MEMORANDUM

Agenda Item No. 5(H)

(Public Hearing: 10-20-26)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	**DATE:**	October 6, 2026
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Ordinance relating to environmental protection; amending article I, division 2 of chapter 24 of the Code; adopting by reference certain state statutory provisions for the purpose of administering and implementing the delegation to the County by the Florida Department of Environmental Protection of certain authority related to its onsite sewage program, including certain state environmental permitting

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez, and Co-Sponsors are Commissioner Vicki L. Lopez and Commissioner Raquel A. Regalado.

Geri Bonzon-Keenan
County Attorney

GBK/smm

MEMORANDUM

(Revised)

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

DATE: October 20, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(H)

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. 5(H)
10-20-26

ORDINANCE NO. _____

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING ARTICLE I, DIVISION 2 OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ADOPTING BY REFERENCE CERTAIN STATE STATUTORY PROVISIONS FOR THE PURPOSE OF ADMINISTERING AND IMPLEMENTING THE DELEGATION TO THE COUNTY BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF CERTAIN AUTHORITY RELATED TO ITS ONSITE SEWAGE PROGRAM, INCLUDING CERTAIN STATE ENVIRONMENTAL PERMITTING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, an onsite sewage treatment and disposal system (OSTDS) is commonly referred to as a septic system and is used for wastewater disposal where public wastewater system infrastructure may not be available for connection or service; and

WHEREAS, there are certain state permitting and inspection requirements related to OSTDSs and the state's onsite sewage program that, within Miami-Dade County, are currently handled by the Environmental Health section of the Miami-Dade County Department of Health (DOH), which is a state agency; and

WHEREAS, DOH's work related to OSDTSs includes sanitary and safety reviews, permitting, inspections, and investigation of complaints for the prevention of environmental-related illness and safety concerns; and

WHEREAS, around the state of Florida, these state permitting and inspection responsibilities for OSTDSs are in the process of transitioning from DOH to the Florida Department of Environmental Protection (FDEP); and

WHEREAS, Miami-Dade County currently has various delegation agreements with FDEP through which the County is delegated the authority and responsibility to issue certain state environmental permits and approvals; and

WHEREAS, for OSTDSs and certain related matters, FDEP wishes to delegate to the County the authority and responsibility for certain state permitting and inspections; and

WHEREAS, in connection with such delegation, FDEP is requiring the County to adopt by reference various provisions of state law, for the purpose of implementing and administering this new delegation program; and

WHEREAS, accordingly, this Board wishes to amend chapter 24 of the County Code to incorporate and adopt by reference the applicable provisions of state law,

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

Section 1. Article I, division 2 of chapter 24 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Chapter 24 - ENVIRONMENTAL PROTECTION, BISCAYNE BAY AND ENVIRONS DESIGNATED AQUATIC PARK AND CONSERVATION AREA, THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND, AND THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM

* * *

DIVISION 2 – STATE AND FEDERAL ADOPTIONS

[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.

Sec. 24-25. - Adoption of rules and regulations of the State of Florida Department of Environmental Protection, Florida Department of Health, and the United States Environmental Protection Agency >>and certain statutory provisions<< and violations related thereto.

(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:
   (a) Chapter 62-160 of the Florida Administrative Code;
   (b) Chapter 62-550 of the Florida Administrative Code;
   (c) Chapter 62-713 of the Florida Administrative Code;
   (d) Chapter 62-761 of the Florida Administrative Code;
   (e) Chapter 62-762 of the Florida Administrative Code;
   (f) Chapter 62-777 of the Florida Administrative Code;
   (g) Chapter 62-780 of the Florida Administrative Code;
   (h) Chapter 62-6 of the Florida Administrative Code; and
   (i) Chapter 64E-8 of the Florida Administrative Code.

(2) FDEP regulations set forth in chapter 62-625, Florida Administrative Code, as may be amended from time to time, are hereby adopted and incorporated by reference herein, with the exception of the following listed rules which are not adopted or incorporated:
   (a) 62-625.500(2)(b)5.a and 62-625.600(4)(b)-(c), F.A.C. (Oversight of Categorical Industrial Users (Reduced Reporting and Pollutant Monitoring Waivers));
   (b) 62-625.500(2)(a)7 and 8, F.A.C. (General Control Mechanisms);
   (c) 62-625.200(14), 62-625.200(25), 62-625.500(2)(b)5.b, and 62-625.600(17), F.A.C. (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User));
   (d) 62-625.500(2)(b)5.c, 62-625.600(4)(d), 62-625.600(14), F.A.C (Oversight of Categorical Industrial Users (Reduced Reporting)); and
   (e) 62-625.410(e), F.A.C (Equivalent Mass Limits for Concentration Limits).

(3) EPA regulations set forth in 40 C.F.R. Part 403 and 40 C.F.R. Part 441, as may be amended from time to time, are hereby adopted and incorporated herein by reference hereto, with the exception of the following provisions, which are excluded from this adoption as permitted by the Streamlining Rule, 70 F.R. 60134, established on October 14, 2005:

(a) 40 C.F.R. § 403.3(v)(2) (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User));
(b) 40 C.F.R. § 403.6(c)(5) (Equivalent Mass Limits for Concentration Limits);
(c) 40 C.F.R. § 403.8(f)(1)(iii)(A) (General Control Mechanisms);
(d) 40 C.F.R. § 403.8(f)(2)(v)(A), (B) and (C) (Oversight of Categorical Industrial Users (Reduced Reporting));
(e) 40 C.F.R. § 403.12(e)(2) and (3) (Oversight of Categorical Industrial Users (Pollutant Monitoring Waivers)); and
(f) 40 C.F.R. § 403.12(q) (Oversight of Categorical Industrial Users (Non-significant Categorical Industrial User)).

(4) All rules and regulations promulgated by FDEP pursuant to chapters 373, 403 and 253, Florida Statutes, as they may be amended from time to time, are hereby adopted and are made a part of this chapter by reference.

(5) >>Chapters 381, 373, 386, 403, and 489, Florida Statutes, as they may be amended from time to time, are hereby adopted and are made a part of this chapter by reference, for the sole purpose of implementing and administering the delegation by FDEP related to its onsite sewage program, including state permitting related to onsite sewage treatment and disposal systems (OSTDSs), and only to the extent necessary to implement and administer such delegation by FDEP.

(6)<< Any person who commits a violation of any rules >>,<<[[~~and~~]] regulations>>, or statutory provisions<< adopted pursuant to this section shall be deemed guilty of committing a violation of this chapter. Violations of such rules>>,<< [[~~and~~]] regulations>>, or statutory provisions<< shall constitute violations of this chapter and shall be enforceable as such, as provided in this chapter and as provided in section 1-5 of the Code.

Nothing herein shall be construed to prohibit Miami-Dade County from enacting ordinances stricter than the rules>>,<< [[~~and~~]] regulations>>, and statutory provisions<< incorporated herein or to invalidate or supersede ordinances heretofore enacted by Miami-Dade County which are stricter than the rules>>,<< [[~~and~~]] regulations>>, and statutory provisions<< incorporated herein. Notwithstanding the foregoing provision, nothing in Sections 24-42(2) and (4), 24-20(2), and 24-31(9) of this Code shall supersede Sections 24-25(1)(c), (f), (g), (h), and (i) with respect to

cleanup target levels for contaminants found in groundwater, surface water, and soil for sites contaminated in whole or part with petroleum substances subject to Chapter 62-770, F.A.C., for sites contaminated in whole or in part with dry cleaning solvent substances subject to Chapter 62-782, F.A.C., and for sites governed in whole or in part by the terms of a brownfields site rehabilitation agreement pursuant to Chapter 62-785, F.A.C.

Sec. 24-26. - Brownfields Redevelopment Act; sections adopted.

(1) Sections 376.77, 376.78, 376.79, 376.80, 376.81, 376.82 and 376.83(1), Florida Statutes, and any rules and regulations promulgated thereunder by the Florida Department of Environmental Protection, as all of the foregoing laws, rules, and regulations may be amended from time to time, are hereby adopted and made a part of this chapter by reference hereto.

* * *

Section 2. 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 3. 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 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the County 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:

JMM FOR

Prepared by:

Christopher J. Wahl
Abbie Schwaderer Raurell
James Eddie Kirtley

Prime Sponsor: Chairman Anthony Rodriguez
Co-Sponsors: Commissioner Vicki L. Lopez
Commissioner Raquel A. Regalado