

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: October 9, 2025


FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to water and sewer regulation; amending section 32-4 of the Code; creating section 32-56 of the Code; establishing minimum standards for municipal public utilities operating outside of the boundaries of such municipality; providing for enforcement of such minimum standards; amending section 8CC-10 of the Code; providing for civil penalties; requiring County Mayor to provide report concerning repeat violators

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 9-8-25 Infrastructure, Innovation and Technology Committee.

This substitute differs from the original item in that, in subpart (b), it adds an exception from enforcement of the minimum standards for those Municipal Public Utilities that either: (i) do not charge a surcharge to their consumers outside their municipality's boundaries, or (ii) charge a surcharge to consumers outside their municipality's boundaries but provide written evidence, such as financial records, on an annual basis that demonstrate that all surcharge monies collected from such consumers are being used to operate and improve the Municipal Public Utility's system. This substitute also revises subpart (e) to require the County Mayor to advise the Board of any Municipal Public Utility that commits multiple violations of this Code section within any two-year period as opposed to notifying the Board of multiple violations for the last two years.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001

Memorandum



Date: October 9, 2025

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Social Equity and Fiscal Impact Statement for Ordinance Amending Section 32-4 of the Miami-Dade County Code, Creating Section 32-56 of the Code, Related to Establishing Minimum Standards for Municipal Public Utilities Operating Outside of the Boundaries of such Municipality

The proposed ordinance establishes minimum standards for municipal water and sewer utilities that provide services outside their municipal boundaries. It requires those utilities to comply with state law, disclose the terms and conditions of service to the County Mayor or County Mayor's Designee, and ensures transparency and accountability in the delivery of services to residents who live outside of the providing municipality. The ordinance also creates enforcement mechanisms, including civil penalties for violations and reporting requirements for repeat offenders, giving the Board of County Commissioners the ability to take corrective action, if necessary.

Social Equity Statement

The proposed ordinance provides a social benefit in that it ensures that all residents of Miami-Dade County receive fair, transparent, and accountable water and sewer services, regardless of whether they live inside or outside municipal boundaries for their corresponding utility. By establishing minimum standards the proposed ordinance ensures that municipalities within the County that are providing water and sewer services to residents are abiding by the relevant requirements of chapter 180, Florida Statutes.

Fiscal Impact Statement

The implementation of this ordinance could potentially have a fiscal impact to Miami-Dade County and could result in additional staffing needs or future operating costs specifically as it relates to the County's ability to review financial records demonstrating all surcharge monies are being used to operate and improve the respective system and enforce the same.

A handwritten signature in black ink that reads "Roy Coley". The signature is written in a cursive, flowing style.

Roy Coley
Chief Utilities and Regulatory Services Officer



MEMORANDUM
(Revised)

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

DATE: October 9, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
10-9-25

ORDINANCE NO. _____

ORDINANCE RELATING TO WATER AND SEWER REGULATION; AMENDING SECTION 32-4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 32-56 OF THE CODE; ESTABLISHING MINIMUM STANDARDS FOR MUNICIPAL PUBLIC UTILITIES OPERATING OUTSIDE OF THE BOUNDARIES OF SUCH MUNICIPALITY; PROVIDING FOR ENFORCEMENT OF SUCH MINIMUM STANDARDS; AMENDING SECTION 8CC-10 OF THE CODE; PROVIDING FOR CIVIL PENALTIES; REQUIRING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REPORT CONCERNING REPEAT VIOLATORS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on November 6, 1956, the people of Florida amended the Florida Constitution by adopting article VIII, section 11 of the Florida Constitution of 1885, preserved in article VIII, section 6 of the Florida Constitution of 1968 ("Home Rule Amendment"), which authorized the people of Miami-Dade County to adopt a home rule charter; and

WHEREAS, the Home Rule Amendment provides that, upon the adoption of the Home Rule Charter, this Board would have "full power and authority . . . to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; . . . and do everything necessary to carry on a central metropolitan government in Dade County" and to "provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board...."; and

WHEREAS, on May 21, 1957, the electors of Miami-Dade County adopted a home rule charter (the "Home Rule Charter"); and

WHEREAS, section 1.01(A) of the Home Rule Charter grants this Board “the power to carry on a central metropolitan government,” including, among other things, to “[p]rovide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs” and to “[s]et reasonable minimum standards for all governmental units in the county for the performance of any service or function” and, “[i]f a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board . . . [to] take over and perform . . . any such service”; and

WHEREAS, chapter 32 of the Code of Miami-Dade County, Florida (the “Code”) governs the regulation and operation of water and sewer utilities providing services within the County; and

WHEREAS, according to section 32-2 of the Code, regulation of “standards of service and service areas of waste and sewage collection and disposal systems, and water supply, treatment and distribution systems of Miami-Dade County is necessary and essential for the protection and preservation of the public health, safety and welfare”; and

WHEREAS, section 32-2 of the Code further provides that “[t]he purpose and intent of this chapter is to protect the public interest, health, safety and welfare of the County, its citizens, residents and visitors by providing for the reasonable uniform regulation, supervision and control of water and sewerage systems in respect to rates, standards of service, service areas, and other matters pertaining to such public utilities that directly affect the public health, safety and welfare”; and

WHEREAS, section 32-3 of the Code states that chapter 32 “is intended to and shall govern and be applicable to all waterworks, water supply, treatment, distribution and service systems and all waste and sewage collection and disposal systems operating in whole or in part within the territorial areas of boundaries of Miami-Dade County, Florida...”; and

WHEREAS, chapter 180 of the Florida Statutes sets out various powers granted to municipalities, including the authorization to “provide water and alternative water supplies, including but not limited to, reclaimed water, and water from aquifer storage and recovery and desalination systems for domestic, municipal and industrial uses” and “provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes”; and

WHEREAS, chapter 180 sets forth various requirements for municipalities that choose to operate a public utility; and

WHEREAS, section 180.19, Florida Statutes, specifies that “a municipality which constructs any works as are authorized by this chapter, may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use the utilities mentioned in this chapter upon such terms and conditions as may be agreed between such municipalities, and the owners or association of owners of such outside lots or lands”; and

WHEREAS, while residents within a municipality operating a public utility have the ability to hold their elected officials accountable for the management of said utility, residents outside the municipality’s boundaries do not have the same recourse; and

WHEREAS, as part of its regulatory authority pursuant to the Home Rule Charter and the Code, the County wants to ensure that municipalities within the County that are providing water and sewerage services to residents outside their corporate limits are abiding by the relevant requirements of chapter 180, Florida Statutes,

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

Section 1. Section 32-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 32-4. Definitions.

- (m) ~~[[Water and Sewer Authority shall mean the Miami Dade Water and Sewer Authority as described in Section 32A-4]]~~ >>Municipal Public Utility shall mean a Public Utility owned and operated by a Municipality, which owns and/or is operating a public utility that provides water and/or sewerage service pursuant to chapter 180, Florida Statutes, as may be amended from time to time.<<

Section 2. Section 32-56 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Section 32-56. Minimum Standards for Municipal Public Utilities Operating Outside of Municipal Boundaries

- (a) Minimum Standard. Any Municipal Public Utility operating outside of the boundaries of such Municipality << >> that constructs any works as authorized by chapter 180, Florida Statutes, <<² [[shall, at all times, be in compliance with all applicable provisions of chapter 180, Florida Statutes, as may be amended from time to time, relating to the provision of services and rates charged to consumers outside the boundaries of such Municipality including, but not limited to, providing service in accordance with the terms and conditions as may be agreed upon by the Municipal Public Utility and such consumers. In order to demonstrate and validate such compliance each Municipal Public Utility]] >> shall be required

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.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

to provide the Miami-Dade Water and Sewer Department with a copy of (i) the standard terms and conditions agreed upon by the Municipal Public Utility and any group of consumers outside of the boundaries of such Municipality or (ii) the unique terms and conditions agreed upon by the Municipal Public Utility and any individual consumer outside of the boundaries of such Municipality<< >>, consistent with the requirements of section 180.19, Florida Statutes<<>>. These written terms and conditions shall be provided within 30 days of the Effective Date of this Ordinance for all existing consumers or groups of consumers, and to the extent there are future changes to the terms and conditions or added consumers, such updated terms and conditions as well as the terms and conditions for added consumers must be provided within 30 days of issuance of the new terms and conditions. Additionally, before any<< [[new infrastructure]] >>works related to water and/or sewerage service<< >>for a Municipal Public Utility may be constructed in an area outside of the boundaries of the Municipal Public Utility's Municipality, such terms and conditions must be provided to the Miami-Dade Water and Sewer Department for any new consumer or group of consumers receiving services.

- (b) *Enforcement.* The County Mayor or County Mayor's designee shall be responsible for assuring the enforcement of and compliance with the minimum standards and the requirement to provide a copy of the written terms and conditions as set forth in paragraph (a) in accordance with the procedures set forth in chapter 8CC of the Code of Miami-Dade County.<< >>However, any Municipal Public Utility that: (i) does not charge a surcharge to customers it is servicing outside of its Municipal boundaries, or (ii) charges a surcharge to customers outside of its Municipal boundaries, pursuant to chapter 180, Florida Statutes, but provides written evidence on an annual basis to the County Mayor, such as financial records, that demonstrate the Municipal Public Utility is using all surcharge monies collected from such customers outside its Municipal boundaries to operate and improve the Municipal Public Utility's system, shall be exempt from the minimum standards set forth in paragraph (a).<<
- (c) >>*Penalties.* Any Municipal Public Utility that <<[[has violated]] >>violates<< >>the minimum standards or<< [[failed]] >>fails<< >>to<< >>timely<< >>provide a copy of the written terms and conditions as set forth in paragraph (a) shall be <<>>subject to the penalties<< [[punishable by a

~~penalty as]]~~ >>provided in chapter 8CC, and subject to the remedies available in section 1-5 of the Code of Miami-Dade County, as applicable.

- (d) Remedies Independent and Cumulative. The administrative remedies in this section are independent and cumulative of all judicial and administrative remedies that are available to the County and any private person under the County Code or state law, as applicable.
- (e) Notice of Repeat Violations. If any Municipal Public Utility has been found to have committed multiple violations of this section within<< [[the last two years]] >>any two-year period<<>>and failed to cure such violations by any time period provided, the County Mayor or County Mayor’s designee shall prepare a report to the Board of County Commissioners indicating the extent of the Municipal Public <<[[Entity’s]] >>Utility’s<< >>repeat violations. Such report shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board’s Rules of Procedure in order to allow the Board to consider whether it is necessary for the Board to take over and perform, regulate, or grant franchises to operate any such Municipal Public Utility in accordance with section 1.01(A)(18) of the Home Rule Charter.<<

Section 3. 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
*	*	*
<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
32.8.2	Violation of permanent landscape Irrigation requirements	\$75.00
>>32-56	<u>Failure to Meet Minimum Standards for Municipal Public Utility</u> <<	<u>\$500.00</u>
*	*	*

Section 4. 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 5. 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 6. 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:

Sarah E. Davis
Jose I. Ortega
Michael Valdes

Prime Sponsor: Commissioner Oliver G. Gilbert, III