

RESOLUTION NO. _____ - 2008

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA SUPPORTING AND ENCOURING 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 BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1: That Monroe 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. That the Clerk of the Clerk is hereby It is hereby directed that this Resolution of support be forwarded to the Governor of the State of Florida, Representative Ron Saunders and Senator Larcenia J. Bullard and other members of the local legislative delegation.

Section 3. This Resolution shall become effective on the date written below.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the 19th day of March, A.D., 2008.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Mario DiGennaro _____
Commissioner Sylvia Murphy _____
Commissioner George Neugent _____
Commissioner Dixie M. Spehar _____

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
[Signature]
KIMBERLY A. HUTTON
COUNTY ATTORNEY
Date 3/03/08

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.

By Senator Bennett

21-02711-08

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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)(1)~~ 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

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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.

Select Year: 2007

Go

The 2007 Florida Statutes

<u>Title XXXIII</u>	<u>Chapter 514</u>	<u>View Entire</u>
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	PUBLIC SWIMMING AND BATHING FACILITIES	<u>Chapter</u>
514.023 Sampling of beach waters; health advisories.--		

(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.

(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.

(3) For purposes of 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.

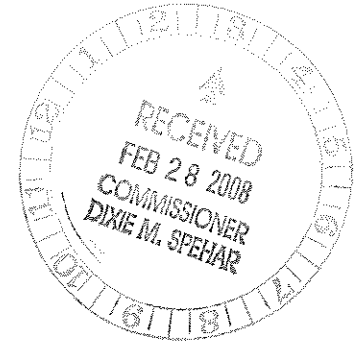
(4) Contingent upon legislative appropriation to the department in the amount of \$600,000 nonrecurring, the department will perform a 3-year study to determine the water quality at beaches throughout the state. The study will be performed in all counties that have public-access saltwater and brackish water beaches.

History.--s. 2, ch. 2000-309.

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RECEIVED

FEB 29 2008



February 22, 2008

MONROE COUNTY ATTORNEY

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

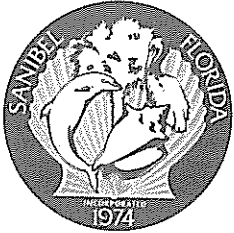
Thank you for your consideration of this request. I am confident that working together we can protect Florida's economy and the health and welfare of our citizenry by improving water quality. Please do not hesitate to contact us if you have any questions at (239) 472-3700.

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

AREA CODE - 239

CITY COUNCIL	472-4135
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
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PUBLIC WORKS	472-6397