

10. **OLD BUSINESS**

a. Water Quality Issues

2. **RESOLUTION 08-020 RECOMMENDING THAT THE FLORIDA LEGISLATURE ACCEPT THE RECOMMENDATIONS OF THE FLORIDA CONSUMER FERTILIZER TASK FORCE THAT REJECTS ANY ATTEMPT TO PREEMPT THE HOME RULE AUTHORITY OF LOCAL GOVERNMENT TO ENACT MEASURES REGULATING THE INTRODUCTION OF POLLUTANTS INTO OUR WATERWAYS**

**CITY OF SANIBEL**

**RESOLUTION NO. 08-020**

**A RESOLUTION OF THE CITY OF SANIBEL, FLORIDA, THAT RECOMMENDS THAT THE FLORIDA LEGISLATURE ACCEPT THE RECOMMENDATIONS OF THE FLORIDA CONSUMER FERTILIZER TASK FORCE THAT REJECTS ANY ATTEMPT TO PREEMPT THE HOME RULE AUTHORITY OF LOCAL GOVERNMENT TO ENACT MEASURES REGULATING THE INTRODUCTION OF POLLUTANTS INTO OUR WATERWAYS.**

**WHEREAS**, the Florida Legislature created the Florida Consumer Fertilizer Task Force during the 2007 Session; and

**WHEREAS**, the charge to the Task Force was to review and provide recommendations on the state's policies and programs addressing consumer fertilizers; and

**WHEREAS**, the Task Force was comprised of 13 individuals representing a wide range of industry and stakeholder interests who were technically qualified by training, education, or experience in water quality, horticultural, or agronomic science and who were appointed, by the President of the Senate, Speaker of the House, Commissioner of Agriculture, Florida League of Cities, and the Florida Association of Counties; and

**WHEREAS**, the Task Force retained an independent, professional facilitator; met for six months; followed the directives of the Florida Legislature; and **unanimously adopted recommendations that included a provision that local governments retain the option to enact ordinances** regulating the introduction of pollutants into our waterways; and

**WHEREAS**, the quality of the water in our bays, estuaries, streams, lakes, and coastal areas of the Gulf of Mexico and the Atlantic Ocean is critical to environmental, economic and recreational prosperity; and

**WHEREAS**, leaching and runoff of nutrients from improper and excessive urban and agricultural fertilization practices can contribute to nitrogen and phosphate pollution of our water resources; and

**WHEREAS**, the home rule powers of city and county governments should be maintained so that the quality of Florida's waterbodies can be preserved and improved; and

**WHEREAS**, the City of Sanibel has a responsibility to its citizens to exert leadership in practicing and promoting the proper landscape design and maintenance including the use of fertilizer to include the timing, type, amount, and application techniques;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sanibel, Florida:

**SECTION 1.** The Sanibel City Council believes that the Task Force recommendation that local governments should retain their home rule authority to adopt the recommended model ordinance or additional or more stringent provisions in response to human health or water quality needs is necessary in order for local governments to comply with the provisions of the Clean Water Act, such as Total Maximum Daily Loads (TMDLs).

**SECTION 2.** The Sanibel City Council opposes any efforts to limit or preempt the home rule authority of local government to enact measures regulating the introduction of pollutants into our waterways.

**SECTION 3.** The Sanibel City Council believes that a dedicated source of funding for education and training initiatives addressing the appropriate application of consumer fertilizers is required and encourages the Florida Legislature to provide that the Florida Department of Agriculture and Consumer Services (DACS) shall increase the tonnage fee on the sale of nitrogen and phosphorus to \$1.00 per ton and that the revenue be used for fertilizer training and education initiatives with 10% of the total to be returned to counties and cities to be used for fertilizer training and education.

**SECTION 4.** Effective Date.

This Resolution shall become effective immediately upon adoption.

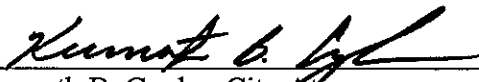
**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 19th day of February, 2008.

**AUTHENTICATION:**

\_\_\_\_\_  
Mick Denham, Mayor

\_\_\_\_\_  
Pamela Smith, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kenneth B. Cuyler, City Attorney

2/17/08  
Date

Vote of Council Members:

Denham \_\_\_\_\_  
Johnston \_\_\_\_\_  
Jennings \_\_\_\_\_  
Pappas \_\_\_\_\_  
Ruane \_\_\_\_\_

Date filed with City Clerk: \_\_\_\_\_