that particular thermal discharge.

* * *

>>(243)<< [[(240)]] *Positive drainage* shall mean the direct disposal of stormwater runoff by overland sheet flow>>₂<< or through a channel ditch[[;]] or closed pipe system>>₂<< into an on-site or off-site surface water body such as, but not limited to, a lake, lagoon, river, canal, bay>>₂<< or the ocean.

* * *

>>(272) Retention shall mean a facility or system designed to prevent the discharge of a given volume of stormwater runoff. There are two types of retention, open and closed:

- (a) In open retention, water levels are drawn down by evaporation, groundwater recharge through seepage or infiltration, or both evaporation and recharge.
- (b) There are two types of open retention, wet and dry:
 - (i) Open wet retention is storage of stormwater at or below the design mean high water table.
 - (ii) Open dry retention is storage of stormwater above the design mean high water table.
 - (iii) Examples of open retention systems are excavated or natural depression storage areas, pervious pavement with subgrade, or above ground storage areas.
- (c) Closed retention consists of a closed storage tank or other enclosure that is constructed to retain water during rain events and that uses vector trucks or other pumping systems to evacuate the stored water.

(273)<< [[(269)]] *Retention pond* shall mean >>retention that consists of<< an open basin >>that<< [[~~which intercepts the groundwater table and~~]] is used for the storage and ultimate disposal of stormwater runoff by evaporation and seepage.

* * *

>>(284)<< [[(280)]] *Sanitary Sewer Overflow (SSO)* shall mean any discharge of wastewater to >>ground, groundwater or surface water, including<< waters of the United States or the State>>₂<< from any WCTS >>or wastewater treatment facility<< in the County through a point source or sources not permitted in any NPDES permit, as well as any overflow, spill, or release of wastewater to public or private property

from a WCTS >>or wastewater treatment facility<< that may not have reached >>ground water or surface water, including<< waters of the United States or the State, >>and<< including all building backups.

* * *

>>(286)<< [[(282)]] *Seepage* shall mean >>the flow of water or any other liquid through the soil or ground.<< [[~~the introduction of water into a subsurface excavation from which the water enters the groundwater. Said excavation shall not exceed a depth of two (2) feet below the average yearly highest groundwater elevation described in the Miami Dade County Public Works Manual as same may be amended from time to time.~~]]

(283)]>>(287) *Slab*<< [[~~Seepage trench or slab~~]] covered trench shall mean a trench cut into a rock strata supporting a reinforced concrete slab and providing the necessary wall and bottom areas required for exfiltration of stormwater.

* * *

>>(313)<<[[(309)]] *Storm sewer* shall mean [[~~any conduit~~]] >>stormwater infrastructure that<< [[~~which~~]] is designed to carry stormwater runoff.

>>(314)<<[[(310)]] *Stormwater infrastructure* shall mean [[~~the structural, nonstructural or natural features of~~]] >>a structural control of stormwater or natural feature on<< a parcel of land or watershed >>that<< [[~~which collect, convey, store, absorb, inhibit, treat, use, reuse, or otherwise affect~~]]>> collects, conveys, stores, absorbs, treats, uses, reuses, or otherwise affects<< the quantity or quality of stormwater>>, including facilities or systems that convey stormwater to natural features. Stormwater infrastructure may, but does not necessarily, constitute “green infrastructure” or “low impact development (LID),” as those terms are defined in section 18C-3, or “Green Stormwater Infrastructure (GSI),” as defined by the Florida Department of Environmental Protection<<.

>>(315)<<[[(311)]] *Stormwater management area* shall mean that portion of a tract of land >>or parcel that<< [[~~which~~]] shall

be left at natural grade (unfilled), filled to an elevation no less than four ~~[(4)]~~ inches above the seasonal high water table, or excavated below natural grade>>that<< ~~[[which]]~~ results from rainfall, storing water in the Biscayne Aquifer>>or<< ~~[[and]]~~ recharging the Biscayne Aquifer.

>>(316)<<~~[(312)]~~ Stormwater management program shall >>be<< ~~[[mean the same term]]~~ as defined >>in section 403.031<< ~~[[by Section 403.031(14)]]~~, Florida Statutes, as ~~[[same]]~~ may be amended from time to time.

>>(317)<<~~[(313)]~~ Stormwater management system shall >>be<< ~~[[mean the same term]]~~ as defined >>in section 403.031<< ~~[[by Section 403.031(15)]]~~, Florida Statutes, as ~~[[same]]~~ may be amended from time to time.

>>(318)<<~~[(314)]~~ Stormwater runoff shall mean the excess rainfall precipitation >>that<< ~~[[which]]~~ runs over the ground surface when the rate of rainfall precipitation exceeds the rate of >>stormwater<< infiltration ~~[[of stormwater into the ground]]~~.

>>(319)<<~~[(315)]~~ Stormwater shall mean the water >>that<< ~~[[which]]~~ results from rainfall.

>>(320)<<~~[(316)]~~ Stormwater utility shall >>be<< ~~[[mean the same term]]~~ as defined ~~[[by Section 403.031(16)]]~~ >>in section 403.031<<, Florida Statutes, as ~~[[same]]~~ may be amended from time to time.

>>(321)<<~~[(317)]~~ Structural controls of stormwater shall mean >>a facility or system consisting of<<physical devices>>or infrastructure<<used to control stormwater>>including, but not limited to, levees, dikes, pump stations, >>pipng, structures,<< spillways, locks, embankments, roadways, lakes, retention ponds >>or other retention systems<<, and detention ponds >>or other detention systems<<.

* * *

>>(326) System shall include anything that is a facility.<<

* * *

>>(354)<<[[~~(349)~~]] *Water Control Map or Water Control Plan* shall mean the official map or maps of Miami-Dade County that show existing and proposed water-control facilities and their general locations and that are adopted by the Board of County Commissioners and recorded in a Plat Book or other official record book of the public records of Miami-Dade County.

* * *

>>(359)<<[[~~(354)~~]] *WCTS* shall mean Wastewater Collection and Transmission Systems, including all pipes, force mains, gravity sewer lines, pump stations, manholes and appurtenances thereto, designed to collect and convey sewage (domestic, commercial and industrial) to a wastewater treatment plant.

* * *

[[~~(359) *Wet retention* shall mean the disposal of stormwater runoff to a storage basin having a bottom elevation lower than one (1) foot below the average October ground water level as set forth in the Miami Dade County Public Works Manual, Part II, Section D4, dated September 1, 1974, as may be amended from time to time.~~]]

* * *

Sec. 24-6. - >>Department<< Director [[~~of the Miami Dade County Department of Environmental Resources Management~~]]—Office created; appointment; term; exempt from classified service and merit system; compensation; assistants; operating procedures.

>>(1)<< The office and position of Director of the >>Department, as defined in section 24-5<< [[~~Miami Dade County Department of Environmental Resources Management~~]], is hereby created and established.

>>(2)<< The Director [[~~of the Miami Dade County Department of Environmental Resources Management~~]] shall be appointed by and serve at the will of the County >>Mayor<< [[~~Manager~~]].

>>(3)<< Such Director shall be chosen by the >>Mayor<<

[[~~Manager~~]] on the basis of [[~~his~~]] qualifications and experience in the field of air and water pollution controls[[~~;~~]] and [[~~the Director~~]] shall>>:

>>(a)<< be a professional engineer >>licensed<< [[~~registered~~]] to practice in the State of Florida [[~~under the provisions of Chapter 471, Florida Statutes,~~]]>>:<< or [[~~he shall~~]]

>>(b)<< become >>so licensed<< [[~~registered~~]] within >>18<< [[~~eighteen (18)~~]] months after the date of appointment[[~~;~~]]>>:<< or [[~~he shall~~]]

>>(c)<< have at least a bachelor's degree from an accredited university in a field >>that<< [[~~which~~]] will, in the >>Mayor's<< [[~~Manager's~~]] judgment, technically qualify >>the Director<< [[~~him~~]] to discharge the duties imposed by this chapter.

>>(4)<< The Office of Director [[~~of the Miami Dade County Department of Environmental Resources Management,~~]] shall constitute a position exempted from the classified service of Miami-Dade County and the State merit system.

>>(5)<< The salary for such position shall be fixed by the Board of County Commissioners.

>>(6)<< The Director shall serve under the administrative jurisdiction of the County >>Mayor<< [[~~Manager~~]] and subject to the direct supervision of the County >>Mayor<< [[~~Manager~~]].

>>(a)<< The County >>Mayor may<< [[~~Manager shall~~]] appoint such assistants to the Director as may be necessary in order that the duties of the Director may be performed properly.

>>(b)<< The organization and administrative operating procedures of such County office and its relationship and coordination with other County departments [[~~shall~~]] >>may<< be established and placed in effect, from time to time, by administrative order of the County >>Mayor<< [[~~Manager~~]], but the >>Mayor<< [[~~Manager~~]] shall not have any power to modify the duties imposed upon the Director by this chapter or the procedures prescribed herein for the performance of such duties.

Sec. 24-7. - Same—Duties and powers.

The duties, functions, powers, and responsibilities of the Director [[~~of the Miami Dade County Department of Environmental~~]]

~~Resources Management,~~] shall include the following:

* * *

Sec. 24-15. Plan approval required.

- (1) *Intent.* It is the intent and purpose of this section to require that all new facilities, equipment~~>>~~₂~~<<~~ ~~[[and]]~~ processes~~>>~~, and other improvements enumerated in this section (collectively referred to as “projects”) that are~~<<~~ constructed or operated after the dates delineated in ~~>>~~section~~<<~~ ~~[[Section]]~~ 24-4 or as otherwise provided in this chapter shall comply with the requirements herein contained, and that any enlargement, expansion, or addition to existing facilities also shall comply with the requirements herein contained~~>>~~, regardless of whether a building permit or floodplain review for such project is required~~<<~~.
- ~~>>~~(a) Notwithstanding any provision to the contrary, the issuance of a building permit or other development permit by a County or municipal officer, agent, employee, or board shall not obviate the requirement to obtain the Director’s approval for any project subject to this chapter, and no construction or other activity authorized by any such permit shall be accepted or approved as complete until the Director has approved the project for compliance with this chapter and as provided herein.
- (b)~~<<~~ Any ~~[[building permit issued by the County or a municipality]]~~ ~~>>~~permit authorizing development, construction, or other activity to be undertaken~~<<~~ in violation of ~~[[the provisions of]]~~ this chapter is hereby determined to be void ~~>>~~and shall be revoked~~<<~~.
- ~~>>~~(c) Plans shall be submitted in accordance with sections 24-15.1 through 24-15.4.
- (d) Applicant’s burden. The applicant shall bear the burden of demonstrating compliance, as determined by the Director, with the applicable requirements and shall submit all required information in a format acceptable to the Director in accordance with this section.~~<<~~
- (2) ~~>>~~Wastewater~~<<~~ ~~[[Waste water]]~~ facilities.

- >>(a)<< It shall be unlawful for any person to >>do any of the following regarding wastewater facilities without first obtaining the prior written approval of the Director:
- (i)<< commence the installation, extension, or operation of any sewerage system>>₂<< including collection, conveyance, transmission>>₂<< or treatment or waste treatment facility>>₂<< or >>of<< any industrial waste disposal facility ~~[[without first obtaining the prior written approval of the Director or the Director's designee. It shall be unlawful for any person to]]~~>>₂; or
 - (ii)<< make any enlargement, alteration>>₂<< or addition to any sewerage system>>₂<< including collection, conveyance, transmission>>₂<< or treatment>>₂ to any<< ~~[[or]]~~ waste treatment facility>>₂<< or >>to<< any industrial waste disposal facility~~[[;]]~~>>₂<< or
 - >>(iii)<< commence the construction>>₂ enlargement, alteration, or addition<< of any >>other project that involves the generation of discharge of effluents or<< ~~[[such systems or facilities;]]~~ that will reasonably be expected to be a source of water pollution ~~[[without first obtaining the prior written approval of the Director or the Director's designee]]~~.
- >>(b)<< No building permit involving the generation or discharge of effluents>>₂ including domestic sewage<< shall be issued ~~[[by the County or any municipality]]~~ unless the application for a building permit has been approved by the Director ~~[[or the Director's designee]]~~.
- >>(c)<< The provisions of this section shall not apply to facilities discharging only domestic wastes to a utility or non-utility through a single lateral approved by the Director ~~[[or the Director's designee]]~~, provided that a FOG control device is not required pursuant to >>section<< ~~[[Section]]~~ 24-42.6.
- >>(d)<< Notwithstanding the foregoing, ~~[[the provisions of]]~~ this section shall apply to facilities discharging only domestic wastes to a utility or non-utility

through a single lateral approved by the Director ~~[[or the Director's designee]]~~ if the facilities have or require a FOG control device in accordance with ~~>>section<< [[Section]]~~ 24-42.6.

>>(e) Notwithstanding any provision to the contrary, ~~[[Provided that]]~~ after January 25, 1974, the Director shall not approve an application for an interim package sewage treatment plant unless directed to do so by the Environmental Quality Control Board after a public hearing pursuant to notice. For the purpose of this subsection, an interim package sewage treatment plant shall include all domestic ~~>>wastewater<< [[waste water]]~~ treatment facilities that are not included in the regional treatment system as described in the approved 1973 Water Quality Management Plan.

(3) *Air facilities.*

>>(a) ~~<<~~ It shall be unlawful for any person to make any major or substantial alteration, enlargement~~>>~~₂~~<<~~ or addition to any existing facility, equipment~~>>~~₂~~<<~~ or operation, or to commence the construction or operation of any new facility~~[[7]]~~ that may be a source of air pollution as herein defined, without first obtaining the prior written approval of the plans, equipment~~>>~~₂~~<<~~ or processes thereof by the Director ~~[[or the Director's designee]]~~.

>>(b) ~~<<~~ No building permit shall be issued ~~[[by the County or any municipality]]~~ unless the application therefor or the plans for construction of the proposed facility have been approved by the Director ~~[[or the Director's designee]]~~.

>>(c) ~~<<~~ The provisions of this chapter ~~>>~~related to air facilities~~<<~~ shall not apply to ~~>>~~heating equipment or comfort space heating for~~<<~~ individual family dwellings or multiple-family dwellings of not more than four ~~[[4]]~~ units ~~[[in respect to heating equipment or comfort space heating]]~~.

(4) *Potable water facilities.*

>>(a) ~~<<~~ It shall be unlawful for any person to enter into or let a contract for~~>>~~₂~~<<~~ or to commence the installation, extension, alteration~~>>~~₂~~<<~~ or operation

of>>₂<< any public water supply facility without first obtaining the prior written approval of the Director.
 >>(b)<< No building permit involving a demand on a public water supply shall be issued ~~[[by the County or any municipality]]~~ unless the application for a building permit or plans for construction thereof have been approved by the Director ~~[[or the Director's designee]]~~.

(5) ~~[[Aboveground storage facilities.]]~~ >>Storage facilities, aboveground or underground.<<

>>(a)<< It shall be unlawful for any person to install, repair, modify, expand, replace>>₂<< or permit, cause, allow, let>>₂<< or suffer the installation, repair, modification, expansion>>₂<< or replacement of any aboveground >>or underground<< storage facility, without first obtaining the prior written approval of the Director ~~[[or the Director's designee.]]~~

>>(b)<< No building permit shall be issued ~~[[by the County or any municipality]]~~ unless the application therefor or the plans for construction of the proposed aboveground >>or underground<< storage facility show the >>Director's<< approval ~~[[of the Director or the Director's designee]]~~.

>>(c)<< The Director ~~[[, or the Director's designee,]]~~ shall issue such written approval only upon receipt of ~~[[formal]]~~ engineering plans, which are signed and sealed by a professional engineer >>licensed<< ~~[[registered]]~~ in the State of Florida and which plans detail that the ~~[[aboveground]]~~ storage facilities specified in said plans shall be constructed in compliance with the requirements of this chapter, >>chapter 62-761 of the Florida Administrative Code for underground storage facilities, or chapter<< ~~[[Chapter]]~~ 62-762 of the Florida Administrative Code>>for above ground storage facilities,<< and the referenced standards contained therein.

>>(d)<< After receipt of written approval ~~[[from the Director, or the Director's designee]]~~, the owner or operator of the ~~[[aboveground]]~~ storage facility shall notify the Department a minimum of two working days prior to the commencement of installation, repair, modification, expansion>>₂<< or replacement of any ~~[[aboveground]]~~ storage facility.

>>(e)<< The installation, repair, modification, expansion>>.<< or replacement shall be subject to inspection by the Department to determine compliance with the approved plans and applicable laws and ordinances.

(6) ~~[[*Underground storage facilities.* It shall be unlawful for any person to install, repair, modify, expand, replace or permit, cause, allow, let or suffer the installation, repair, modification, expansion or replacement of any underground storage facility, without first obtaining the prior written approval of the Director or the Director's designee. No building permit shall be issued by the County or any municipality unless the application or the plans for construction of the proposed underground storage facility have been approved in writing by the Director or the Director's designee. The Director, or the Director's designee, shall issue such written approval only upon receipt of formal engineering plans, which are signed and sealed by a professional engineer registered in the State of Florida and which plans detail that the underground storage facilities specified in said plans shall be constructed in compliance with the requirements of this Chapter, Chapter 62-761 of the Florida Administrative Code and the referenced standards contained therein. After receipt of written approval from the Director, or the Director's designee, the owner or operator of the underground storage facility shall notify the Department a minimum of two (2) working days prior to the commencement of installation, repair, modification, expansion or replacement of any underground storage facility. The installation, repair, modification, expansion or replacement shall be subject to inspection by the Department to determine compliance with the approved plans and applicable laws and ordinances.~~

(7)] *Onsite Sewage Treatment and Disposal Systems (OSTDSs).*

* * *

>>(7) *Non-structural impervious surface improvements; procedures applicability to municipalities.*

- (a) Notwithstanding any provision of this Code or any municipal code or regulation, on and after March 31, 2025, no non-structural impervious surface improvements shall be permitted or installed on any parcel or property in the incorporated or unincorporated areas without first obtaining the Director's prior approval pursuant to section 24-42.8, except as provided in this subsection. Permit applications submitted prior to March 31, 2025, shall be evaluated and decided based on the requirements and standards of this chapter in effect at the time of application, however, any future applications that are filed on or after March 31, 2025, including resubmittals for building permit applications that were filed prior to the relevant date but were thereafter denied or revoked, shall be reviewed pursuant to all of the provisions of Chapter 24 that are then in effect.
- (b) For non-structural impervious surface improvements on single-family and duplex properties within a municipality, the Director's review and approval pursuant to section 24-42.8 is not required only where all the following are complied with:
- (i) The respective municipality has adopted its own ordinance regulating non-structural impervious surface improvements on single-family and duplex properties, or as otherwise allowed in subparagraph (vi) below.
 - (ii) The Director has issued a written determination that the municipal ordinance, and any subsequent amendments thereto, are at least as stringent as section 24-42.8.
 - (iii) The municipality continues to enforce its adopted ordinance, including amendments approved pursuant to this section.
 - (iv) The Director's review and approval shall continue to be required in accordance with this chapter until the Director has issued such written determination that the municipal ordinance, and any subsequent amendments thereto, are at least as stringent as section 24-42.8.

- (v) Except as provided otherwise in this section, a municipal ordinance or amendment regulating non-structural impervious surface improvements for single-family and duplex properties for which the municipality seeks the Director's review and approval pursuant to this section shall be sent to the Director and the Clerk of the Board of County Commissioners within 90 days of adoption.
- (vi) Notwithstanding subparagraph (iv), the Director's review and approval is not required while the municipal ordinance is under review where the following conditions are satisfied:
 - 1. The municipality had adopted an ordinance regulating non-structural impervious surface improvements for single-family and duplex properties prior to [insert effective date of this ordinance] and complies with all the following:
 - a. The municipality sends to the Director and the Clerk of the Board of County Commissioners, by December 31, 2024, a written notice of its intent to seek the Director's review and approval of such ordinance pursuant to this subsection; and
 - b. The municipality submits its ordinance for review by December 31, 2025.
 - 2. Alternatively, a municipality that has not previously adopted such an ordinance and intends to adopt such an ordinance and complies with all the following:
 - a. The municipality sends to the Director and the Clerk of the Board of County Commissioners, by December 31, 2024, a written notice of its intent to adopt an

ordinance regulating non-structural impervious surface improvements for single-family and duplex properties pursuant to this subsection; and

b. The municipality adopts such an ordinance, and submits such ordinance to the Director for review, by December 31, 2025.

3. Alternatively, a municipality that has previously adopted such an ordinance but considers its standards to be less stringent than those provided in section 24-42.8 and intends to adopt changes to such ordinance and complies with all the conditions for a municipality that intends to adopt an ordinance, as set forth in subparagraph (vi)2. above.

(vii). Upon issuance of a written disapproval, the Director's review and approval shall be required for all non-structural impervious surface improvements on single-family and duplex properties within the municipality.

(viii) Notwithstanding any written approval of a municipal ordinance pursuant to this subsection, the Director's review and approval in accordance with this chapter will nevertheless be required, in addition to any applicable municipal approval, if the Director, in the Director's sole discretion, issues a written determination that such review and approval is required based on one or more of the following reasons:

1. A portion of this subsection is not complied with; or

2. The Director determines that approved non-structural impervious surface improvements on single-family or duplex properties are causing or have caused flooding or stormwater control issues on adjacent

or adjoining property or on the public right-of-way.

- (ix) For purposes of this subsection, a “townhouse” as defined in the most current Florida Building Code, Building Edition, shall be considered a single-family property.

(8) *Stormwater infrastructure.* Notwithstanding any provision to the contrary, on and after March 31, 2025, no development, improvement, construction, or alteration of a parcel or property that contains stormwater infrastructure shall be permitted until the Director’s prior written approval has been obtained pursuant to this chapter, except as provided in subsection (7) above. With respect to stormwater infrastructure, permit applications submitted prior to March 31, 2025, shall be evaluated and decided based on the stormwater requirements and stormwater standards of this chapter in effect at the time of application, however, any future applications that are filed on or after March 31, 2025, including resubmittals for building permit applications that were filed prior to the relevant date but were thereafter denied or revoked, shall be reviewed pursuant to all of the provisions of Chapter 24 that are then in effect.

(9) *Other projects that reduce pervious area.*

- (a) Notwithstanding any provision to the contrary, no County or municipal officer, agent, employee, or board shall approve, grant, or issue any building permit for any project that is not otherwise enumerated in this section and that decreases pervious area unless the Director's prior written approval of the application has been obtained pursuant to this chapter.
- (b) Projects subject to the foregoing requirement include, without limitation, swimming pools, whether for residential or non-residential use, and paving and drainage permits.
- (c) If dewatering is required for a swimming pool installation, including on residential property, no County or municipal officer, agent, employee, or board shall approve, grant, or issue any building permit for such pool until a Class V permit as defined in section 24-48.1 has been obtained in accordance with this chapter.

- (10)<< ~~[[8]]~~ *Other facilities requiring operating permits.* For facilities that require operating permits but are not otherwise enumerated in this section, it shall be unlawful for any person to install, modify, or operate such a facility without first obtaining the prior written approval of the Director pursuant to section 24-18.

Sec. 24-15.1. Procedure for approval of plans.

- (1) APPLICATION FOR APPROVAL. >>Applications required by section 24-15 or other provisions of this chapter, as applicable,<< ~~[[Application]]~~ for approval of plans >>to construct, extend, or alter a facility, system, equipment, process, or other improvement (collectively referred to herein as a “project”)<< ~~[[required hereunder]]~~ shall be made on forms prescribed for such purpose >>by<< and filed with the Director.
- >>(a)<< Such application shall be signed by the person seeking >>approval<< ~~[[to install, extend or alter the facility involved]]~~ or a duly authorized representative vested with lawful power to bind the applicant.
- >>(b)<< Upon receipt of such application and supporting data, the Director shall review all data and render a decision on the acceptability of the ~~[[facility]]~~ >>project in accordance with the applicable standards set forth in this chapter<<.
- (2) REQUIRED INFORMATION. Each such application shall be accompanied by the following data and information >>submitted in a form acceptable to the Director<<:
- (a) *Report of engineer.* A comprehensive >>signed and sealed<< engineer's report describing the project, the basis of design>>,<< including design data, and all other pertinent data necessary to give an accurate understanding of the work to be undertaken and the reason therefor. Such report shall contain a certificate of a >>professional<< ~~[[registered]]~~ engineer >>licensed in the State of Florida<< certifying that in ~~[[the]]~~ >>such engineer's<< professional opinion>>, the design of the<< ~~[[of such registered engineer the facility or]]~~ project >>fully

complies<< ~~[[will fully comply]]~~ with the requirements of this chapter and the rules and regulations promulgated hereunder, and will not cause or tend to cause any >>flooding or<< pollution as herein defined.

(b) >>Information related to stormwater infrastructure.

(i) For any application that includes stormwater infrastructure, an engineering report that includes at least the following shall be submitted:

1. a detailed description of the stormwater infrastructure and any alterations to existing stormwater infrastructure proposed;
2. basis of design with design data and calculations;
3. hydrology and hydraulic data and information, including storm duration and frequency;
4. geotechnical and other signed and sealed field test results quantifying infiltration, percolation, seepage, drawdown, upwelling, mounding, flow rates, and other properties of the ground, soil, subsurface, aquifer, and wells for the project and adjacent parcels and land, as applicable for the study;
5. topographical, aerial and other signed and sealed surveys for the project and adjacent parcels and land, as applicable for the study;
6. assumptions;
7. if a project disturbs 0.25 or more acres of land or is part of a larger common plan of development that will collectively disturb such quantity of land, a signed and sealed Stormwater Pollution Prevention Plan (SWPPP) demonstrating stabilization measures and pollution prevention controls designed to prevent erosion and sediment loss in areas exposed by the construction

process, in accordance with the following:

- a. For purposes of this paragraph, “disturb” means to clear, grade, excavate land.
- b. The SWPPP shall provide sufficient details on the proposed measures to prevent dust particulates and stormwater runoff from leaving the site.
- c. Prevention measures must include the protection of existing stormwater drainage structures onsite and offsite from impacts of siltation, turbidity, and ponding from the construction site.
- d. Prevention measures may also include structural controls such as retention ponds, temporary sediment basins, entrance/exit controls, silt fencing, berms, and non-structural controls such as stabilization, phased construction, and good housekeeping.
- e. The SWPPP shall include an inspection and maintenance schedule of the proposed pollution prevention controls; and

8. all other pertinent information and data necessary to demonstrate that the proposed work is designed to comply with this chapter and engineering and scientific standards and principles.

(ii) For purposes of this paragraph (b), engineering and scientific principles include, but are not limited to, the latest editions of:

- 1. the County public works manual;
- 2. the U.S. Department of Agriculture, Natural Resources Conservation

Service, National Engineering Handbook;

3. the South Florida Water Management District Environmental Resource Permit Applicant's Handbook; and

4. relevant publications of the National Oceanic and Atmospheric Administration, United States Geological Survey, United States Environmental Protection Agency, and Florida Department of Environmental Protection.

(c) Construction drawings. Construction drawings showing existing conditions and the proposed work ~~<< [[Blueprints. Blueprints or white prints of the drawings of the work to be done]]~~ in sufficient detail ~~>>~~ to describe the project's construction and to demonstrate compliance with this chapter. Each sheet of the drawings shall be signed, sealed, and dated by the engineer of record. ~~<< [[necessary to make it clear to the contractor constructing the facility or project exactly what work is to be accomplished.~~

~~[(e)]~~ >>(d) Specifications. Complete ~~>>~~ technical ~~<<~~ specifications in sufficient detail necessary to supplement the drawings and specify the work and the methods by which it is to be accomplished.

>>(e) Operating Procedures ~~<< [[(d) Processes]]~~. A description of all ~~[[processes]]~~ ~~>>~~ operating procedures ~~<<~~ proposed to be utilized in connection with the operation of the ~~[[facility or]]~~ project sufficient to ~~>>~~ demonstrate the project, when constructed in accordance with the submitted designs, will operate in compliance with ~~<<~~ ~~[[indicate whether or not such processes will reasonably comply with the requirements of]]~~ this chapter.

~~[(e)]~~ >>(f) Additional data. Such additional data and information as may be reasonably required by the Director ~~[[or the Director's designee]]~~, including, but not limited to, Baseline Monitoring Reports, Compliance Reports, or any report required for compliance pursuant to the Federal Pretreatment Regulations.

Sec. 24-15.2. - ~~Registered~~ Licensed engineer required.

>>(1)<< The drawings, specifications>>₂<< and other data submitted with >>an<< ~~the~~ application >>required by this chapter<< ~~filed hereunder~~ shall be prepared by >>one or more<< ~~a competent~~ professional ~~engineer or~~ engineers ~~registered~~ >>licensed in the State of Florida.<< ~~under the provisions of Chapter 471, Florida Statutes. The plans and other data~~

>>(2) All materials<< required to be submitted >>by a Florida licensed engineer shall be signed and sealed pursuant to chapter 61G15-23 of the Florida Administrative Code or other applicable state regulation<< ~~with the application shall have affixed thereto the names and certificate and registration number of the engineer preparing the same~~.

>>(3) Any<< ~~The Director shall not accept or receive any~~ application that does not comply with ~~the requirements of~~ this section >>shall be deemed incomplete and subject to denial as such<<.

* * *

Sec. 24-15.4. - Technical Reports>>_i<< ~~Professional Engineer~~ Professional Geologist required.

All applicable portions of the technical plans, reports, proposals or studies required >>pursuant to subsection<< ~~as set forth in Section~~ 24-44(2) shall be signed and sealed by a ~~licensed~~ professional engineer >>licensed<< ~~registered~~ in the State of Florida or ~~licensed~~ professional geologist >>licensed<< ~~registered~~ in the State of Florida.

Sec. 24-16. - Construction of >>certain projects<< ~~waste water facility or air pollution abatement facility, or potable water facility~~.

>>(1)<< After approval of an application >>pursuant to section 24-15 for a wastewater facility, air pollution abatement facility, or potable water facility<<, the person causing the installation or construction of the project ~~[[or facility]]~~ shall >>maintain records of the completed work. In addition, this section shall also apply to applications approved pursuant to section 24-15 for stormwater management systems that are owned or operated by a municipality or other public entity that operates solely within Miami-Dade County, or owned, funded, or operated by or on behalf of a special taxing district, community development district or private property owners' association that operates entirely within Miami-Dade County and that owns or operates stormwater infrastructure that drains into drainage infrastructure in a public right-of-way.

(2) Upon written request, the applicant or the person or entity responsible for a project subject to this section shall<< furnish the Director ~~[[or the Director's designee]]~~ with monthly reports>>, including a project closure report and as-built plans, prepared, signed and sealed by a professional engineer licensed in the State of Florida, << ~~[[of a registered engineer]]~~ certifying that the work to date has been accomplished in strict compliance with the approved plans, drawings>> << and specifications and that there has been no major or substantial deviation therefrom>>, or as applicable, that all revisions have been authorized and are identified in the report<<. >>As applicable, the report shall also include as-built plans that have been prepared based on a survey that is signed and sealed by a licensed surveyor in the State of Florida.

(3)<< If during construction, changes are proposed >>that<< ~~[[which]]~~ would materially alter the >>operation, capacity, configuration, functionality, or<< quality characteristics of >>any of the following, then plans, drawings, reports, and specifications for such changes shall be prepared, signed, and sealed by a professional engineer licensed in the State of the Florida and submitted to the Director for approval before making any such changes:

(a)<< the effluent of a >>sewerage system, industrial waste disposal, or other wastewater<< ~~[[waste water]]~~ facility>>;

- (b)<< ~~[[, or which would materially alter]]~~ the emission of air pollutants of an air pollution abatement facility>>;
- (c)<< ~~[[or which would materially alter the quality characteristics of]]~~ the effluent of a potable water facility>>; or
- (d) stormwater infrastructure or its ability to protect water quality or prevent stormwater runoff or flooding; or
- (e) a wastewater collection and transmission system (WCTS) or the quality characteristics of its effluent<< ~~[[then plans and specifications for such changes prepared by a registered engineer shall be submitted to the Director or the Director's designee for approval before making such changes]]~~.

>>(4) Only those changes that have received the Director's prior written approval shall be implemented.

(5)<< The Director shall have the right at any reasonable time to enter upon the project for the purpose of making inspections of the work[[,]] and may require reports and additional information at any stage of construction.

>>(6)<<[[~~(2)~~]] It shall be unlawful for any person causing the installation or construction of the project ~~[[or facility]]~~ to deviate from the conditions of the >>Director's<< approval ~~[[of the Director or the Director's designee]]~~ without the >>Director's<< prior written approval ~~[[of the Director or the Director's designee]]~~.

>>(7) Any deviation from the approved plans, drawings, operations, or specifications may constitute grounds for revocation of the Director's approval and any permits reliant on such approval.<<

* * *

Sec. 24-21. - Operating records.

>>(1)<< The owner >>and<< ~~[[or]]~~ operator of any ~~[[facility]]~~ >>project subject to subsections 24-15(2)-(5) or (8), other than stormwater management systems that are subject to, or expressly exempted in, section 24-21.1,<< ~~[[installed or operating under the provisions of this chapter]]~~ shall

>>each be responsible for maintaining and keeping<< [[cause to be maintained and kept]] such records [[of the operation data, and control tests,]] as may be required by the Director to indicate the operating efficiency of such facility, and to show whether or not such facility is causing >>or conveying<< pollution >>or contamination of air, water, soil, or property,<< as [[herein]] defined[[, and to]]>>in this chapter, or causing or conveying flooding or runoff in violation of this chapter.

(a) This provision shall not be construed to require the owner and operator to each maintain a set of duplicate records, but if one party does not produce records as required, both parties shall be responsible for any such violation.

(b) Notwithstanding any provision of this chapter to the contrary, non-structural impervious surface improvements shall not be subject to this section unless operating records are required as a condition of a class permit.

(2) Such records shall include: a description of the operation; control tests; material usage; safety data sheets; equipment operation logs and records; maintenance records; repair receipts; disposal and manifest receipts; and any additional records that are required to be maintained by an approval or permit granted pursuant to this chapter.

(3) The owner and operator shall<< furnish all such information and data concerning the operation of the >>project<< [[facility]] as the Director may require from time to time.

>>(4) Records shall be maintained for a minimum of three years, unless a longer retention period is required pursuant to conditions of an operating permit or local, state, or federal regulations.

(5)<< In addition to the above, any industrial user, as defined in >>section 24-42.4<< [[Section 24 42.4(1)(e) of this Code]], shall comply with the reporting and record keeping requirements set forth in 40 CFR 403.12, Federal Pretreatment Regulations>>, as may be amended<<.

>>**Sec. 24-21.1. - Stormwater management systems; records and recertification required.**

- (1) Records required. On or before December 31, 2026, the following shall be responsible for submitting to and in the form prescribed by the Director the asset inventory, the current maintenance and inspections Standard Operating Procedures (SOPs), and maintenance records of its respective stormwater infrastructure in accordance with the following:
- (a) Each municipality or other public entity that operates solely within Miami-Dade County and that owns or operates stormwater infrastructure that drains runoff from the public right-of-way or otherwise serves a public right-of-way shall submit such records for such entity's entire stormwater management system.
 - (b) Each special taxing district, community development district, and private property owners' association that operates entirely within Miami-Dade County and that owns or operates stormwater infrastructure that connects to or drains into public right-of-way drainage infrastructure shall submit such required records for all privately owned stormwater infrastructure that is owned, funded, or operated by or on behalf of the respective district or association.
 - (c) This section shall not apply to public entities, such as the Florida Department of Transportation, that also own and operate stormwater infrastructure outside of Miami-Dade County.
 - (d) Asset records may be submitted in electronic or hard copy form acceptable to the Director.
 - (e) Maintenance records and maintenance and inspections Standard Operating Procedures (SOPs), from municipalities or other public entities may be submitted in the form provided to the State pursuant to NPDES MS4 Permit requirements or on such other form as may be acceptable to the Director
 - (f) Maintenance records from special taxing districts, community development districts, and private property owners' associations shall be submitted on a form acceptable to the Director.

- (2) Recertification required. Each municipality or other public entity, special taxing district, community development district, and private property owners' association that is subject to subsection (1) shall also be responsible for obtaining from the Director recertification of all its respective stormwater infrastructure, in accordance with the following:
- (a) Each recertification application shall be submitted on a form prescribed by the Director.
 - (b) Initial recertification shall be obtained by March 31, 2028.
 - (c) Subsequent recertification shall be obtained every ten years thereafter, unless the Director, in the Director's sole discretion, determines that more frequent recertification is required for one or more of the following reasons:
 - (i) documented and repeated flooding has occurred in an area served by a portion of the respective stormwater infrastructure;
 - (ii) any portion of the respective stormwater infrastructure is the subject of an enforcement action or notice of violation issued pursuant to this chapter; or
 - (iii) corrective actions identified through the review and recertification required by this subsection have not been implemented within the specified timeframes.
 - (d) The initial and subsequent recertification applications shall include a cover letter from the applicable public works director, building official, or other appropriate official or representative overseeing the management of the stormwater system. The application package shall include copies of the following documents, or, in the alternative, documents submitted to the State to fulfill the requirements of the NPDES MS4 Permit that include the same information, in an electronic or hard copy form acceptable to the Director:
 - (i) the Stormwater Master Plan, updated in the last 5 years, signed and sealed by a professional engineer licensed in the State of Florida or officially adopted;
 - (ii) a Stormwater Capital Improvement Plan updated in the last 5 years, showing (at a

- minimum) project descriptions, estimated costs per project, and timetable for implementation;
 - (iii) all annual maintenance reports since the previous submittal of those records to the Director, which may be in the same format as such prior submittals;
 - (iv) new asset records showing changes that have occurred since the last submittal of those records to the Director;
 - (v) the up-to-date maintenance and inspections Standard Operating Procedures (SOPs); and
 - (vi) the annual fiscal analysis submitted to the State to fulfill the requirements of the NPDES MS4 Permit, or other annual fiscal analysis on a form acceptable to the Director.
- (e) As an alternative to the submittal of records specified in paragraph (d) above, the recertification application may include a report that is signed and sealed by a professional engineer licensed in the State of Florida and assesses, following the engineer's physical inspection, whether:
- (i) such stormwater infrastructure continues to operate in accordance with, and to otherwise comply with, the requirements of this chapter and the conditions and terms of any prior approval of said stormwater infrastructure pursuant to this chapter; and
 - (ii) such stormwater infrastructure has caused, or no record has been found that it has caused, any pollution, contamination of air, water, soil, or property, flooding, or runoff in violation of this chapter or the rules or regulations promulgated hereunder.
- (f) For existing stormwater infrastructure for which no prior approval exists and where the applicant has demonstrated to the satisfaction of the Director that no approval was required at the time of installation, recertification shall nevertheless be required. Such recertification shall consider whether such stormwater infrastructure has caused, or no record has been found that is has caused, any pollution, contamination of air, water, soil, or property,

flooding, or runoff in violation of this chapter or the rules or regulations promulgated hereunder.

(g) For stormwater infrastructure that does not fully comply with the requirements of this chapter or any prior approval of said stormwater infrastructure pursuant to this chapter, or for stormwater infrastructure for which records or other evidence show that it has caused pollution, flooding, or runoff, the Stormwater Master Plan or the engineer's report required by this subsection shall identify all such deficiencies and shall recommend corrective actions and a timeline by which such corrective actions will be accomplished.

(h) Following review of the recertification application, the Director shall issue a written recertification. Recertification may be issued subject to conditions necessary to ensure the proper operation of stormwater infrastructure, including, without limitation, corrective actions needed to address violations, a schedule to implement such corrective actions, and a requirement that additional recertification be obtained sooner than this section requires.<<

* * *

Section 2. Section 24-25 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-25. - Violations of rules and regulations of the State of Florida Department of Environmental Protection, Florida Department of Health, and the United States Environmental Protection Agency.

(1) All of the following rules and regulations are hereby adopted and are incorporated herein by reference hereto as same may be amended from time to time:

* * *

>>(1) Chapter 62-302 of the Florida Administrative Code.<<

* * *

Section 3. Section 24-38 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-38. - Miami-Dade Stormwater Compensation Trust Fund.

- (1) The Stormwater Compensation Trust Fund is hereby created for use in land acquisition and constructing, managing, operating or maintaining stormwater management areas within the Bird Drive ~~[[Everglades Wetland]]~~ Basin, and Basin B and the North Trail Basin. The Finance Director is hereby authorized and directed to establish the Stormwater Compensation Trust Fund and to receive and disburse monies in accordance with the provisions of this section.

* * *

- (4) The Director shall only make disbursement from the Stormwater Compensation Trust Fund for the following purposes:
- (a) Acquisition, including by eminent domain, construction, management, operation or maintenance of stormwater management areas within the Bird Drive ~~[[Everglades Wetland]]~~ Basin, the North Trail Basin and Basin B as defined in Section 24-5 of the Code of Miami-Dade County, Florida.

* * *

Section 4. Division 1 of Article III of Chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE III. - WATER AND SOIL QUALITY

DIVISION 1. - WATER QUALITY, WASTEWATER AND SANITARY SEWER PRETREATMENT>>, AND STORMWATER-RELATED<< STANDARDS

Sec. 24-42. - Prohibitions against water pollution.

* * *

(3) DISCHARGES AFFECTING WATER QUALITY AND PROHIBITION OF POSITIVE DRAINAGE.

- >>(a) Dewatering and discharges prohibited.<< It shall be unlawful for any person to dewater or to discharge sewage, industrial wastes, cooling water>>.<< ~~[[and]]~~ solid wastes >>(including but not limited to plastics or floatable, settleable, suspended, or aquatic trash)<<, or any other wastes into the waters of this County, including but not limited to surface water, tidal salt water estuaries, or ground water in such quantities, and of such characteristics as:
- >>(i) To<< ~~[[a) May]]~~ cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in >>subsection (4) below<< ~~[[Section 24-42(4)]]~~;
- >>(ii)<< ~~[[b)]]~~ To cause water pollution as defined in >>section<< ~~[[Section]]~~ 24-5; or
- >>(iii)<< ~~[[c)]]~~ To cause a nuisance or sanitary nuisance as herein defined>>: or
- (iv) To cause or allow sediment to discharge into waterways or off-site private or public properties or into stormwater infrastructure in a manner that causes sedimentation<<.
- >>(b) Corrective action required. Upon the earlier of discovering the violation or receiving an order from the Director, the property owner shall be responsible for immediately correcting, or causing the immediate correction of, the siltation of stormwater infrastructure, roadways, adjacent properties, or waterways by sediments, silt, and other construction materials originating within a construction site.

- (c) Director's approval required for positive drainage.<< It shall be unlawful for any County or municipal officer, agent, employee>>₂<< or board to approve, grant, or issue any permit, or permit, allow, let>>₂<< or suffer the approval or issuance of any permit~~[[, which]]~~ >>that<< authorizes positive drainage>>, including discharges or outfalls of stormwater,<< without the >>Director's<< prior written approval ~~[[of the Director or the Director's designee]]~~. The Director ~~[[or the Director's designee]]~~ shall issue a written approval only if the Director >>determines that all of the following are met:<< ~~[[or the Director's designee determine, after reviewing data submitted by the applicant, that one (1) or more of the following conditions exist at the subject site:~~
- ~~(d) Inadequate size, shape or topographic characteristics of the site to provide full on site disposal of stormwater.~~
 - ~~(e) Extremely poor soil seepage capacity which prevents full on site disposal of stormwater.~~
 - ~~(f)]~~
- >>(i) If a<< ~~[[An existing]]~~ groundwater contamination plume >>exists<< under or in the vicinity of the subject site >>the plume<< ~~[[which]]~~ will >>not<< be adversely impacted by partial or full on-site stormwater disposal>>; and
- (ii) The water quality of the receiving water bodies will not be degraded as defined in this chapter; and
 - (iii) Drainage is free of materials, whether solid or liquid (including but not limited to plastics or floatable, settleable, suspended, or aquatic trash), that could degrade the water quality of the receiving waters as defined in this chapter; and
 - (iv) Drainage is free of materials from construction sites; and
 - (v) Drainage does not form visible plumes; and
 - (vi) Drainage does not run off onto other properties<<.

(4) WATER QUALITY STANDARDS FOR MIAMI-DADE COUNTY:

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Dissolved oxygen (mg/l)	5 ppm during at least 10 hours per 24-hour period, never less than 4 ppm, unless acceptable data indicate that the natural background dissolved oxygen is lower than the values established herein.		—
Biochemical oxygen demand (mg/l)	Shall not exceed a value which would cause dissolved oxygen to be depressed below values listed under dissolved oxygen and in no case shall be great enough to produce nuisance conditions.		—
pH	6.0—8.5 ¹	6.0—8.5 ¹	6.0—8.5 ¹
[[Floating]] >>Floatable<< solids, settleable solids, sludge deposits >>, suspended solids, sediments, trash, and debris<<	None attributable to >>stormwater,<< sewage, industrial wastes or other wastes.	None attributable to >>stormwater,<< sewage, industrial wastes, or other wastes.	—
Oil and grease (mg/l)	15 ²	15 ²	15 ²
Odor-producing substances	None attributable to sewage, industrial wastes, or other wastes. Threshold odor number not to exceed 24 at 60°C as a daily average.		—
<i>Temperature</i>			
Sources permitted prior to July 1, 1972	Shall cause no environmental damage.		
Sources permitted after July 1, 1972	3° >>F<< above ambient.	(June—September) 2° >>F<< above ambient. (October—May) 4° >>F<< above ambient.	—
Turbidity	29 NTU above background >>outside of Outstanding Florida Waters as defined in 62-302.700 F.A.C. 0 NTU above background within Outstanding Florida Waters as defined in 62-302.700 F.A.C.<<		
Ammonia (mg/l)	.5 ppm as N	.5 ppm as N	.5 ppm as N
Chlorides (mg/l)	500 ³	3	500 ³
Chromium (mg/l) total	.05	.05	.05
Copper (mg/l)	0.4	0.4	0.4
Cyanides (mg/l)	None detectable	None detectable	None detectable
Detergents (mg/l)	0.5	Insufficient to cause foaming	0.5
Fluoride (mg/l)	1.4 as F	10 as F	1.4 as F
Lead (mg/l)	0.95	0.35	0.05

<i>Chemical, Physical or Biological Characteristic</i>	<i>Fresh Water (water containing less than 500 ppm chlorides)</i>	<i>Tidal Salt Water (water containing more than 500 ppm chlorides)</i>	<i>Groundwater</i>
Phenol (mg/l)	0.001	0.005	0.001
Zinc (mg/l)	1.0	1.0	1.0
Sulfides (mg/l)	0.2	1.0	0.2
Coliform organisms (MPN/100 ml)	1,000 ⁴	1,000 ⁵	50
>> <i>Escherichia coli</i> bacteria (MPN/100ml)	<u>410</u>	=	=
<i>Enterococci bacteria</i> (MPN/100ml)	=	<u>130</u>	=<<
Mercury	None detectable	None detectable	None detectable
Iron (mg/l)	0.3	0.3	0.3
Arsenic (mg/l)	0.05	0.05	0.05
Specific conductance	500 micromhos per cm (fresh water). Not more than 100% above background, in waters other than fresh.		
Dissolved solids	Not to exceed 500 mg/l for monthly average or 1000 mg/l at any time.		
Radioactive substances	Gross beta activity (in known absence of strontium 90 and alpha emitters), not to exceed 1000 micro-microcuries at any time.		
Other compounds >> ₂ chemical, physical, or biological pollutants<<	Other toxic or undesirable >>pollutants and<< compounds >>other<< than those listed above may occur in individual waste streams. Limits for these [[<u>components</u>]] >>pollutants or compounds<< may be specified by the Director based on the latest scientific knowledge concerning toxicity and adverse effect of the intended water use.		
Synergistic action	Whenever scientific evidence indicates that a combination of pollutants >>exerts<< [[<u>exert</u>]] a greater effect than the individual pollutants, the Director may, on the basis of these findings, lower the herein established limits to the level necessary to prevent damage to the waters of the County.		

¹ Shall not cause the pH of the receiving waters to vary more than 1.0 unit. When the natural background pH lies outside the limits established, the introduction of a waste shall not displace the pH of the receiving waters more than 0.5 pH units from these standards.

² Shall not be visible, defined as iridescence, or cause taste or odors.

³ Waste shall not increase natural background more than 10 percent.

⁴ Maximum MPN/100 ml in a surface water used as a drinking water supply shall be 100.

⁵ Maximum MPN/100 ml in a tidal water from which shellfish are harvested for human consumption shall be 70.

* * *

>>Sec. 24-42.8 – Stormwater-related standards for Miami-Dade County.

- (1) *Purpose and intent.* The purpose and intent of this section is to safeguard public health, safety, and welfare and protect water quality by setting minimum requirements and standards for development and other activities and actions that may alter or affect the storage, runoff volume or flow, course, treatment, discharge, disposal, ponding or flooding, or quality of stormwater.

- (2) *Definitions.* The following definitions shall apply to this section.
 - (a) *Best management practice (BMP) for stormwater treatment* shall mean a practice or combination of practices determined by the Director, based on research, field-testing, and expert review, to be the most effective and practicable, including economic and technological considerations, of improving water quality by reducing excess nutrients and other pollutant loads in water.
 - (b) *Event mean concentration (EMC)* shall mean the average pollutant concentration for a given land use, expressed in units of mass per volume (e.g., mg/L).
 - (c) *Impervious Area Setback (IAS)* shall mean the minimum distance measured perpendicular from the property line inward to the closest impervious surface, excluding public rights-of-way.
 - (d) *Percent pervious area (PPA)* shall mean the ratio calculated as the total pervious area divided by the total property area measured within the property lines, excluding public rights-of-way, expressed as a percentage.

- (3) *General requirements and procedures.* The following shall govern all applications subject to this section.

- (a) Applicability. On and after March 31, 2025, this section applies to all development orders, including, without limitation, initial, intermediate, and final development orders as defined in chapter 33G and their municipal equivalents.
- (b) Stormwater evaluations.
 - (i) In addition to the specific requirements set forth in this section regarding stormwater quantity and quality, all applications for development orders shall be evaluated to ensure prevention of stormwater seepage, runoff, discharge, or other greater impact compared to pre-development conditions, onto adjacent and adjoining parcels resulting from the proposed development.
 - (ii) Evaluations shall be performed using generally accepted engineering and scientific standards and principles approved by the Director, as such standards and principles are defined in subsection 24-15.1.
 - (iii) Evaluations of water quality pursuant to this section shall verify that the applicable stormwater control measures (SCMs) provide adequate treatment to the water quality volume (WQV) calculated for the subject development.
- (c) Detention and retention.
 - (i) Detention and retention systems shall not collect or store a quantity of stormwater that exceeds the design limitation of the storage area.
 - (ii) Where retention is used:
 - 1. Dry retention shall be accomplished with a storage basin or swale having a bottom elevation at least one foot above the average October groundwater level as set forth in this section.
 - 2. Wet retention shall be accomplished with a storage basin having a bottom elevation at least lower than one foot below the average May groundwater level as set forth in this section or in

- the County public works manual, whichever is stricter.
3. Excavations shall be no larger than necessary to accomplish retention, except as approved or required by the Director.
 4. Where the lake excavation standards set forth in chapter 33 are stricter than the requirements of this section, chapter 33 shall control.
- (d) *Exfiltration.* Where exfiltration is used, the invert elevation of the perforated conveyance pipe shall be placed at or above the average October groundwater level as set forth in this section or in the County public works manual, whichever is stricter, or at such other elevation as may be approved by the Director.
- (e) *Infiltration.* Where infiltration is used, the grassed swale or open basin to which stormwater is conveyed shall be at least one foot above the average October groundwater level as set forth in this section or in the County public works manual, whichever is stricter.
- (f) *Gravity injection.* Where gravity injection is used, the bottom of the well casing shall be more than two feet below the average yearly highest groundwater elevation as set forth in this section.
- (g) *Pressure injection.* Where pressure injection is used, the maximum head on the well shall not exceed 8 feet NGVD or as otherwise permitted by the Florida Department of Environmental Protection.
- (h) *Wastewater collection and transmission systems.* To protect stormwater quality, a wastewater collection or transmission system shall not be designed, constructed, placed, or used on land where stormwater can pond or flood, unless such system is designed to be watertight and is approved by the Director.
- (i) *Pollutant loading.* Pre- and post-development pollutant loading calculations, which may be performed through modeling, shall be submitted for the Director's review and approval and shall include existing and proposed best management practices for stormwater treatment. Calculations shall be signed and sealed by a professional engineer licensed in the state of Florida.

- (i) Pre-existing wastewater collection or transmission systems, non-structural impervious surface improvements, or stormwater infrastructure, including outfalls. Notwithstanding any provision to the contrary, wastewater collection or transmission systems that were lawfully installed prior to [insert effective date of ordinance], and non-structural impervious surface improvements and stormwater infrastructure, including outfalls, that were lawfully installed prior to March 31, 2025, and that are not thereafter proposed to be enlarged or otherwise modified to increase capacity shall not be required to comply with this section, except in the following circumstances:
- (i) For a wastewater collection or transmission system, the Director determines that the system is located in an area subject to ponding or flooding, is not watertight, and does not otherwise adequately prevent inflows.
 - (ii) For a non-structural impervious surface improvement, the Director determines that the improvement has caused substantial stormwater runoff or discharge onto an adjacent parcel not approved for stormwater retention pursuant to this chapter.
 - (iii) For stormwater infrastructure, including an outfall, the Director determines that such a facility is causing violations of water quality standards set forth in this chapter.
 - (iv) The Director shall provide written notice of the deficiencies to the owner of the subject property and, where applicable, the wastewater collection or transmission system or stormwater infrastructure, and shall order the submission, for the Director's review and approval, of:
 - 1. plans demonstrating how the deficiencies are to be corrected; and
 - 2. after implementation of the approved plans, as-built plans demonstrating that the deficiencies have been corrected.

- (v) Plans required pursuant to this subsection shall comply with the requirements of division 1 of article I for submission of plans.
 - (k) Compliance with other regulations. No provision of this section shall be construed to permit a less stringent design standard than that required by other applicable regulations.
- (4) Minimum stormwater standards for all development applications or approvals. On and after March 31, 2025, the following shall govern installation, replacement, or expansion of a non-structural impervious surface improvement and all other development applications or approvals on any parcel or property.
- (a) General requirements:
 - (i) Non-structural impervious surface improvements shall not cause stormwater runoff onto adjacent parcels that are not designed and are not approved by the Director to receive such runoff.
 - (ii) Pavers shall be reviewed as non-structural impervious surface improvements, except that pavers installed and maintained in accordance with all of the following shall be deemed to be pervious areas:
 1. Pavers are installed in low traffic areas with sandy soils, slopes less than 5 degrees (<5°), and a minimum of 24 inches between the water table and the paver base.
 2. Pavers are certified by the manufacturer to be pervious.
 3. Soils underlying pavers have a minimum permeability rate of 0.8 inches (2 cm) per hour, and pavers may be combined with an underdrain discharging into exfiltration trenches or other drainage infrastructure. Such an underdrain shall be required if the permeability rate of underlying soils is less than 0.8 inches (2 cm) per hour. An underdrain system, including any connected infrastructure, shall be

- designed to allow for periodic maintenance.
- (iii) For all pervious areas, the property owner shall be responsible for periodic maintenance to avoid clogging and soil compaction or other substantial reduction of permeability. Maintenance of pervious areas includes but is not limited to maintenance of swales as required by chapter 19 and pressure cleaning of permeable pavers and permeable pavement. All improvements shall be reviewed prior to approval to ensure that post-development stormwater impacts and runoff are limited to pre-development levels at the site boundary.
1. The applicant shall submit a signed and sealed engineering report for the Director's review and approval.
 2. It is provided, however, that an engineering report shall not be required for single family and duplex residences that meet the stormwater quantity standards for single-family and duplex residences set forth in subparagraph (b)(i) below.
- (iv) Stormwater impacts and runoff levels may be calculated based on peak flow, volume, or a combination of the two.
- (v) The applicant shall demonstrate that the volume of runoff from the proposed improvement will be controlled by retaining runoff on site, infiltrating the runoff, ensuring that the volume of runoff during all storms greater than half of the two-year event remains constant, or a combination of such mechanisms.
- (vi) For purposes of this subsection:
1. A "townhouse" as defined in the most current Florida Building Code, Building Edition, shall be considered a single-family property.
 2. A "system" means a facility, or one or more separate facilities, structures,

devices, equipment, or appurtenances that manage stormwater.

(vii) Perimeter site elevation shall be harmonized with the grades of adjacent and abutting parcels, except that the Director may approve onsite dry retention, dry detention, and stormwater inlets that are located no more than 12 inches below the minimum elevations of the County Flood Criteria map.

(b) Single-family and duplex residences under certain conditions. This paragraph shall govern individual single-family or duplex lots that are not part of a subdivision application and are not subject to a stricter water quantity requirement by other applicable local, County, South Florida Water Management District, or State regulation. For such lots, prior written approval by the Director shall be required pursuant to this section, except under certain circumstances for lots in municipalities and only to the extent provided in section 24-15. Applications pursuant to this paragraph shall comply with subparagraph (a) above and all of the following:

(i) Stormwater quantity. Lots shall retain, at a minimum, the runoff from a 25-year/10-minute storm event with zero off-site discharge. The following is considered equivalent to a 25-year/10-minute storm event with zero off-site discharge retention.

1. For lots with an area of 5,500 square feet or less:

a. a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area; or

b. a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a

- minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area.
2. For lots larger than 5,500 square feet:
 - a. a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area; or
 - b. a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area.
 3. The elevations along the perimeter of the property should match the existing elevations of the adjacent properties.
 4. If the proposed grading raises the property more than 1.5 feet compared to the elevations of the adjacent properties, a retaining wall or equivalent feature shall be required.
 5. Site grading shall direct stormwater away from buildings and shall prevent stormwater from running off to or discharging onto an adjacent parcel not approved for stormwater retention
 6. Where an existing or proposed site boundary elevation could allow runoff or discharge onto an adjacent property that has not been approved for stormwater retention pursuant to

this chapter, retaining walls or other features to prevent offsite runoff shall be provided, subject to the Director's approval

7. For lots, regardless of size, where buildings are proposed to have five stories or more, the lot shall retain, at a minimum, the run-off from a 25-year/6-hour storm event with zero off-site discharge, unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.
 - (ii) Stormwater quality. Green areas, swales, pervious pavers, pervious pavement, dry shallow exfiltration trenches, retention systems, or similar infrastructure or other development as may be acceptable to the Director shall be utilized to satisfy the minimum stormwater retention onsite.
 - (iii) To meet the requirements set forth in subparagraphs (i) and (ii) above, the following shall not be located within the impervious area setback and shall not be included in calculations of minimum pervious area required by this section: structures; nonstructural impervious surface improvements; installations or improvements that do not qualify as a pervious area; or other impediments to stormwater infiltration, including, without limitation, over-compaction of soils.
 - (iv) The area from the property line to the impervious area setback shall be pervious, to prevent stormwater runoff and discharges onto adjacent parcels and land.
 - (v) The improvement will not cause or let stormwater to run off or discharge onto adjacent parcels, properties, land, or surface water bodies, except for public rights-of-way, as determined by the Director.
 - (vi) Administrative adjustments authorized. Notwithstanding any provision to the

contrary, where existing site conditions preclude full compliance with this section, the Director is authorized to approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality.

- (vii) For existing single-family or duplex residences, an application shall not be required to comply with the stormwater quality and quantity standards set forth above where the application does not include, as determined by the Director: a non-structural impervious surface improvement; or any other improvement that increases impervious area on the lot or that is anticipated to cause pollution, contamination, flooding, or runoff.
- (viii) Single-family or duplex residences that are part of a subdivision application or are subject to stricter stormwater quantity requirements by other applicable local, County, South Florida Water Management District, or State regulation shall be governed by paragraph 4(c).

(c) *All other developments and improvements.* Applications for all other developments and non-structural impervious surface improvements shall demonstrate compliance with the following stormwater quantity and quality standards in addition to the general requirements of paragraph (4)(a).

- (i) *Stormwater Quantity.*
 - 1. Lowest site elevation shall be harmonized with the grades of adjacent and abutting parcels, except that the Director may approve onsite dry retention, dry detention, and stormwater inlets that are located no more than 12 inches below the minimum elevations of the County Flood Criteria map.
 - 2. The Director may approve off-site discharge to an adjacent parcel approved for stormwater retention.

3. Onsite retention systems shall be designed for a minimum of a 25-year/6-hour storm event with zero off-site discharge unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.
4. Retention systems shall be designed to recover as follows:
 - a. Onsite dry retention systems shall recover to the seasonal highwater table within 24 hours of the storm event.
 - b. Wet retention systems shall recover the permanent storage volume within 24 hours of the storm event.
5. Where a new overflow or outfall is proposed to discharge onto surface waters of secondary canals under County jurisdiction or primary canals maintained and operated by the South Florida Water Management District, on-site retention of the 25-year/3-day storm event with zero off-site discharge shall be provided, unless a higher retention standard is required by other applicable County, South Florida Water Management District, or State regulation.
5. Properties located in a cut and fill basin (Basin B, the Bird Drive Basin, and the North Trail Basin) shall comply with the following:
 - a. The required drainage facilities shall be an onsite retention system for the 100-year/3-day storm event, with zero off-site discharge. Exfiltration discharge shall not be used in determining the peak stage for the 100-year/3-day storm event.

- b. A property shall be deemed to comply with the foregoing onsite retention requirement where the applicable percentage of the property's total lot area is set aside for stormwater management purposes.
 - i. If the stormwater management area is a wet retention area:
 - A. North Trial Basin - 28.60 percent.
 - B. Bird Drive Basin - 30.00 percent.
 - C. Basin B - 28.60 percent.
 - ii. If the stormwater management area is a dry retention area:
 - A. North Trial Basin - 33.25 percent.
 - B. Bird Drive Basin - 38.00 percent.
 - C. Basin B - 39.00 percent.
 - c. Alternatively, the Director may approve drainage to an off-site stormwater management area within the same basin, provided that such stormwater management area can contain the runoff generated by the 100-year, 3-day storm event with zero off-site discharge and complies with all other applicable provisions of this chapter.
6. For properties that are located outside of the Urban Development Boundary,

the required drainage shall be onsite retention of the 100-year, 3-day storm event.

7. Drainage wells may be used to comply with retention requirements where such wells:

a. comply with applicable state regulations; and

b. comply with stormwater quality requirements and sedimentation restrictions contained in this chapter; and

c. provide a well box designed for a minimum of 90 seconds of detention, based on peak flow rate calculated by the engineer of record and provided with the signed and sealed engineering analysis and report.

8. For lots, regardless of size, where commercial, industrial, or multifamily buildings, including parking facilities, are proposed to have five stories or more, onsite retention systems shall be designed for a minimum of a 25-year/6-hour storm event with zero off-site discharge, unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.

(ii) Stormwater Quality.

1. In evaluating stormwater quality, the greater of the following volumes shall be used: the onsite retention systems' volume; two and one-half inches of the total impervious area, excluding public rights of way; or one inch over the total area, excluding the public rights of way.

2. If served or to be served by one or more outfalls, discharges shall be maintained free of debris, plastics, and floatable, settleable, suspended, or aquatic trash, and stormwater quality shall meet the strictest of the following standards:
 - a. post-development pollutant loads shall not exceed pre-development loads; or
 - b. post-development pollutant reduction shall not be less than 85 percent based on average annual loading; or
 - c. post-development pollutant loads shall not cause water quality violations in receiving water bodies; or
 - d. level of treatment sufficient to accomplish the percent reduction specified in the load allocation of an adopted Total Maximum Daily Load (TMDL) or adopted Reasonable Assurance Plan (RAP) for the pollutant(s) not meeting water quality standards, provided that if the TMDL or RAP for a particular pollutant is less strict than a., b., or c. above, then the strictest standard shall control for any particular pollutant.
3. For outfalls to any of the water bodies listed below, onsite retention and detention systems, and any combined treatment train and new technologies, shall provide a minimum water quality treatment volume equivalent to 150 percent of that otherwise required by this section and post-development pollutant reduction of 95 percent and shall require a class II permit pursuant to this chapter:

- a. Biscayne Bay.
 - b. Any surface water designated as an Outstanding Florida Waters pursuant to chapter 62-302.700(9), Florida Administrative Code.
 - c. Any canal, except for dead end canal segments that the Director determines to not be connected to Biscayne Bay or any surface water designated as an Outstanding Florida Water.
 - d. Any tributary that is connected, as determined by the Director, to either Biscayne Bay or a surface water designated as an Outstanding Florida Water.
4. Administrative adjustments authorized. Notwithstanding any provision to the contrary, where the Director determines that existing site conditions preclude full compliance with this section, the Director may approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality, provided that the applicant demonstrates that removal efficiency and design criteria are based on field-verified data approved by the Director or data and reports published by the Florida Department of Environmental Protection.
- (iii) For existing developments, an application shall not be required to comply with the stormwater quality and quantity standards set forth above where the application does not include, as determined by the Director: a non-structural impervious surface improvement; or any other improvement that increases impervious area on the lot or that is

anticipated to cause pollution, contamination, flooding, or runoff.

(d) *Public right-of-way projects not part of a subdivision application.* Public right-of-way projects that are not part of a subdivision application shall comply with the following stormwater quantity and quality standards in addition to the general requirements of paragraph (4)(a):

(i) *Stormwater Quantity*

1. Where approved by the Director, stormwater inlets and catch basins may be located up to twelve inches below County Flood Criteria.

2. The right-of-way shall be graded to prevent stormwater from running off or discharging onto adjacent parcels not approved for stormwater retention pursuant to this chapter.

3. Green areas, swales, retention or detention areas, and exfiltration trenches may be used when consistent with this chapter, sections 2-100 and 2-103.1, and the County public works manual.

(ii) *Stormwater Quality.* Unless otherwise approved by both the Director and the Director of Public Works, public rights-of-way shall comply with the stricter of: the stormwater quality requirements set forth in paragraph (4)(c) above; or the County public works manual.

(iii) *Administrative adjustments authorized.* Notwithstanding any provision to the contrary, where existing site conditions preclude full compliance with this section for public rights-of-way, the Director, following consultation with the Director of Public Works, is authorized to approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality.

(e) *Other Requirements.*

County ordinance, the United States Geological Service, or the South Florida Water Management District, and the most restrictive shall apply.

(ii) Future groundwater elevation maps that incorporate sea level rise forecasts based on the Intermediate High curve projections promulgated by the National Oceanic and Atmospheric Administration (NOAA) shall be used, when available, to best match the future time horizon with the anticipated life cycle being used for design of infrastructure.

(h) *Tail-water design seasonal elevation.*

(i) The tail-water design seasonal elevation for outfalls shall be based on the latest current surface water elevations that are officially adopted by Miami-Dade County ordinance, the United States Geological Service, NOAA, and the South Florida Water Management District, and the most restrictive shall apply.

(ii) Future surface water elevations that incorporate sea level rise based on the Intermediate High curve projections promulgated by NOAA shall be used, when available, to best match the future time horizon with the anticipated life cycle being used for design of infrastructure.

(iii) Seasonal surface water elevation calculations shall be signed and sealed by an engineer licensed in the State of Florida.

(i) Notwithstanding any provision of this chapter to the contrary, development that contains at least 10 acres of total area, or at least 2 acres of impervious surface area, shall provide on-site retention of the 25-year/3-day storm event with zero off-site discharge.

(i) The construction, alteration, or operation of a stormwater water management system in such a development shall also require a Surface Water Management General Permit, which may be issued by the Department

- pursuant to authority delegated by the South Florida Water Management District.
- (ii) It is provided, however, that a Surface Water Management General Permit is not required if the project does not meet the District-specific threshold for a Surface Water Management General Permit, as defined in the South Florida Water Management District Environmental Resource Permit Applicant's Handbook – Volume II, effective May 22, 2016, as may be amended.
- (j) Any development that includes placement of fill shall provide flood routing calculations demonstrating that the peak stage for the 100-year design storm is not encroaching on the floodplain. No such fill may be placed until such calculations have been submitted in a report signed and sealed by a professional engineer licensed in the State of Florida and have been reviewed and approved in writing by the Director.
- (k) Notwithstanding any provisions of this chapter to the contrary, any subdivision or development that includes more than one contiguous parcel shall provide, at a minimum, on-site retention of the 25-year/3-day storm event with zero off-site discharge, unless otherwise approved by the Director.<<

Section 5. Division 1 of Article IV of Chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE IV. - NATURAL AND BIOLOGICAL ENVIRONMENTAL RESOURCES PERMITTING AND PROTECTION; REGULATION OF DRAINAGE SYSTEMS AND STORMWATER MANAGEMENT

DIVISION 1. - WORK IN CANAL RIGHTS-OF-WAY, TIDAL WATERS, SUBMERGED BAY-BOTTOM LANDS, AND WETLANDS; DEWATERING; CONSTRUCTION OF DRAINAGE SYSTEMS

Sec. 24-48. - Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit.

- (1) It shall be unlawful for any person to do any of the following without first having obtained a permit from the Department:

* * *

- (f) To authorize, cause, permit, allow, let, or suffer the dewatering of groundwater into any groundwater, surface water, or ~~>>stormwater infrastructure<<~~ ~~[[drainage structure]]~~ anywhere in Miami-Dade County;
- (g) To perform or authorize, allow, suffer, or permit the construction~~>>~~, installation, or alteration of stormwater infrastructure, to the extent required in this article as a Class II, Class III, or Class VI permit,~~<< [[of a drainage system for any project]]~~ anywhere in Miami-Dade County.

- (2) All said work shall conform to minimum standards set forth in this code, and the ~~[["Permit Information Manual IV"]]>>~~"Environmental Resource Permit Applicant's Handbook, Volumes I and II"~~<<~~ of the South Florida Water Management District, dated ~~[[September 11, 2008]]>>~~December 22, 2020 and May 22, 2016, respectively~~<<~~, as same may be amended from time to time.

- (3) This section shall not apply to (i) work in treatment facilities or their ancillary facilities such as, but not limited to, cooling canals or polishing ponds; or (ii) the following projects~~>>~~₂~~<<~~ provided that unencapsulated polystyrene shall not be used or installed:

* * *

- (i) Roadway maintenance activities ~~>>~~that~~<<~~ ~~[[which]]~~ are performed or authorized by the ~~>>~~County public works department~~<<~~ ~~[[Miami Dade County Public Works Department]]~~ to correct safety deficiencies or are undertaken to maintain the continuity of existing use for an established road or road right-of-way. This provision shall not apply to any work involving

expansion in the width or length of roads or work involving the filling of roads to higher elevations when said roads occur at elevations >>that<< ~~[[which]]~~ are less than the elevations set forth by >>the County Flood Criteria Map<< ~~[[Miami Dade County flood criteria]]~~.

- (j) Maintenance of private roads approved by the Department or maintenance of roads and fill pads approved by the Department located upon a public or private utility right-of-way. This provision shall not apply to any work involving expansion in the width or length of roads or work involving the filling of roads to higher elevations when said roads occur at elevations >>that<< ~~[[which]]~~ are less than the elevations set forth by >>the County Flood Criteria Map<< ~~[[Miami Dade County flood criteria]]~~.

* * *

- (r) The installation of ~~[[a]]~~ >>stormwater infrastructure<< ~~[[drainage system]]~~ for any >>facility or development that<< ~~[[project which]]~~ does not use, generate, handle, dispose of, discharge>> or store hazardous materials and >>does<< not otherwise >>require<< ~~[[requiring]]~~ a class II permit~~[[. This]]~~>>, except that:
 - (i) this<< exemption~~[[, however,]]~~ shall not apply to an airport facility, a commercial vehicle storage facility, a resource recovery and management facility, a sewage treatment facility, or any property that has known soil or groundwater contamination>>; and
 - (ii) plans for such facilities shall require written approval pursuant to sections 24-15 and 24-42.<<

* * *

Sec. 24-48.1 – Permit classifications; interpretation as to permit requirement, fee; determination of wetlands.

- (1) There are six ~~[[6]]~~ permit classifications: class I, class II, class III, class IV, class V and class VI.

* * *

(f) *Class VI:* Class VI permits are required for the >>construction, << installation>>, or alteration of any stormwater infrastructure for any project, facility or development<< [[of a drainage system for any project]] that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials.

* * *

Sec. 24-48.3. Factors for evaluation of permit applications; incomplete permit applications.

* * *

(7) In addition to the applicable evaluation factors contained within >>section<< [[Section]] 24-48.3(1)(a) through (i) above, the following requirements shall apply to all work requiring a Class II Permit:

* * *

(c) >>For a stormwater management system that proposes an additional volume of direct discharges through a new overflow or outfall into the primary or secondary canal system or surface waters depicted on the Water Control Plan, on-site retention of the 25-year, 3-day storm event with zero off-site discharge shall be provided, unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.

±

(i) The approval of such system is a subject to the capacity of the canal system or surface waters, as applicable, to receive additional inflows.

(ii) Such a system requires a Class II permit.<< [[On site retention combined with an overflow outfall may be used as an

~~alternative to on-site retention in those cases where complete on-site retention is not feasible as determined by the Director or the Director's designee, when there is inadequate exfiltration capability of the soil or in cases where a higher degree of flood protection is desired by the applicant.~~

~~All inlet structures located within grassed areas or landscaped strips may receive a 0.2 inch retention credit.]]~~

* * *

Sec. 24-48.5. - Permit issuance; waiver of bonding requirements.

- (1) Issuance of a Department permit does not relieve the applicant from obtaining all required federal, State and local permits.
- (2) Following approval of a standard form permit application by the Board of County Commissioners or after submitting a short form application, a construction permit may be issued to the permit applicant and a contractor holding an applicable certificate of competency, provided:
 - (a) Construction plans, calculations and specifications ~~[[are submitted which]]~~ that have been prepared by an engineer or where applicable, an architect or land surveyor ~~[[where applicable]]~~ licensed in the State of Florida and that ~~[[which]]~~ comply with the requirements of this Chapter and other particular conditions, including, but not limited to, requirements for riprap and monitoring programs, have been reviewed and approved by the Director.

* * *

- (c) A performance bond and a mitigation bond, if applicable, is posted in an amount determined by the Director ~~[[or the Director's designee]]~~.
 - (i) The maximum amount of said performance bond shall not exceed 100 ~~[[be one~~

~~hundred (100)~~ percent of the estimated cost of the work or ~~>>\$500,000.00,<< [[one hundred thousand dollars (\$100,000.00)]]~~ whichever is ~~>>greater<< [[less]]~~.

>>(ii) ~~If<< [[In the event]] the Director [[or the Director's designee]] determines that a performance bond is necessary, the performance bond shall seek to ensure compliance with terms of the permit and to protect the interest of the public and of landowners in the vicinity of the work.~~

>>(iii)<< The Director ~~[[or Director's designee]]~~ may waive the performance bond ~~>>upon a determination<< [[if the Director or Director's designee determines]]~~ that the proposed project is not expected to affect the interests of the public or landowners in the vicinity of the work and noncompliance with the terms of the permit will only affect the permit applicant.

>>(iv)<< The Director ~~[[or Director's designee]]~~ may also waive performance bonds for work performed by utility companies, for work performed by governmental agencies pursuant to Section 24-48.8>>₂<< ~~[[of this chapter]]~~ and for work approved under a short form permit application pursuant to Section 24-48.2(I)(A)(22) and (23).

>>(v) The Director may require a<< ~~[[A]]~~ separate mitigation bond ~~[[may be required by the Director or the Director's designee to be posted in order]]~~ to insure that environmental enhancement features associated with the project and required by the permit are completed in a satisfactory manner.

>>a.<< These include, but are not limited to, the placement of riprap, the replanting of mangroves or seagrass, the installation of sewage pump out stations, the construction of public piers or shoreline walkways>>₂<< and the construction of artificial reefs.

>>b.<< The maximum amount of said mitigation bond shall be ~~>>100<<~~

[[~~one hundred (100)~~]] percent of the cost of the environmental enhancement features of the project.

>>(vi)<< The required performance and mitigation bonds may be required to remain in force for up to six [[~~(6)~~]] months after the approved completion date of the work covered by the bond.

* * *

Sec. 24-48.9. - Time of completion of work; extension of completion time and new permits for incomplete work.

(1) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

* * *

Class V permits[[~~120~~]] >>up to 365<< days

* * *

Section 6. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-1. - Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

(17) *Building height.*
>>(a)<< The height of a building with a gabled or hip roof shall be the vertical distance measured from the >>base flood elevation established pursuant to chapter 11C<<

~~[[average elevation of the finished building site]]~~ to the top of the roof of the uppermost story.
>>(b)<< The height of a building with a flat ~~[[or nearly flat]]~~ roof shall be measured from the >>base flood elevation established pursuant to chapter 11C<< ~~[[footing as stated above]]~~ to the highest point of the roof (but not the parapet or coping shall be used). A flat roof shall be considered a roof that has a slope of less than seven ~~[[7]]~~ degrees with the horizontal.

* * *

Section 7. Article III of Chapter 33 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

ARTICLE III. - HEIGHT OF BUILDINGS

* * *

Sec. 33-52. Maximum heights in all districts; exceptions.

>>(a)<< Except where a greater height may be approved as a result of a public hearing, the maximum height of a building shall be 35 feet, ~~[[two stories,]]~~ except as specified in each district and as specified elsewhere in the >>code<< ~~[[Code]]~~.

>>(b)<< No accessory building ~~[[, garage or servants' quarter]]~~ in RU >>or<< ~~[[and]]~~ EU-M Districts shall exceed one story in height >>₂<< unless the principal residence on the lot is two stories in height and said structure complies with the principal structure setbacks.

* * *

Sec. 33-55. - Certain structures exempt.

(a) The provisions of this article regarding building height shall not apply to projections and architectural elements that do not add habitable interior space to a building, such as, but not limited to: airplane beacons; belfries; chimneys; church spires/steeple; conveyors; cooling towers; cupolas; domes;

elevator bulkheads and shafts; enclosures for mechanical equipment; fire towers; flag poles; monuments; parapet wall (extending not more than 5 feet above the limited height of the building on which it rests); radio and television towers; roof structures used only for ornamental purposes providing they do not exceed 10 percent of the roof area on which they stand; smokestacks; solar energy systems; stage towers or scenery lofts; tanks; bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production; water towers; and structures used in connection with screening of antennas.

- (b) The provisions of this article III regarding building height shall not apply to active and passive recreational facilities ~~[[which]]~~ >>that<< may be provided on the roof of a building>>, other than a one-family or two-family residence<<, provided that the enclosed portion of such facilities shall not exceed >>60<< ~~[[sixty (60)]]~~ percent of the total area of such roof, and provided that the same does not exceed one ~~[[(1)]]~~ story or >>20<< ~~[[twenty (20)]]~~ feet in height.

* * *

Section 8. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed sections of this code, except to the extent that different types of violations of the same section may carry different civil penalties. For each section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this chapter, regardless of whether all activities proscribed or required within that particular

section are described in the “Description of Violation” column. To determine the exact nature of any activity proscribed or required by this code, the relevant section must be examined.

Code Section	Description of Violation	Civil Penalty
	* * *	
>>24-15	<u>Non-structural impervious surface improvement installed, replaced, or expanded at a single-family residential property without plan approval.</u>	<u>500.00</u>
24-15	<u>Non-structural impervious surface improvement installed, replaced, or expanded at a property other than a single-family residential property without plan approval.</u>	<u>1,000.00</u>
	<u>Any other stormwater infrastructure, constructed, installed, or altered without plan approval.</u>	<u>1,500.00<<</u>
	* * *	
24-42(1)	Discharge of prohibited substances into County waters	2,500.00
24-42(2)	Exceeding effluent standards for discharges	2,500.00
24-42(3)	Unlawful discharge affecting water quality	2,500.00
>>24-42.8	<u>Violation of stormwater regulation standards</u>	<u>2,500.00<<</u>
	* * *	

Section 9. Section 24-5 of the Code shall be renumbered pursuant to the revisions in section 1 above.

Section 10. *Pending applications.* With respect to the stormwater requirements and stormwater standards in this ordinance, for applications filed prior to March 31, 2025, the Director

may continue to review said applications pursuant to the stormwater requirements and stormwater standards in Chapter 24 that were in effect at the time of application. However, any future applications that are filed on or after March 31, 2025, including resubmittals for building permit applications that were filed prior to the relevant date but were thereafter denied or revoked, shall be reviewed pursuant to all of the provisions of Chapter 24 that are then in effect. This Section 10 only relates to the applicability of certain provisions of this ordinance and shall not be construed to impact or otherwise affect the applicability of any other County ordinance. In addition, the provisions of this Section 10 do not apply to, or otherwise supercede, any provisions in this ordinance which have their own specific dates or deadlines, including, but not limited to, sections 24-21 and 24-21.1 related to operating records and recertification, and section 24-15(7)(b) related to County review of certain municipal ordinances.

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 13. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:




Abbie Schwaderer-Raurell

Memorandum



Date: May 8, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Report to Conduct an Enforcement Operation Regarding Unlawful Activities of
Jet Ski Rental Businesses on Biscayne Bay – Directive 232462

Executive Summary

The following information is provided in response to Resolution 1153-23, sponsored by Commissioner Danielle Cohen Higgins, and adopted by the Board of County Commissioners on Tuesday, December 12, 2023, directing the County Mayor or County Mayor's designee to conduct an enforcement operation, over the course of several weeks, regarding unlawful activities of jet ski rental businesses on Biscayne Bay, provide a report focused on the results of that enforcement operation, and identify a funding source of up to \$10,000 for such operation.

The Miami-Dade Police Department's (MDPD) Marine Patrol Unit (MPU) was tasked with conducting the enforcement operations and reporting the results. Consequently, the MPU, in conjunction with other departmental entities and outside agencies, conducted several weekend and weekday operations which took place from Saturday, January 13, 2024, until Sunday, February 4, 2024. The results are outlined below. Additionally, the MPU utilized a total of \$9,543.20 from its overtime budget to conduct the operations.

Background

Biscayne Bay ranks high among the many beautiful features that Miami-Dade County (MDC) is known for. For this reason, many tourists include some form of activity that includes Biscayne Bay during their visit. Consequently, the MDC waterways has experienced an increase in activity related to personal watercrafts (PWC), commonly referred to as "jet skis or wave runners." A PWC is defined in Florida Statutes 327.02(30) as "a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel."

According to the Florida Fish and Wildlife Conservation Commission from the year 2019 to 2022, there was an increase of 2,921 registered PWCs in MDC. A great number of residents and tourists alike choose to enjoy Biscayne Bay by utilizing a PWC since the experience tends to be more exciting. Therefore, a significant portion of PWC activity comes by way of rentals, a trend that has created a greater demand for PWC rental businesses to operate in the waters of Biscayne Bay.

A livery, according to Florida Statutes 327.54(1)(c), is defined as "a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel." As this genre of business began to grow, so did issues that accompany them. For example, there have been reports of reckless operation, inexperienced operators causing damage to other vessels and property, and in extreme cases, accidents resulting in death involving PWCs.

Livery owners often fail to take the time to conduct mandatory safety instruction and training lessons to renters. Many companies who are looking to increase profits bypass requirements such as obtaining the proper and adequate insurance coverage. Law enforcement agencies, such as MDPD and the Florida Fish and Wildlife Conservation Commission, have been addressing the illicit activity through enforcement; yet, since the business is so lucrative, oftentimes livery operators opt to pay fines and continue their operations. The MPU has collaborated diligently with other agencies to conduct joint enforcement initiatives, cooperated with the Miami-Dade State Attorney's Office to provide for better educated prosecutors, worked alongside local representatives and with the MDC Attorney's Office to create more effective legislation regarding liveries and illicit activity on the MDC waterways.

The MPU has also collaborated with Miami-Dade County Parks, Recreation, and Open Spaces (PROS) to have MPU officers work at MDC marinas. This collaboration permits marinas to benefit from multiple angles of enforcement that MPU officers provide. The officers are available to provide general police services such as keeping the peace, enforcing traffic laws, and are versed in maritime laws which provide the opportunity to intercept illegal liveries before they get on the waterways. As a result, the marinas have seen a significant decrease in disturbances and denied ramp access to illegal liveries on multiple occasions. This practice, coupled with the fact that conducting business at a County park is unlawful, has led livery companies to seek alternative methods.

Many livery companies conduct their business by transporting rental PWCs to customers. These companies launch several PWCs and proceed to tie them to each other in a daisy chain configuration. The operator then tows this chain of PWCs to awaiting customers who are already on vessels, generally chartered vessels. The livery operator approaches the vessel and offers their patron an opportunity to rent one of their PWCs.

In their latest business model, liveries deploy floating structures anchored along Biscayne Bay, use them as a platform to conduct their business, and keep them on the water overnight. Livery operators transport their customers to these floating structures which create navigable hazards as most have little to no lighting. At times, livery companies have been observed picking up passengers along roadways such as the Julia Tuttle Causeway. These actions have caused roadway concerns along with unsafe boating practices as part of their business practices. In response to MPU's recent investigation, PROS reviewed their current landing permit operations at the two (2) County marinas that facilitate landing opportunities. Both Bill Bird Marina and Crandon Marina require commercial vessels to have an active landing permit to conduct business. Permit holders are required to give 24-hour notice when requesting landings. A landing is counted as one (1) pick-up and one (1) drop off, weekdays and weekends. Currently, there are nine (9) active commercial landing permit holders at Bill Bird Marina and three (3) active commercial landing permit holders at Crandon Marina, none of which are considered liveries. PROS' other four (4) marinas do not facilitate landing opportunities.

In May of 2023, the MPU began tracking arrests and investigations specifically related to liveries. Since that time, the MPU has affected over 43 livery arrests and conducted over 150 inspections.

Action Plan

To comply with the mandates of this resolution, MPU, in conjunction with other departmental entities and outside agencies, conducted several weekend and weekday livery enforcement operations, which took place from Saturday, January 13, 2024, until Sunday, February 4, 2024. The goal of the operations was to conduct multi-prong, multi-agency livery enforcement

operations aimed to address the floating structures from which liveries companies operate. The MPU partnered with the MDPD Intracoastal District’s Marine Unit, MDPD Illegal Dumping Unit, MDPD Motorcycle Unit, and the MDC Department of Regulatory and Economic Resources (RER). Additionally, the operations included agencies such as the United States Coast Guard, Florida Fish and Wildlife Conservation Commission, and North Bay Village Police Department. Livery investigations were tracked by general areas of interaction such as Bear Cut or Miami Marine Stadium. Please see the attached chart identifying areas of operations for MPU (Attachment 1). Additionally, attached are photographs of various floating structures that were cited (Attachment 2).

The MPU enforces several laws such as reckless operation of a vessel, manatee zone violations, improper registration use/not registered as a commercial vessel, renting a PWC without a boater safety card, improper/insufficient safety equipment, expired vessel registration, not providing pre-ride instructions, not providing the on-the-water demonstration, not providing a rental agreement, not having insurance, conducting business without a commercial license, not having the proper commercial vehicle markings on the towing vehicle, and no local business tax receipt. One of the challenges faced by the MPU when conducting livery investigations is customers who follow instructions by rental operators to claim that they are friends of the operator and deny renting the PWC.

Below are the statistics gathered from the enforcement operations:

Statistics:

ENFORCEMENT OPERATIONS	Saturday, 01/13/24 - Sunday, 01/14/24	Wednesday, 01/17/24	Saturday, 01/20/24 - Sunday, 01/21/24	Wednesday, 01/24/24	Saturday, 01/27/24 - Sunday, 01/28/24	Saturday, 02/03/24 - Sunday, 02/04/24	TOTALS
LIVERY INVESTIGATIONS TOTAL:	14	0	15	8	6	3	46
Pelican	5	0	5	5	0	3	
Crandon Park	3	0	5	0	2	0	
Pace Picnic Island	2	0	2	2	0	0	
Hobie Beach	2	0	1	0	1	0	
Matheson Hammock	0	0	2	0	0	0	
Miami River	0	0	0	0	1	0	
Rickenbacker Marina	0	0	0	0	2	0	
Cruise Ship Channel	0	0	0	1	0	0	
Miami Marine Stadium	1	0	0	0	0	0	
Intracoastal Waterways	1	0	0	0	0	0	
TERMINATED VOYAGES	3	0	13	0	2	4	22
BOATING INSPECTIONS	28	0	15	10	28	4	85
VERBAL WARNINGS	45	0	20	8	6	6	85
CASES	6	0	3	0	2	4	15
BOATING CITATIONS TOTAL:	62	0	55	9	25	15	166
Livery Related	62	0	32	1	3	5	
Non-livery Related	0	0	23	8	22	10	
CIVIL CITATIONS	0	14	2	0	1	3	20
U.S. COAST GUARD CAPTAIN OF THE PORT ORDER	0	0	1	0	0	0	1
PROMISE TO APPEAR ARRESTS - LIVERY	7	0	6	0	1	1	15
ARRESTS - LIVERY	1	0	3	0	0	0	4
IMPOUNDED TOTAL:	6	0	9	0	0	3	18
Vessels	0	0	2	0	0	0	
Vehicle	1	0	0	0	0	0	
PWCs	4	0	7	0	0	3	
Trailer	1	0	0	0	0	0	

On each Saturday and Sunday operations, the MPU dedicated two vessels, each with two officers, for a total of four dedicated officers for illegal livery enforcement. Two officers each day worked the operation on overtime to minimize the impact on routine operations and response. The operations held on weekdays utilized on-duty officers. The fiscal impact of the operations on the MPU's overtime budget was \$9,543.20.

The MPU continues to work with the MDC Attorney's Office to close loopholes and address livery enforcement concerns by creating and/or amending laws and ordinances. Currently, livery laws require that each company register with the Florida Fish and Wildlife Conservation Commission. At the moment, the MPU does not have access to this database without the need to contact Florida Fish and Wildlife Conservation Commission officials, which causes delays in receiving information necessary during investigations. The MPU has been working with Florida Fish and Wildlife Conservation Commission to gain access to this livery database that would facilitate access to information and confirm if a livery is registered as mandated. Until then, the MPU created an electronic database to collect livery information for MPU's reference.

Additionally, the MPU periodically hosts training sessions for partner agencies regarding livery operations to ensure enforcement tactics and applicable laws are shared. Currently, the MPU has been in communication with the Florida Fish and Wildlife Conservation Commission and various other agencies to schedule the next session. The training is very informative and has been well received.

On several occasions, the MPU has experienced instances where criminal and citation cases have been prematurely dismissed, as it appears, judicial personnel do not fully understand the extent of the issues and challenges faced on the waterways. To that extent, MPU personnel continue to work with the Miami-Dade State Attorney's Office to provide training along with imparting the importance of pursuing violators. In addition, a future meeting is being scheduled with judicial personnel in furtherance of more stringent prosecution of violators. The goal is to have maritime cases seen before judges and special prosecutors who understand the intricacies of liveries and are well versed on maritime laws.

Recommendation/Conclusion

It is the recommendation of the MDPD's MPU to continue to conduct multi-agency enforcement operations to address illegal jet ski businesses and liveries, twice a month at a minimum. These investigations are lengthy and personnel intensive, often resulting in police vessels and operators being unable to respond to calls for service. Currently, the MPU is conducting two weekday and two weekend (Saturday or Sunday) operations a month utilizing on-duty resources.

With the average cost in manpower for each operation, as conducted at approximately \$3,000, the fiscal impact to MDPD's budget is projected to be \$72,000 per year. As a method to fund this enforcement activity, the MDPD's MPU will explore the creation of a fund with allocations from vessel registration fees.

Livery operations generally access the waterways by way of several marina ramps throughout MDC, including County parks. PROS revisited their policies and procedures and have currently suspended all livery landing permits until further notice.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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Should you require additional information, please contact Director Stephanie V. Daniels, Miami-Dade Police Department, at 305-471-3272.

Per Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda.

Attachments (2)

1. Chart – Identifying Areas of Operation – MPU
2. Floating Structure Photographs

c: Geri Bonzon-Keenan, County Attorney

Gerald K. Sanchez, First Assistant County Attorney

Jess M. McCarty, Executive Assistant County Attorney

Office of the Mayor Senior Staff

Stephanie V. Daniels, Director, Miami-Dade Police Department

Lourdes M. Gomez, Director, Regulatory and Economic Resources Department

Maria I. Nardi, Director, Parks, Recreation and Open Spaces Department

Jennifer Moon, Chief, Office of Policy and Budgetary Affairs

Adeyinka Majekodunmi, Commission Auditor

Basia Pruna, Director, Clerk of the Board

Eugene Love, Agenda Coordinator

CHART – Identifying Areas of Operations – MPU



Floating Structure Photographs





**BISCAYNE BAY WATERSHED MANAGEMENT
ADVISORY BOARD (BBWMAB)**

Recommendations and Urgings for Board of County Commissioners

Meeting date:

Board Member presenting:

Topic 1 –

Background -

Proposed action –

Topic 2 –

Background

Proposed action

Topic 3

Background

Proposed action



BISCAYNE BAY WATERSHED MANAGEMENT ADVISORY BOARD (BBWMAB)

Recommendations and Urgings for Board of County Commissioners

Meeting date: **May 31, 2024**

Board Member presenting: **Dave Doebler**

Topic 1 – Introducing the “Dr. Joan Browder Wetland Protection Plan” for critical Wetlands

Background – Fellow Board Member, Dr. Joan Browder, was a staunch, longstanding advocate for bay health and wellbeing over the course of her 45-year career as a NOAA fisheries scientist working in the Greater Everglades watershed with a special focus on Biscayne Bay as a means of improving water quality and restoring our natural ecosystem. Wetlands provide unique and irreplaceable ecosystem benefits to residents, businesses, and our natural environment. Including:

- Filters pollution and excess nutrients supporting a healthy Biscayne Bay and Everglades
- Aquifer recharge and provision of drinking water supply
- Flood mitigation and stormwater retention to reduce severe weather impacts
- Biodiversity and critical habitat for local flora and fauna including agriculture pollinators
- Preserving and restoring Miami-Dade County’s natural wetlands ecosystems is a cost-effective policy that supports Everglades and Biscayne Bay restoration

Proposed action - The Biscayne Bay Watershed Management Advisory Board recommends that the Board of County Commissioners direct the Mayor and County staff to propose County Code changes or other action necessary to protect Wetlands in Miami-Dade County including:

1. Ensuring that all wetlands in Miami-Dade County remain subject to environmental protection, and bolster existing protections;
2. Adopt a 75-foot minimum wetland buffer zone;
3. Remove wetlands that are part of the Comprehensive Everglades Restoration Plan (CERP) or are included in a Tentatively Selected Plan (TSP) from Urban Expansion Areas (UEA); and
4. Ensure that comprehensive wetland review is incorporated in the Biscayne Bay Watershed Plan which would include composition and location of wetlands in Miami-Dade County, enumerating the value of ecosystem services provided by these wetlands, documenting wetlands lost to date by development in MDC, and make a recommendation for optimal acreage for improved water quality of Biscayne Bay.

Topic 2 – No Discharge, Proof of Pump Out, Vessel Registration and Mobile Pump-out Service for Biscayne Bay

Background – In partnership with FDEP, Monroe County has established a ‘No-Discharge Zone’, and ‘Proof of Pump Out Regulation, Vessel Registration Requirements, and free Mobile Pump Out Service. This service is funded and managed by the Florida Department of Environmental Protection. Participation in the service assists anchored boaters in complying with the no-discharge regulation.

The Monroe County program and ordinance includes:

- Proof of Pump-out requirement - <http://monroecounty-fl.gov/pumpout>.
- County Wide 'No-Discharge Zone' regulation created through EPA Clean Water Act that could use BBAP as the basis for such protection - <https://www.epa.gov/vessels-marinas-and-ports/vessel-sewage-no-discharge-zones>
- Ordinance that requires 'Proof of Pump-Out' for boats - <http://monroecounty-fl.gov/DocumentCenter/View/23556/Keys-Wide-Proof-of-Pumpout-Ordinance-015-2017>.

Proposed action – The Biscayne Bay Watershed Management Advisory Board:

- 1) Recommends that the BCC create legislation which mirrors Monroe County's "No Discharge Zone", "Proof of Pump-Out" and "Vessel Registration" legislation and programs.
- 2) Recommends that the Mayor and her administration apply for a FDEP Clean Vessel Act (CVA) grant to fund the program.

Topic 3 – Marine Debris and "Leave No Trace" program

Background - One of the recommendations of the Biscayne Bay Task Force Report (action 5A), and the subsequent Marine Debris Planning Team, is to create a comprehensive marine debris prevention, reduction, and removal program within DERM and adequately fund and staff the program. The Planning Team, which is finalizing its work has identified over 50 new actions to reduce marine debris, including the development of a Leave No Trace strategy.

Proposed action – The Biscayne Bay Watershed Management Advisory Board:

- 1) Urges the Board of County Commissioners to include an allocation of \$250,000 in their FY24-25 budget requests to implement programs that will be most effective in reducing debris entering County water ways. Consider utilizing part of this funding to enter into a consulting agreement with the non-profit "Leave No Trace" to audit the current status of marine debris management, and help develop a County-Wide, unified "Leave No Trace" program with a specific focus on addressing Spoil Islands.
- 2) Recommends that the County Mayor or DERM create, fund and staff a new 'Marine Debris Manager' position with a dedicated staff member to focus on implementing the Marine Debris Planning Team recommendations.



BISCAYNE BAY WATERSHED MANAGEMENT ADVISORY BOARD (BBWMAB)

Recommendations and Urgings for Board of County Commissioners

Meeting date: May 31, 2024

Board Member presenting: Commissioner Rachel Streitfeld

Topic 1 – Regulating Commercial Uses on Biscayne Bay

Background - Currently in Miami-Dade County, when an individual wants to open a commercial marine-based business on the bay, they can go online and get a BTR (Business Tax Receipt) with few operational requirements. The result is the proliferation of vessel, personal watercraft, and service-related businesses that make it difficult to control negative impacts of such activities.

Proposed action – Recommend to the Board of County Commissioners that they issue a Directive to the Mayor, Mayor’s Administration relating to Business Tax Receipt and Certificate of Use requirements for marine based businesses, which includes the following components:

- an analysis from staff of the County's current BTR & Certificate of use requirements for marine-based businesses and how they're enforced; and
- best practices review of what cities like Miami Beach, Miami, and a few others in south Florida are doing to address marine-based businesses.

Further recommend to the Board of County Commissioners to strengthen these processes and make the enforcement and consequences for marine-based business more compelling including by amending existing ordinance as necessary.

Topic 2 –

Background

Proposed action

Topic 3

Background

Proposed action

2024 Biscayne Bay Marine Health Summit Recap

The 2024 Biscayne Bay Marine Health Summit was an incredible and inspiring success! Over 500 attendees representing a wonderful cross-section of interests and expertise from government (both elected and staff from Federal, State, County and Municipal), business, science, academia, and community/non-profit, showed up for a full day of plenaries, breakout sessions and workshops featuring community-driven programming. This 4th Summit was the largest, most well-attended to date, and the feedback so far has been outstanding!

The theme was ‘Connections’, where attendees were encouraged to engage with one another and build collaborations and partnerships that drive progress and innovation outside of the traditional structures. It will be the creativity, ideas and effort from the entire community that will move us closer to a cleaner and healthier Biscayne Bay.

Notable Panel Conversations and Breakout Sessions include:

- Effective Governance and the Bay (featuring Commissioner Danielle Cohen Higgins, Adam Blalock, Adam Gelber and Senator Alexis Calatayud as panelists).
- Investing in the Bay: The money that drives nature-based solutions and adaptation
- Law Enforcement and Regulation of Commercial Activities on Biscayne Bay
- Emerging Science: A Panel Conversation
- Leave No Trace Stakeholder Workshops
- Innovation from the private sector
- Restoring and re-creating nature to save Miami’s blue heart
- Crossing The Line - How smarter land use in Miami-Dade County supports Biscayne Bay’s recovery
- The History of the Aquatic Preserves to celebrate our 50th anniversary
- The Bay is for Everyone – Barriers to people with disabilities and minority groups

Recordings of the sessions and full debriefs will be made available in the coming weeks.

AWARDS: Historically, the Summit has awarded a single individual with a ‘Harvey Award’, named after environmentalist Harvey Ruvin. New this year were Lifetime of Service Awards to honor those who have dedicated their life’s work to Biscayne Bay Protection.

Lifetime of Service Awards:

- Craig Grossenbacher - Chief, Water Resources Coordination Division, RER-DERM
- John Ricisak - Project Supervisor, Restoration & Enhancement Section, RER-DERM

Lifetime of Service Awards - In Memoriam

- Dr. Joan Browder - Research Ecologist at NOAA Fisheries Service
- Sean McCrackine – Environmentalist and Director of Policy for Mayor Levine Cava
- Carlos Hernandez - Water and Wastewater Division Chief, RER-DERM

Harvey Award

- Luiz Rodrigues – Founder, Biscayne Bay Marine Health Coalition

SPONSORS: The summit would not have been possible without the financial support of the Title Sponsors: Miami Dade County, The Brady Hunter Foundation and Ferguson Waterworks; Mangrove Level Sponsors – Brizaga, FIU, and University of Miami; and five (5) Commissioner Sponsorships by Commissioner Raquel Regalado, Commissioner Danielle Cohen Higgins, Commissioner Kevin Cabrera, Commissioner Eileen Higgins, and Commissioner Micky Steinberg. Recognition also goes to the Coral, Manatee, and Non-Profit level sponsors.



Featured here, the Biscayne Bay Marine Health Coalition Steering Committee members in front of attendees at the 2024 Biscayne Bay Marine Health Summit.

From left to right: Maria Del Mar Trejos, Dr. Julia Wester, Luiz Rodrigues, Melissa Hew, Karen Beber Futernick, Irela Bage, Dave Doebler (Chair), Lauren Jonaitis (Vice Chair)