

**7. OLD BUSINESS**

a. Water Quality Issues

1. Reports from City Council members

- iv. Letter to elected and appointed Local and Florida County officials regarding SB 1634 (Mayor Denham)

February 22, 2008

Dear Elected and Appointed Officials:

Senate Bill 1634, currently pending before the Florida legislators, will provide local governments two important tools in protecting water quality within our boundaries. Senate Bill 1634 is a short, simple piece of legislation with only two provisions.

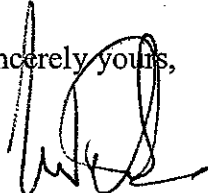
The first provision will require the Department of Environmental Protection to notify each County and City within a 5-mile radius in writing within 5 days of discovering a wastewater facility violation of Part 1, Chapter 403, Florida Statutes. The second provision requires the Department of Environmental Protection identify the source of sewage contamination any time a beach is closed as a result of Health Department bacterial water sampling.

Your local government's support is critical to the passage of this important legislation. Enclosed are:

- A one page Fact Sheet on Senate Bill 1634
- A copy of Senate Bill 1634
- A sample resolution your legislative body can adopt and send to your legislative delegation

Thank you for your consideration of this request. I am confident that working together we can protect Florida's economy and the health and welfare of our citizenry by improving water quality. Please do not hesitate to contact us if you have any questions at (239) 472-3700.

Sincerely yours,



Mick Denham  
Mayor

Attachments

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



## City of Sanibel

800 Dunlop Road  
Sanibel, Florida 33957-4096

[www.mysanibel.com](http://www.mysanibel.com)

### AREA CODE - 239

|                      |          |
|----------------------|----------|
| CITY COUNCIL         | 472-4136 |
| ADMINISTRATIVE       | 472-3700 |
| BUILDING             | 472-4555 |
| EMERGENCY 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 |

# **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 within a 5 mile radius 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.

Florida Senate - 2008

SB 1634

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

13  
 14 Section 1. Subsections (1), (2), and (3) of section  
 15 514.023, Florida Statutes, are amended to read:  
 16 514.023 Sampling of beach waters; health advisories.--  
 17 (1) As used in this section, the term "beach waters" means  
 18 the waters along the coastal and intracoastal beaches and shores  
 19 of the state, and includes salt water and brackish water.

20 ~~(2)(4)~~ The department may adopt and enforce rules to  
 21 protect the health, safety, and welfare of persons using the  
 22 beach waters of the state. The rules must establish health  
 23 standards and prescribe procedures and timeframes for  
 24 bacteriological sampling of beach waters.

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

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

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

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

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

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION 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 and county 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 \_\_\_\_\_, of \_\_\_\_\_, Florida:

**SECTION 1.** That [name of city or county] 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 all members of the local legislative delegation.

**SECTION 3.** Effective date.

This resolution shall take effect immediately upon passage.

**DULY PASSED AND ENACTED** by the \_\_\_\_\_ of \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**AUTHENTICATION:**

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
[City] [County] Clerk

Approved as to Form: \_\_\_\_\_

\_\_\_\_\_  
[City] [County] Attorney

\_\_\_\_\_  
Date

Vote of \_\_\_\_\_:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
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| _____ | _____ |

Date filed with [City] [County] Clerk: \_\_\_\_\_