

MEMORANDUM

Agenda Item No. 4(I)

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

DATE: July 21, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to environmental
remediation and utility service fee;
amending section 24-34 of the
Code; establishing loan program
for purposes of environmental
remediation that meets existing
requirements of section 24-34,
without changing said requirements;
creating requirements, parameters,
and procedures for said loan
program

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001



MEMORANDUM (Revised)

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

DATE: July 21, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(I)

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**
- _____ **Requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) ____) 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(I)
7-21-26

ORDINANCE NO. _____

ORDINANCE RELATING TO ENVIRONMENTAL
REMEDATION AND UTILITY SERVICE FEE; AMENDING
SECTION 24-34 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; ESTABLISHING LOAN PROGRAM FOR
PURPOSES OF ENVIRONMENTAL REMEDIATION THAT
MEETS EXISTING REQUIREMENTS OF SECTION 24-34,
WITHOUT CHANGING SAID REQUIREMENTS; CREATING
REQUIREMENTS, PARAMETERS, AND PROCEDURES FOR
SAID LOAN PROGRAM; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, protecting the County’s drinking water supply is of paramount importance
to Miami-Dade County residents and visitors; and

WHEREAS, certain environmental remediation projects protect the County’s drinking
water supply; and

WHEREAS, the County’s utility service fee is a fee charged to water and sewer customers
pursuant to section 24-34 of the Code of Miami-Dade County, and uses of said fee must comply
with the provisions of section 24-34, which provides that such fees may only be used “to pay for
the costs of the environmental services to and environmental regulation of said water and sewer
utilities,” in addition to all applicable law; and

WHEREAS, in limited circumstances, the County’s utility service fee has been used for
certain environmental remediation projects at County parks; and

WHEREAS, in such circumstances, the particular environmental remediation project and
the contamination to be addressed were determined to be for drinking water supply protection and
the benefit of said water and sewer utilities, based on the location of the property, its relationship

with the drinking water wellfields, and an analysis of the contaminants present on the property, levels of such contaminants, and their corresponding potential effects on the drinking water supply; and

WHEREAS, this Board wishes to authorize the County Mayor or County Mayor's designee to carry out a loan program for certain environmental remediation, using the utility service fee monies, where such remediation to be paid for with utility service fee monies would provide drinking water supply protection and would provide a service to the County's Water and Sewer Department, and such program would be further limited to County-owned properties, which may be the subject of a long-term lease, or properties that were County-owned prior to January 1, 2025; and

WHEREAS, this loan program could also potentially be used by certain County departments for properties such as park properties, as an additional option that the administration may wish to consider; and

WHEREAS, because drinking water supply protection may already be an eligible use of utility service fee monies where such drinking water supply protection would provide a benefit to the Water and Sewer Department and where such use of funds would comply with all applicable law, this ordinance would not expand the categories of eligible uses of utility service fee monies; and

WHEREAS, instead, this ordinance would provide for a loan program related to drinking water supply protection, where such loan program would be an additional mechanism that would be required to comply with all previously existing provisions in section 24-34 related to the utility service fee,

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

Section 1. The recital clauses are hereby incorporated as if fully stated herein.

Section 2. Section 24-34 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 24-34. Service fee payable to County.

>>(1)<< Each water or sewer utility shall collect from its customers and pay to the County a County service fee equal to eight dollars (\$8.00) per each one hundred dollars (\$100.00) of the receipts of said utility derived from its water and/or sewer utility operations conducted within the County to cover the cost of providing certain environmental services to and certain environmental regulation of said water or sewer utilities.

* * *

Each water and sewer utility shall collect from its customers the service fee imposed upon said utility by this section, including but not limited to those utilities whose rates are not regulated by the Miami-Dade County Water and Sewer Board. Said County service fee imposed by this section shall be deemed a pass-through cost as defined by Section 32-64(b)(3) of the Code of Miami-Dade County, but no hearing shall be required of any water and sewer utility before the Miami-Dade County Water and Sewer Board, nor shall the approval of the Miami-Dade County Water and Sewer Board be necessary for the imposition of this fee by the utility upon its customers. Approval of this provision by the County Commission shall constitute approval of the necessary rate increase for the Miami-Dade Water and Sewer Department pursuant to Chapter 32A.

Payment of the fee to the County shall be accompanied by a statement verified by the utility showing its receipts upon which such fee is computed. This statement shall be in such form as the Director shall prescribe and shall be subject to audit by the County.

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.

The service fee payable hereunder shall be deposited in a separate County fund >>(“Utility Service Fee Fund”)<< and shall be used exclusively by the Department to pay for the costs of the following environmental services to and environmental regulation of said water and sewer utilities:

- >>(a)<<[[(1)]] Monitoring and evaluating water and sewerage systems of said water and sewer utilities.
- >>(b)<<[[(2)]] Responding to and attempting to resolve citizen complaints against said water and sewer utilities.
- >>(c)<<[[(3)]] Investigation, preparation, and prosecution of enforcement actions, pursuant to Chapter 24 of this Code, to protect the groundwater, surface water and drinking water.
- >>(d)<<[[(4)]] Ambient monitoring of groundwater and surface water.
- >>(e)<<[[(5)]] Special studies of groundwater, drinking water, and surface water when deemed necessary by the Director to protect the groundwater, surface water and drinking water.
- >>(f)<<[[(6)]] Water supply protection, planning and programming, including without limitation, municipal solid waste landfill closure, environmental remediation at landfill sites, and land acquisition for purposes of water supply protection.
- >>(g)<<[[(7)]] Laboratory analyses of groundwater, surface water, drinking water, waste water, and other effluents affecting water quality.
- >>(h) To fund a loan program in accordance with subsection (2) below.<<

No part of said fund shall be used for purposes other than the aforesaid.

>>(2) There is hereby established a loan program using certain utility service fee monies collected and retained by the County (“Loan Fund”) for the environmental remediation of certain properties specifically for the purpose of drinking water supply protection as an environmental service to the Miami-Dade Water and Sewer Department. The Loan Fund shall be funded as set forth in subsection (3) below. All loans from the Loan Fund shall be subject to, at a minimum, the following minimum requirements and criteria:

- (a) The property to be remediated is (i) currently owned by the County in fee-simple, including where the County owns a property in fee-simple and has entered into a

long-term lease with a lessee, or (ii) no longer owned by the County but was previously owned by the County in fee-simple as of January 1, 2025 (“Former County Properties”); and

(b) The property to be remediated is 10 acres in size or greater; and

(c) Eligible applicants shall be any County department or agency, any tenant on a County-owned property satisfying the requirements set forth herein, any fee-simple owner of Former County Properties, and any tenant on a Former County Property; and

(d) The Loan Fund proceeds shall be used only for environmental remediation work that (i) serves the purpose of drinking water supply protection, (ii) would provide a benefit to the Miami-Dade Water and Sewer Department in a manner not shared by the general public, and (iii) is in a manner and consistent with all requirements in this section 24-34 and all applicable laws; and

(e) All loans from the Loan Fund to non-County entities shall be: (i) repaid from the sixth year of the date of the loan closing in annual installments of one percent of the principal loan amount, with the balance due not more than 35 years from the date of the loan closing; (ii) subject to zero percent interest; (iii) secured by a second priority lien and a mortgage on Former County Properties for which the County Mayor or County Mayor’s designee shall also have delegated authority to, upon request and within the first five years following the date of the Loan Fund loan closing, execute documents to subordinate the above-referenced County lien and mortgage for any other liens, mortgages, or refinancing thereof secured by the applicant that are needed for project improvements; provided further, for such liens, mortgages, and refinancings for which the County has executed documents to subordinate the above-referenced County lien and mortgage within the above-referenced first five years, the terms of the County loan shall also allow for subordination of a refinancing after the above-

referenced five year period provided that such refinancing is limited to the then-current principal of indebtedness for which the County has previously executed a subordination; (iv) subject to a default of the underlying lease for tenants of County-owned properties; (v) set forth in a written agreement between the County and the borrower that is recorded in the public records and shall run with the land, and such agreement shall at a minimum, include all of the aforementioned requirements set forth in this paragraph and a provision by which the borrower agrees to indemnify, hold harmless, and defend the County for anything related to said environmental remediation and the use of loan proceeds for such purposes, (vi) subject to the prior approval of the Board of County Commissioners, and (vii) repaid and deposited into the Utility Service Fee Fund.

(f) All loans from the Loan Fund to County departments for properties owned in fee-simple by the County such as County parks shall be: (i) subject to approval of the Board, (ii) in addition to any other legally available funding source or funding mechanism available in this chapter or otherwise to the County, (iii) repaid within not more than 35 years from the date of the loan, (iv) not subject to any interest assessment; and (v) shall be set forth in an interdepartmental memorandum between the Miami-Dade Water and Sewer Department and the applicable County department or agency receiving Loan Fund proceeds.

(3) The County Mayor or Mayor's designee shall confirm the amount of money in the Utility Service Fee Fund as of September 30, 2026 ("Fund Balance"). The following shall be available for the Loan Fund: (a) all legally available, unencumbered funds on deposit in the Utility Service Fee Fund as of September 30, 2026, provided however, that at least 20 percent of the Fund Balance shall remain in the Utility Service Fee Fund and be unavailable for the Loan Fund; and (b) beginning in fiscal year 2026-2027, all legally available, unencumbered utility service fee monies collected and retained by the County in each fiscal year ("Annual Collection").

provided however, that at least 20 percent of the Annual Collection must remain in the Utility Service Fee Fund and be unavailable for the Loan Fund.

(4) It is expressly provided that such loan program shall be a discretionary program, to be administered in compliance with this section 24-34 and all applicable law, and considering the discretionary priorities of the County, and that no property owner or individual desiring to participate shall be deemed to have a right to request or obtain any such loan from the Loan Fund.<<

Section 3. 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 4. 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 5. 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:

Cristina M. Rabionet
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Raquel A. Regalado

The image shows two handwritten signatures. The top signature is in cursive and appears to read 'J. L. For'. The bottom signature is also in cursive and appears to read 'CMR'. Both signatures are written in dark ink.