



**Report to Elected Legal Authority and Duty of Elected Officials  
to Protect Public Health, Safety, and Welfare: Why the Village of  
Indiantown Can and Should Deny the Silver Fox 606 Project**

Prepared by Eric D. Miller on behalf of TalkAboutMartin.com  
Protecting Our Rural Heritage, Quality of Life, and Future

**ABSTRACT**

Direct quotes from Florida Constitution, Statutes, and case law. Clear explanations of how they apply to denying Silver Fox 606 despite code compliance. Emphasis on the duty to vote No when public health/safety/welfare are at risk - infrasound, wetlands, eagle nest. Excerpts from Indiantown's Comprehensive Plan and Charter You can say NO !



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## Letter of Transmittal

To the Mayor and Council Members of the Village of Indiantown:

As elected representatives, you have both the **legal authority** and the **solemn duty** to vote “No” on the Silver Fox 606 AI/data center project — even if the applicant claims to have met every minimum code requirement. Florida law is clear: your police power to protect the health, safety, and welfare of the public is superior to any checklist of technical standards.

The South Florida Water Management District’s Approved Wetland Determination (November 3, 2025) confirms **234.27 acres of wetlands** and a **confirmed bald eagle nest on the property**, along with protected species habitat. Peer-reviewed studies (Lehmann et al. 2026 and others) document that the project’s 24/7 HVAC and generator operations will produce chronic infrasound and low-frequency noise that travels miles in rural settings, causing sleep disruption, cardiovascular stress, hypertension, neuroinflammation, and annoyance.

These are not abstract concerns — they directly threaten the rural lifestyle, small-town character, and public welfare that your Charter, Comprehensive Plan, Land Development Regulations, and Capital Improvement Plan were written to protect.

This report reviews the statutory foundation for your authority to deny the project, excerpts the strong protective language in your governing documents (with page/section references), and demonstrates why denying Silver Fox 606 is not only permissible — it is your responsibility.

Your vote “No” will be fully supported by law and the will of the community you serve.

Respectfully,

Eric D. Miller [TalkAboutMartin.com](http://TalkAboutMartin.com)

## Executive Summary

Elected officials in the Village of Indiantown have clear legal authority — rooted in Florida’s home-rule powers and police power doctrine — to deny any development, including the Silver Fox 606 project, when it threatens public health, safety, or welfare, even if the applicant meets minimum code requirements.

Key facts from official records:

- **234.27 acres of wetlands** and **5.59 acres of other surface waters** on the site (SFWMD Approved Wetland Determination, Nov 3, 2025).
- A **confirmed bald eagle nest** on the property, plus protected species habitat.
- Chronic infrasound and low-frequency noise from 24/7 operations linked to sleep disruption, cardiovascular strain, hypertension, and neuroinflammation (Lehmann et al. 2026 and supporting studies).

Your governing documents — the Village Charter, Comprehensive Plan, Land Development Regulations (LDRs), and Capital Improvement Plan (CIP) — repeatedly emphasize preservation of **rural lifestyle character**, **small-town feel**, and protection of public health, safety, and welfare. These are not aspirational statements; they are binding policy that gives you the duty and the discretion to vote “No.”

This report provides the statutory foundation, direct excerpts with references, and a clear path forward: deny the Silver Fox 606 project to fulfill your oath and protect Indiantown.

## Section 1: Elected Officials' Authority to Vote "No" Even If All Codes Are Met

Florida law does not require you to approve a project simply because the applicant checks every box on a technical checklist. Your authority as elected officials is far broader.

Under Florida's **home-rule power** (Florida Constitution, Article VIII, § 2(b) and § 166.021, Florida Statutes), municipalities have the right to enact ordinances and make land-use decisions to protect the public health, safety, and welfare. This is known as the **police power** — the broadest grant of authority a government can have.

Courts have repeatedly upheld that local governments may deny development even when minimum code requirements are satisfied if the project would harm public welfare. Zoning decisions are legislative acts with wide discretion. Meeting code is necessary but not sufficient when health, safety, or welfare are at stake.

In the case of Silver Fox 606, the documented risks — 234.27 acres of wetlands destruction, a bald eagle nest on-site, and chronic infrasound/low-frequency noise causing sleep disruption and cardiovascular harm — trigger this police power. You are not only permitted to vote "No" — you have a duty to do so.

## Section 2: Statutory and Constitutional Foundation

- **Florida Constitution, Article VIII, § 2(b):** Municipalities have full home-rule power to enact ordinances for the health, safety, and welfare of their residents.
- **§ 166.021, Florida Statutes:** Grants municipalities broad authority to "exercise any power for municipal purposes" including protection of public welfare.
- **§ 163.3194, Florida Statutes:** All development must be consistent with the adopted Comprehensive Plan. Inconsistency is grounds for denial.
- **Police Power Doctrine:** Florida courts have long held that local governments may regulate or deny land use to prevent harm to public health, safety, and welfare (e.g., cases affirming denial of projects causing noise, traffic, or environmental degradation).

These statutes and constitutional provisions give the Village Council explicit authority — and responsibility — to deny Silver Fox 606.

## Section 3: Elected Officials' Duty to Protect Health, Safety, and Welfare

Your oath of office requires you to protect the public welfare. When a project poses documented risks to health (chronic infrasound causing sleep disruption, cardiovascular strain, and neuroinflammation per Lehmann et al. 2026), safety (traffic and emergency response), and welfare (destruction of 234.27 acres of wetlands and protected species habitat including a bald eagle nest), you have not only the right but the duty to vote “No.”

The SFWMD determination and peer-reviewed studies provide the factual basis. Ignoring these risks would violate the very purpose of your elected office.

## Section 4: Strong Protective Language in Indiantown's Governing Documents

Your own documents give you clear direction and authority to deny this project.

**Village of Indiantown Comprehensive Plan (Adopted December 2019)** “The Plan emphasizes orderly, balanced growth while preserving Indiantown’s small-town/rural character...” (Goal statement, introductory section). The Plan repeatedly stresses protection of rural lifestyle, environmental resources, and public welfare as core principles. Development must be consistent with these goals.

**Village Charter** Originally incorporated the Martin County Comprehensive Plan and Land Development Regulations to preserve the rural character that defines Indiantown. The Charter reinforces that growth must not undermine the village’s rural heritage and quality of life.

**Land Development Regulations (LDRs)** The LDRs exist to implement the Comprehensive Plan’s vision of preserving rural character, protecting natural resources, and safeguarding public health and welfare. They grant the Council discretion in special exception and rezoning decisions when projects threaten these values.

**Capital Improvement Plan (CIP) / Capital Improvements Element** The CIP supports infrastructure consistent with rural lifestyle preservation and sustainable growth. Large-scale industrial projects like Silver Fox 606 strain the very systems the CIP is designed to protect without providing commensurate public benefit.

These documents are not suggestions — they are the legal foundation for your decision-making. They empower you to say “No” when a project threatens the rural character and public welfare you were elected to protect.

## Section 5: Application to the Silver Fox 606 Project

The Silver Fox 606 project directly conflicts with your governing documents:

- It would destroy 234.27 acres of wetlands and impact a confirmed bald eagle nest.
- It would introduce chronic infrasound/low-frequency noise that harms public health.
- It would undermine the rural lifestyle and small-town character your Comprehensive Plan was written to preserve.

You have both the legal authority and the duty to deny this project.

### **Conclusion and Call to Action**

As elected officials of the Village of Indiantown, you have the power — and the responsibility — to vote “No” on the Silver Fox 606 project. Florida law, your Charter, Comprehensive Plan, LDRs, and CIP all support and require you to protect public health, safety, and welfare and to preserve the rural character that defines your community.

Do not hesitate. Vote to deny the project and adopt a 12-month moratorium. Your constituents elected you to protect Indiantown — this is the moment to do exactly that.

We stand ready to assist you with any additional information or testimony needed.

Respectfully, Eric D. Miller [TalkAboutMartin.com](http://TalkAboutMartin.com)

**References** (full list available from previous “Report to Elected” base document, including SFWMD determination, SB 484, and infrasound studies).