

TOWN OF FORT MYERS BEACH

RESOLUTION 09-07

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH OPPOSING FLORIDA SENATE BILL 2016 AND HOUSE BILL 1123 RELATING TO ENVIRONMENTAL PERMITTING, WHICH WOULD AMEND SECTION 373.4144, FLORIDA STATUTES, AND SIGNIFICANTLY WEAKEN WETLAND PERMITTING REGULATIONS AND PROGRAMS IN THE STATE OF FLORIDA; URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF SB2016 AND HB1123 AND TO VOTE IN OPPOSITION TO SUCH PROPOSED BILLS; REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP DURING THE 2009 REGULAR SESSION AND THEREAFTER THAT THE OFFICE OF THE GOVERNOR DOES NOT SUPPORT SB2016 OR HB1123; DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE SOUTHWEST FLORIDA LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN LEE COUNTY, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES AND EACH MEMBER OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 2016 and House Bill 1123 have been filed, both bills being identical and titled “relating to environmental permitting, amending Section 373.4144, Florida Statutes, revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating Federal and State wetland permitting programs, authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities, specifying conditions applicable to such permits, amending Section 373.4211, Florida Statutes, delaying the effective date of a rule adding Slash Pine and Gallberry to the list of facultative plants, revising provisions concerning methodologies used to delineate the landward extent of wetlands and surface waters, revising provisions concerning vegetative index used to delineate the landward extent of wetlands and surface waters, providing for permit modification under certain circumstances, providing for certain declaratory statements from the department, providing exemptions for certain permit petitions and applications relating to specified activities; and

WHEREAS, taken as a whole, these statutory amendments significantly weaken the environmental permitting regulation of the State of Florida; and

WHEREAS, the potential injury caused by such a weakening of the environmental permitting regulations far outweigh and perceived regulatory streamlining or economic savings that may be argued to be the basis of such bills; and

WHEREAS, Florida's environment is an increasingly important and critical economic factor in the well being of the State of Florida, particularly in light of the economic downturn; and

WHEREAS, the enactment of the legislation weakening Florida's environmental permitting regulations not in the best interests of the citizens of the State of Florida;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fort Myers Beach, Florida, that:

SECTION 1: For the reasons stated hereinabove, the Town of Fort Myers Beach Council, hereby declares its opposition to SB2016 and HB1123 and urges Florida Governor Crist, the Lee County legislative Delegation, the Mayor of each municipality in Lee County, the leadership of the Florida League of Cities, and each member of the Lee County Board of County Commissioners to oppose SB2016 and HB 1123.

SECTION 2: The Town Council requests Governor Crist to strongly consider advising the leadership of the House and Senate during the 2009 Regular Session that he does not support SB2016 or HB1123.

SECTION 3: The Town Council hereby directs that this Resolution be forwarded immediately to Florida Governor Crist, the Lee County Legislative Delegation, the Mayor of each municipality in Lee County, and leadership of the Florida League of Cities, and each member of the Lee County Board of County Commissioners.

SECTION 4. Effective Date. This resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member List and seconded by Council Member Babcock and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor- Aye
Tom Babcock, Councilmember- Aye
Bob Raymond, Councilmember- Aye

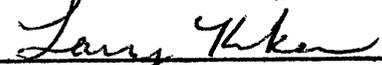
Herb Acken, Vice Mayor- Aye
Jo List, Councilmember- Aye

DULY PASSED AND ADOPTED this 20th day of April, 2009.

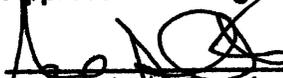
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ATTEST.

By: 
Michelle D. Mayher, Town Clerk

BY: 
Larry Kiker, Mayor

Approved as to legal sufficiency:


Anne Dalton, Esquire