SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO INTERVENE OR APPEAR AS AMICUS CURIAE, PURSUE ANY AND ALL APPROPRIATE DEFENSES OR RELIEF, AND TAKE ALL APPROPRIATE ACTION STAFF DEEMS NECESSARY TO PROTECT THE DISTRICT'S INTERESTS, SUBJECT TO APPROVAL OF THE EXECUTIVE DIRECTOR, IN THE MATTER OF, *MIAMI-DADE COUNTY v. AIDA FERNANDEZ AND HEAVENLY RAINBOW FARMS, LLC*, CASE NO. 07-19370CA30 IN MIAMI-DADE CIRCUIT COURT OR THE THIRD DISTRICT COURT OF APPEALS REGARDING THE PROPERTY LOCATED IN SECTION 28, TOWNSHIP 55, RANGE 38, MIAMI-DADE COUNTY, FLORIDA, KNOWN AS "HEAVENLY RAINBOW FARMS."

WHEREAS, Section 373.083(1) and 373.129, Florida Statutes, authorizes the South Florida Water Management District to bring suit;

WHEREAS, the Governing Board previously authorized District staff to bring suit against Aida Fernandez and Heavenly Rainbow Farms, LLC, for dredging, filling and grading wetlands without a permit in District Resolution 2009-115.

WHEREAS, Miami-Dade County has also filed suit against Aida Fernandez and Heavenly Rainbow Farms, LLC in Circuit Court for the same violations.

WHEREAS, the Court has granted injunctive relief to Miami-Dade County and ruled that the agricultural exemption contained in Fla. Stat. § 373.406 does not apply to the circumstances of the case.

WHEREAS, Aida Fernandez and Heavenly Rainbow Farms, LLC have signaled their intent to appeal the Court's ruling that the agricultural exemption is inapplicable to their activities on the subject property.

WHEREAS, the District has a vested interest in the proper interpretation of the agricultural exemption in Florida law, and will be affected by the outcome of the Miami-Dade County case and appeal, **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1 The Governing Board of the South Florida Water Management District hereby authorizes District Staff to intervene or appear as amicus curiae, pursue any and all appropriate defenses or relief, and take all appropriate action staff deems necessary to protect the district's interests, subject to approval of the executive director, in the matter of, *Miami-Dade County v. Aida Fernandez and Heavenly Rainbow Farms, LLC*, Case No. 07-19370CA30, in the Miami-Dade Circuit Court or Third District Court of Appeals, regarding the property located in Sections 28, Township 55, Range 38, Miami Dade County Florida**.**

Section 2 This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this __ day of _____, 2009.

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk