12. **OLD BUSINESS**

a. **LEGISLATIVE AFFAIRS**

iv. Letter dated March 09, 2011 emailed to Local Public Officials regarding Home Rule Authority to Protect Local Waters from Excess Nitrogen and Phosphorus (Vice Mayor Denham)

City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

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March 9, 2011

RE: Home Rule Authority to Protect Local Waters from Excess Nitrogen and Phosphorus

Dear Local Public Officials:

This letter is being sent to you because your local government has enacted legislation, or is considering the enactment of legislation, to reduce the excessive amounts of nitrogen and phosphorus entering your jurisdiction's waterways, its lakes and rivers or its bays and estuaries. Your jurisdiction, along with dozens of other local governments, knows that reducing and protecting against algae blooms, red tide and fish kills is not just about the environment; it is about the primary resource that is the lifeblood of our economic engine, including tourism, ecotourism, sport and commercial fishing and ultimately our quality of life in Florida.

There will be a concerted effort in this year's state legislative session to undo what you have done in terms of protecting your local waterways. A state "model ordinance" will be proposed that will preempt your local government's right to protect its citizens and their waterways by regulating the introduction of nitrogen and phosphorus which occurs during excess fertilization of lawns. The proponents of the new state law, which will override your efforts of the past years and take away your local government rights to regulate in the future, will argue their position using such catch phrase words as "ease of regulation", "uniformity" and "cost savings to the public." The fact of the matter, however, is that this issue will not be effectively addressed with a "model" state ordinance; it will only be addressed effectively at the local jurisdiction level.

If we collectively fail to act, our Home Rule authority in this area will be eviscerated and our ability to regulate locally to protect our citizens and our local waters will be preempted completely by the state legislature. Please contact your local legislative delegation and other legislators and make it clear where you stand on this issue. The state legislature has many important priorities this legislative session. Taking away local governments' right to legislate for the protection of our local citizens, our local economy and our local environment certainly should not be one of them.

Sincerely,

Mick Denham
Vice Mayor

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