

**RESOLUTION R-03-177**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, URGING GOVERNOR JEB BUSH TO VETO  
COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE OF SENATE  
BILL 1660.**

**WHEREAS**, the Board of County Commissioners of Manatee County, Florida (“Board”), is the elected body representative of the citizens of Manatee County, and which is responsible for the enactment, implementation and enforcement of local environmental law; and

**WHEREAS**, home rule power, or the right of the people to determine a public purpose at the local level and have regulations to further such purpose adopted by their elected governing body, is conferred to Florida counties by Article VIII, Section 1(f) of the Florida Constitution and by s. 125.01, Florida Statutes; and

**WHEREAS**, the Board, through adoption of legislative policy statements, has historically opposed preemptions of local authority and infringements on home rule powers; and

**WHEREAS**, the 2003 Florida Legislature has passed Committee Substitute for Committee Substitute for Senate Bill 1660, Enrolled (CS/CS/SB 1660, the “Agricultural Lands and Practices Act”), during the final week of the 2003 regular session of the Florida Legislature; and

**WHEREAS**, CS/CB/SB 1660 is a sweeping preemption of County regulation of farm operations; and

**WHEREAS**, CS/CB/SB 1660 would prohibit Florida counties from exercising any of their powers to “prohibit, restrict, regulate or otherwise limit” activities of a bona-fide farm operation if (1) such activity is regulated by best management practices or by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or under certain circumstances a water management district; or (2) such activity is regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency; and

**WHEREAS**, CS/CB/SB 1660 could eliminate Manatee County’s authority to apply zoning regulations to farms, including setbacks for buffering, and height and structure restrictions for compatibility; and

**WHEREAS**, CS/CB/SB 1660 could result in a property owner establishing any type of non-farm use so long as a farm exists on a parcel of land; and

**WHEREAS**, CS/CB/SB 1660 could limit Manatee County's authority to enact environmental protections, such as groundwater, wellfield, pollution control, stormwater management, and wetlands that are stricter than state regulations; and

**WHEREAS**, CS/CB/SB 1660 could eliminate Manatee County's authority to protect the public and property owners adjacent to farm lands from nuisances, such as excessive aerial spraying, noise, odor, and traffic associated with farming operations; and

**WHEREAS**, the purported rationale for CS/CB/SB 1660 is that local government regulation is the reason for recent decline in the agricultural industry, but broader market forces are more likely the reason, and supporters of the bill have been able to articulate few examples statewide of local regulation that has harmed the industry; and

**WHEREAS**, the Board has determined that this Bill seriously undermines home rule authority and is not in the best interest of the citizens of Manatee County; and

**WHEREAS**, pursuant to Article III, Section 8 of the Constitution of the State of Florida, the Governor may veto a bill within seven days of its presentation by the Legislature,


**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**, as follows:

1. The Board strongly urges Governor Jeb Bush to veto Senate Bill 1660; and
2. The Board urges the Manatee County Delegation to the Florida Legislature to review this issue and to do whatever is in their power to encourage the Governor to veto this bill; and
3. The Chairman of the Manatee County Commission shall be authorized to sign a letter to Governor Jeb Bush to communicate the Board's wish that this Bill be vetoed.

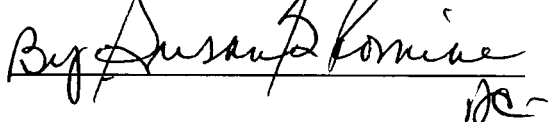
**PASSED AND DULY ADOPTED**, by a quorum present and voting this, the 17<sup>th</sup> day of June, 2003.

**BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA**



  
\_\_\_\_\_  
Chairman

**ATTEST: R.B. SHORE  
CLERK OF THE CIRCUIT COURT**

  
\_\_\_\_\_  
R.B. Shore