

7. OLD BUSINESS

a. Water Quality Issues

1. Reports from City Council members

- v. Letter to the Florida League of Cities President Frank Ortis requesting inclusion on the March 24th Board of Directors agenda regarding SB 1634 (Councilman Jennings)



City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATION	472-3700
BUILDING	472-4555
FINANCIAL MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
PARKS & RECREATION	472-9075
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

February 19, 2008

The Honorable Frank B. Ortis
President, Florida League of Cities
3015 Bronough Street, Suite 300 (32301)
Post Office Box 1757
Tallahassee, Florida 32302-1757

Dear President Ortis:

It is respectfully requested that an item be added to the March 25th Florida League of Cities, Inc., board meeting agenda encouraging the enactment of Senate Bill 1634.

A fact sheet, proposed Senate Bill 1634 and a draft resolution for consideration are attached.

Thank you in advance for your consideration of this important issue to the improvement of Florida's water quality.

Sincerely yours,

Jim Jennings
Sanibel City Councilmember

Attachments

Cc: Sanibel City Council
Judie Zimomra, City Manager
Ken Cuyler, City Attorney

IMPROVE FLORIDA'S WATER QUALITY SENATE BILL 1634

FACT SHEET

- Senate Bill 1634 protects all Florida's water
- Senate Bill 1634 has two simple provisions that when enacted significantly will improve the quality of water in Florida
- Provision One: Senate Bill 1634 will require the Department of Environmental Protection to notify each County and City in writing within 5 days of discovering a wastewater facility violation of part 1 of Chapter 403, Florida Statutes. This notice is critical to Counties and Cities working to improve water qualities within their boundaries
- Provision Two: Senate Bill 1634 will also require when Florida's beaches are closed as a result of Health Department bacteriological water sampling that the Wastewater Compliance Evaluation Section of the Department of Environmental Protection will be required to identify the source of the sewage containments.

ACTION NEEDED: Contact your local State Representative and State Senator legislators and urge them to enact Senate Bill 1634 this Legislative Session.

RESOLUTION NO. _____

**A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES
SUPPORTING AND ENCOURAGING THE ENACTMENT OF
SENATE BILL 1634; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the protection of the health, safety and welfare of our citizens is a fundamental obligation of each Florida city local government; and

WHEREAS, notification of the existence of nearby wastewater facilities in violation of Part 1, Chapter 403, Florida Statutes, is a critical prerequisite to the protection of the health, safety and welfare of our citizens; and

WHEREAS, identification by the Florida Department of Environmental Protection (DEP) of the source of sewage contaminants which result in health advisories that prohibit swimming in beach waters of the State of Florida assists in the protection of the health, safety and economic interests of the citizens of the State of Florida;

NOW THEREFORE, BE IT RESOLVED, by the Florida League of Cities:

SECTION 1. That Florida League of Cities hereby supports the enactment of Senate Bill 1634, a copy of which is attached hereto, and encourages the Florida legislature to enact such Bill.

SECTION 2. It is hereby directed that this Resolution of support be forwarded to: _____.

SECTION 3. Effective date.

This resolution shall take effect immediately upon passage.

DULY PASSED AND ENACTED by the Florida League of Cities, Inc. this _____ day of _____, 2008.

AUTHENTICATION:

Authorized Representative

Clerk

By Senator Bennett

21-02711-08

20081634__

1 A bill to be entitled
 2 An act relating to the management of wastewater; amending
 3 s. 514.023, F.S.; requiring that the Wastewater Compliance
 4 Evaluation Section in the Department of Environmental
 5 Protection identify sewage contaminant sources when
 6 certain health advisories prohibiting swimming in beach
 7 waters are issued; requiring that the department notify
 8 certain counties and municipalities after discovering that
 9 a wastewater facility is in violation of laws concerning
 10 pollution control; providing an effective date.

11 Be It Enacted by the Legislature of the State of Florida:

12 Section 1. Subsections (1), (2), and (3) of section
 13 514.023, Florida Statutes, are amended to read:

14 514.023 Sampling of beach waters; health advisories.--

15 (1) As used in this section, the term "beach waters" means
 16 the waters along the coastal and intracoastal beaches and shores
 17 of the state, and includes salt water and brackish water.

18 ~~(2)(1)~~ The department may adopt and enforce rules to
 19 protect the health, safety, and welfare of persons using the
 20 beach waters of the state. The rules must establish health
 21 standards and prescribe procedures and timeframes for
 22 bacteriological sampling of beach waters.

23 ~~(3)(2)~~ The department may issue health advisories if the
 24 quality of beach waters fails to meet standards established by
 25 the department. The issuance of health advisories related to the
 26 results of bacteriological sampling of beach waters is preempted
 27 to the state. When a health advisory that prohibits swimming in
 28 beach waters is issued on the basis of the results of the
 29 bacteriological sampling of waters or when departmental rules or
 30 another law requires issuance of a health advisory that prohibits
 31 swimming in beach waters on the basis of such results, the
 32 Wastewater Compliance Evaluation Section of the Department of
 33 Environmental Protection shall identify the source of the sewage
 34 contaminants.

35 ~~(3)~~ ~~For purposes of this section, the term "beach waters"~~
 36 ~~means the waters along the coastal and intracoastal beaches and~~
 37 ~~shores of the state, and includes salt water and brackish water.~~

38 Section 2. The Department of Environmental Protection
 39 shall, within 5 days after discovering that a wastewater facility
 40 is in violation of part I of chapter 403, Florida Statutes,
 41 notify each county and municipality within a 5-mile radius of the
 42 facility. The notice must be provided in writing for each
 43 violation discovered.

44 Section 3. This act shall take effect July 1, 2008.
 45
 46

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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By Senator Bennett

21-02711-08

20081634__

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