

## PUBLIC COMMENT FUTURE AGENDA ITEMS

**Subject:** URGENT: DEMAND FOR IMMEDIATE MORATORIUM ON BUILDING PERMITS DUE TO INFRASTRUCTURE COLLAPSE AND PUBLIC SAFETY CRISIS

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### NOTICE OF SYSTEMIC INFRASTRUCTURE FAILURE AND DEMAND FOR ACTION

To the Board of County Commissioners:

I am writing this as a formal warning and a stern demand for immediate legislative intervention. Manatee County has reached a tipping point where "uncontrolled growth" is no longer a political catchphrase—it is a clear and present danger to the lives, property, and health of our citizens.

We are currently operating under a as of **April 21, 2026**, Manatee County and the entire Tampa Bay area are under a **Red Flag Warning** due to critical fire weather conditions and a documented **Drought/Water Shortage**.

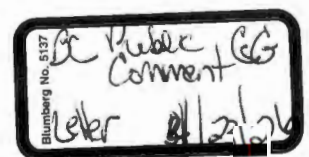
Despite these emergency conditions, this Board continues to entertain and approve high-intensity developments that will drain our dwindling water reserves and strain a wastewater system that is already at its breaking point. This is not just poor planning; it is a violation of your fundamental duty to protect the public welfare.

#### **The Legal Precedent for a Moratorium**

Florida law is clear: local governments have not only the right, but the *obligation*, to ensure that infrastructure is in place before allowing further development. This is the core principle of **Concurrency** under **Florida Statute §163.3180**.

I direct your legal counsel to the following case law which confirms your authority to stop issuing building permits when the infrastructure cannot support them:

- **Bradfordville Phipps Ltd. Partnership v. Leon County (2001):** The Florida First District Court of Appeal upheld a temporary injunction and moratorium on building permits because the county's infrastructure (specifically drainage and concurrency) was insufficient to handle new growth. The court affirmed that the county could—and should—halt development until it comes into compliance with its own Comprehensive Plan.
- **City of Boca Raton v. Boca Villas Corp. (1979):** While the court struck down an arbitrary "cap," it explicitly stated that zoning restrictions and growth controls are valid when they bear a "**rational relationship to a permissible municipal objective**," such as protecting water resources, fiscal stability, and public safety.



**Board of County Commissioners**  
**3<sup>rd</sup> Revised Agenda and Notice of Public Meeting**  
**Thursday, April 23, 2026 - Land Use Meeting**

**To:** Chair of the Manatee County Board of County Commissioners

**From:** GLEN GADFLY GIBELLINA

**Date:** April 23, 2026

**Subject:** FORMAL GRIEVANCE: Violation of First Amendment Rights and the Right to Uninterrupted Public Comment

**Dear Chairman Tal Saddique**

**The Role of the Chair**

The Chair's role is to facilitate the meeting, not to act as a gatekeeper of "acceptable" opinion. Every time a gavel is used to stop a speaker from criticizing County policy, or every time a Commissioner speaks over a citizen, the County opens itself to significant legal liability and civil rights litigation.

The public's right to speak is not a "privilege" granted by this Board; it is a right protected by the Constitution of the United States and the Statutes of the State of Florida

I am writing to formally address a recurring and deeply troubling issue during our public meetings: the interruption and silencing of citizens during their allotted public comment time. When a member of the public is interrupted, badgered, or cut off by the Board before their time has expired, it is not merely a breach of parliamentary decorum—it is a direct violation of their **First Amendment** rights and a subversion of Florida law.

The "three minutes" provided to the public is a sacred space in a representative democracy. It is the only time many citizens have to petition their government for a redress of grievances. When the Chair or any Commissioner interrupts a speaker to "correct" them, argue with them, or silence their viewpoint, it creates a **chilling effect** on free speech.

**Florida Law and Legal Precedent**

Florida law and federal courts have established clear boundaries regarding the public's right to speak at open meetings. I draw your attention to the following:

**1. Florida Statute § 286.0114 (The "Right to be Heard" Law)** Florida law mandates that "members of the public shall be given a reasonable opportunity to be heard on a proposition

By [Christina Georgacopoulos](#) – Reporter, Tampa Bay Business Journal

Mar 6, 2026

## Federal price-fixing probe targets Tampa fertilizer giant Mosaic



<https://www.bizjournals.com/tampabay/news/2026/03/06/mosaic-doj-investigation-price-fixing-fertilizer.html>

Nutrien and Mosaic [control](#) about 90% of the production capacity of both potash and phosphate fertilizers, according to agriculture industry watchdog Farm Action. Nutrien, CF Industries, Koch and Yara control about 82% of nitrogen-based fertilizers, Farm Action says.

Meanwhile, USDA Deputy Secretary Stephen Vaden has accused Nutrien and Mosaic of colluding to limit U.S. fertilizer supply and control prices. In January [public comments](#) to the National Agricultural Law Center, Vaden called the two companies a “duopoly” and said the administration will “do everything it can” to ensure affordable fertilizer prices for farmers.

<https://www.farmprogress.com/farm-business/doj-probes-u-s-fertilizer-market-for-possible-price-fixing>

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- **T.J.R. Holding Co., Inc. v. Alachua County (1993):** Confirmed that a moratorium is a valid exercise of police power if it is reasonably necessary to protect the health, safety, and welfare of the community.

## Public Safety & Emergency Realities

Our roads are no longer just "congested"—they are unsafe. In a **Phase 3 Fire Alert**, our ability to evacuate residents and provide adequate water pressure for fire suppression is severely compromised.

- **Gridlock:** With roads at a failing Level of Service (LOS), emergency response times are increasing.
- **Sewer & Water:** Our wastewater capacity is exhausted. Continuing to hook up thousands of new units to a strained system invites environmental catastrophe.

## Conclusion

The taxpayers of Manatee County should not be forced to subsidize the destruction of their own quality of life. You have legal authority under the **Florida Growth Management Act** and established case law to pause the issuance of new building permits and rezoning approvals until our infrastructure is brought into compliance.

**I demand that this Board immediately implement a County-wide moratorium on all high-intensity residential and commercial approvals.** We cannot build our way out of a drought, and we cannot "plan" our way out of a infrastructure collapse that is already happening.

FOR THE RECORD

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of public comment ON future agenda items has been hand delivered this 23<sup>rd</sup> day of April, 2026 by Glen Gibellina to the BOCC Chambers and entered into the record



Glen GADFLY Gibellina  
Candidate for Manatee County Commissioner District 4

**Glen Gibellina**  
— ★ ★ ★ ★ —  
for Manatee County Commissioner  
**District 4**

before a board or commission." While the Board may maintain decorum, that authority does not grant the Chair the right to interfere with the *content* of a citizen's speech or to shorten their opportunity to be heard through constant interruptions.

**2. Lozman v. City of Riviera Beach, 585 U.S. \_\_\_ (2018)** This landmark Florida-based case reached the U.S. Supreme Court, which reaffirmed that a citizen cannot be retaliated against for their speech during a public comment period. Interrupting a speaker because the Board finds their comments "offensive," "repetitive," or "critical" of the government is a form of viewpoint discrimination—an act that is strictly prohibited under the First Amendment.

**3. Jones v. Heyman, 888 F.2d 1328 (11th Cir. 1989)** While the courts allow for "reasonable time, place, and manner" restrictions, they have consistently held that once a forum is opened for public comment, the government cannot silence a speaker simply because they disagree with the speaker's message. Interruptions serve as a "de facto" silencing of the speaker, effectively stripping them of their allotted time.

**4. Board of County Commissioners of Madison County v. Grantham, 639 So. 2d 1002** Florida courts have made it clear that public bodies may not use "decorum" as a pretext for suppressing dissent. If a citizen is speaking on a matter of public concern, the Board must allow them to finish their statement without interference, provided they are not inciting immediate violence or physical disruption..

I am calling on this Board to immediately cease the practice of interrupting public commenters. Respect the clock, respect the law, and most importantly, respect the citizens you were elected to serve.

Govern yourself accordingly

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**Glen Gibellina**  
— ★ ★ ★ ★ —  
for Manatee County Commissioner  
District 4

# **Phosphate giant Mosaic agrees to pay nearly \$2 billion over mishandling of hazardous waste**

The phosphate mining company settles a federal lawsuit and will clean up hazardous waste at six sites in Florida.



Mosaic Fertilizer, the world's largest phosphate mining company, has agreed to pay nearly \$2 billion to settle a federal lawsuit over hazardous waste and to clean up operations at six Florida sites and two in Louisiana, the Environmental Protection Agency announced Thursday.

"The 60 billion pounds of hazardous waste addressed in this case is the largest amount ever covered by a federal or state . . . settlement and will ensure that wastewater at Mosaic's facilities is properly managed and does not pose a threat to groundwater resources," the EPA said.



April 23, 2026 - Land Use Meeting

**Subject**

Generic Comment Submitted

**Category**

ANNOUNCEMENTS

**Briefings**

None

**Contact and/or Presenter Information**

**Action Requested**

**Enabling/Regulating Authority**

**Applicable Advisory Board**

**Background Discussion**

**Attorney Review**

**Instructions to Board Records**

**Cost and Funds Source Account Number and Name**

**Amount and Frequency of Recurring Costs**



# Public Comment

Submitted On:

Apr 5, 2026, 05:22PM EDT

## Manatee County Government

<b>Full Name</b>	<b>First Name:</b> Maggie <b>Last Name:</b> bragassi
<b>Email</b>	magbragassi@hotmail.com
<b>Which meeting is this public comment for? (Please select date of meeting)</b>	April 13, 2026
<b>Topic/Agenda Item</b>	Slim cell towers
<b>Comment</b>	I am concerned about the lack of research that has been done concerning the 5G towers as well as the slim towers that are scheduled to be installed around Bradenton. I am insisting that you research this before you move forward and also that you allow the citizens to vote on this before you unilaterally harm all of our health.