

9. **OLD BUSINESS**

a. Water Quality Issues

1. Reports from City Council members

- iv. Letter to Florida League of Cities Board members regarding SB 1634 as a March agenda item (Councilman Jennings)



City of Sanibel

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AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATION	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

March 04, 2008

Dear Fellow Board Members:

President Ortis has agreed to place a resolution in support of Senate Bill 1634 on the agenda of our next Florida League of Cities Board of Directors Meeting. 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.

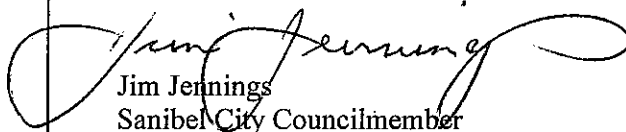
The first provision will require the Department of Environmental Protection to notify each County and City within a 5-mile radius in writing within 5 days of discovering a wastewater facility violation of Part 1, Chapter 403, Florida Statutes. The second provision requires the Department of Environmental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

I have enclosed the following background materials to familiarize yourself with the Senate Bill 1634 prior to our meeting:

- A one page Fact Sheet on Senate Bill 1634
- A copy of Senate Bill 1634
- A sample resolution you may want to consider for adoption by your own local legislative body.

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

Sincerely yours,



Jim Jennings
Sanibel City Councilmember

Cc: Sanibel City Council
Michael Sittig, Executive Director Florida League of Cities
Judie Zimomra, City Manager
Kenneth B. Cuyler, City Attorney
Pamela Smith, City Clerk

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

Florida Senate - 2008

SB 1634

By Senator Bennett

21-02711-08

20081634__

1

A bill to be entitled

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An act relating to the management of wastewater; amending

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s. 514.023, F.S.; requiring that the Wastewater Compliance

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Evaluation Section in the Department of Environmental

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Protection identify sewage contaminant sources when

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certain health advisories prohibiting swimming in beach

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waters are issued; requiring that the department notify

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certain counties and municipalities after discovering that

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a wastewater facility is in violation of laws concerning

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pollution control; providing an effective date.

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

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Section 1. Subsections (1), (2), and (3) of section

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514.023, Florida Statutes, are amended to read:

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514.023 Sampling of beach waters; health advisories.--

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(1) As used in this section, the term "beach waters" means

18

the waters along the coastal and intracoastal beaches and shores

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of the state, and includes salt water and brackish water.

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~~(2)(1)~~ The department may adopt and enforce rules to

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protect the health, safety, and welfare of persons using the

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beach waters of the state. The rules must establish health

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standards and prescribe procedures and timeframes for

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bacteriological sampling of beach waters.

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~~(3)(2)~~ The department may issue health advisories if the

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quality of beach waters fails to meet standards established by

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the department. The issuance of health advisories related to the

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results of bacteriological sampling of beach waters is preempted

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to the state. When a health advisory that prohibits swimming in

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beach waters is issued on the basis of the results of the

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bacteriological sampling of waters or when departmental rules or

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another law requires issuance of a health advisory that prohibits

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swimming in beach waters on the basis of such results, the

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Wastewater Compliance Evaluation Section of the Department of

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Environmental Protection shall identify the source of the sewage

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contaminants.

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~~(3) For purposes of this section, the term "beach waters"~~

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~~means the waters along the coastal and intracoastal beaches and~~

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~~shores of the state, and includes salt water and brackish water.~~

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Section 2. The Department of Environmental Protection

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shall, within 5 days after discovering that a wastewater facility

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is in violation of part I of chapter 403, Florida Statutes,

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notify each county and municipality within a 5-mile radius of the

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facility. The notice must be provided in writing for each

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violation discovered.

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

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

By Senator Bennett

21-02711-08

20081634__

A bill to be entitled

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

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

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

514.023 Sampling of beach waters; health advisories.--

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

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

(3) ~~(2)~~ The department may issue health advisories if the quality of beach waters fails to meet standards established by the department. The issuance of health advisories related to the results of bacteriological sampling of beach waters is preempted to the state. When a health advisory that prohibits swimming in

21-02711-08

20081634__

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.