

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1557.04**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT CERTAIN MUNICIPAL ISSUES INCLUDING MAKING REVISIONS TO THE ARTICLE V BILL DEALING WITH PROSECUTION OF MUNICIPAL ORDINANCE VIOLATIONS, LEGISLATION THAT PROMOTES WATER CONSERVATION INCENTIVES FOR FLORIDA'S CITIES, AND ANNEXATION REFORM, PARTICULARLY RELATING TO ANNEXING ENCLAVES DURING THE 2004 LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, legislation passed (HB 113A) during the 2003 Special Session "A" that is the implementation of Article V, a 1998 constitutional amendment, that requires the state to fund the county court system; and

**WHEREAS**, HB 113A prohibits state attorneys from appearing in county courts for the purpose of prosecuting municipal ordinances; and

**WHEREAS**, the bill also prohibits a municipality from contracting with a state attorney for the prosecution of municipal ordinances, and public defenders will not be allowed to represent indigents charged with ordinance violations; and

**WHEREAS**, HB 113A requires a filing fee of \$200 for each code or ordinance violation; and

**WHEREAS**, several cities enforce code enforcement through a citation process, which are filed through the county court system; and

**WHEREAS**, many of the fines for these citations are less than half of the proposed \$200 filing fee, which would make the citation process ineffective for code enforcement activities; and

**WHEREAS**, the intent of the Municipal Revenue Sharing hold harmless provision in HB 113A was intended to not reduce any revenues currently shared with municipalities; and

**WHEREAS**, clean drinking water is a precious resource that must be adequately planned for to meet the needs of future growth in Florida; and

**WHEREAS**, cities are implementing several innovative methods to assure an adequate supply of drinking water is available for its citizens; and

**WHEREAS**, efforts were made during the 2003 legislative session to mandate that cities establish water conservation rate structures, impose drought rates, require submetering in apartment buildings or condos, mandate statewide irrigation standards, implement "informative billing", and meter reclaimed water; and

**WHEREAS**, municipalities would be negatively impacted by legislation mandating conservation measures on a "one size fits all" approach and many of the conservation measures being considered had no demonstrable conservation benefit but will be very expensive to implement; and

**WHEREAS**, the geographic emphasis and restrictive nature of Florida's current annexation policy has negatively impacted Florida's municipalities by inhibiting their economic vitality, creating inefficient service delivery and subsidizing urban sprawl; and

**WHEREAS**, the current law has actually made it more difficult for municipalities to provide municipal services in the urbanizing areas in comparison to counties and special districts; and

**WHEREAS**, Florida's tremendous population growth and inflexible annexation policies causes disruption in historical service delivery responsibilities and results in a continuous conflict and inefficiencies in the financing and delivery of many local public services.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Town of Golden Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

**Preserves the authority of individual local governments to determine and implement the specific water conservation measures required under a water use permit, and which preserves a local government's control over reclaimed water that is created by the local government.**

**Section 2.** That the Town of Golden Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

**Allows municipalities to contract for the services of public defenders and state attorneys to enforce local ordinances; and**

**Eliminates the fee schedules for the enforcement of municipal code or ordinance violations.**

**Provides a modification of the distribution formula for revenues transferred from the Half-Cent Sales Tax Program to the Revenue Sharing Trust Fund for Municipalities.**

**Section 3.** That the Town of Golden Beach urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

**Strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.**

**Section 4.** That the Town Clerk is directed to transmit a copy of this resolution to Governor Jeb Bush, Senate President Jim King, House Speaker Johnnie Byrd and members of the Florida Legislature representing the Town of Golden Beach.

**Section 5. Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

**Section 6. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

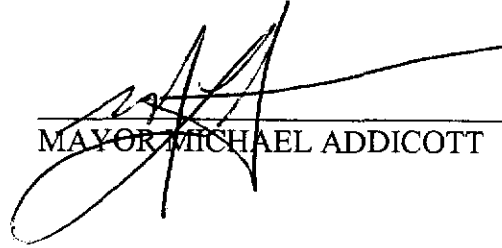
**Section 7. Effective Date.** That this Resolution shall become effective immediately upon approval of the Town Council.

**Sponsored by Administration.**

The Motion to adopt the foregoing resolution was offered by Councilmember Einstein, seconded by Councilmember Paruas and on roll call the following vote ensued:

Mayor Addicott	<u>ABSENT</u>
Vice Mayor Iglesias	<u>AYE</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Paruas	<u>AYE</u>
Councilmember Singer	<u>ABSENT</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 20<sup>TH</sup>  
day of January, 2004.




MAYOR MICHAEL ADDICOTT

ATTEST:



CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY



PAUL D. EICHNER  
TOWN ATTORNEY