IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

BEFORE THE CODE ENFORCEMENT HEARING OFFICER

CASE INFORMATION

Respondent:
_____, as Trustee of ADRI MARC S.A., LA CABAÑA LIVING LAND TRUST

Civil Violation No. (CVN): 2025-B286251
Case No.: CLIV-20240048
Folio No.: 30-5815-000-0795
Property Address: 8901 SW 157 AVE 16-167, MIAMI, FL 33196
Email: VREYES33196@GMAIL.COM
Phone: 305-324-8811

MOTION TO DISMISS WITH PREJUDICE

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I. PRELIMINARY STATEMENT

1. Florida law expressly preempts counties from regulating bona fide agricultural operations. **Authority:** §§163.3162, 823.14, and 193.461, Fla. Stat.

2. Federal law protects the Eight and One-Half Square Mile Area, also known as Las Palmas, by requiring that all acquisitions be from willing sellers and mandating flood protection for remaining residents. **Authority:** Public Law 101-229 (1989).

3. Jurisdiction over wetlands permitting and Environmental Resource Permitting rests exclusively with the Florida Department of Environmental Protection, the U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers. Counties may not assume such authority absent a formal delegation. **Authority:** Clean Water Act, 33 U.S.C. §1344; §373.441, Fla. Stat.

4. The Florida Department of Environmental Protection has confirmed that no delegation of Environmental Resource Permitting authority has been granted to the Miami-Dade County Department of Environmental Resources Management.

5. The Florida Department of Environmental Protection Southeast District has confirmed that no formal wetland determination was ever performed for this parcel. **Authority:** Rule 62-340, Fla. Admin. Code.

6. The South Florida Water Management District, the proper state-delegated Environmental Resource Permitting authority, has closed its enforcement case against this property. **Authority:** §373.441, Fla. Stat.
7. Miami-Dade County Department of Environmental Resources Management acted without lawful access to the property and attempted to justify access after the fact.
8. Chapter 33B of the Code of Miami-Dade County, also known as the East Everglades Ordinance, has been judicially construed as environmental law, not zoning, and cannot extinguish vested agricultural and residential rights on pre-platted lots. **Authority:** Miami-Dade County v. Florida Power & Light Co., Case No. 3D14-1467 (Fla. 3d DCA 2016).
9. The delegated powers of Miami-Dade County are narrow and program-specific. They have never included wetlands or Environmental Resource Permitting jurisdiction.
10. Miami-Dade County has unlawfully extracted millions of dollars from farmers through fines, permits, and coerced settlements without jurisdiction, converting farmland into mitigation credits to unlock federal and state funding for large-scale projects.

II. STATE PREEMPTION AND FEDERAL SUPREMACY

1. The Florida Legislature has expressly preempted local governments from regulating agricultural lands and practices. **Authority:** §§163.3162 and 823.14, Fla. Stat.
2. Lands bona fide used for agricultural purposes are required by law to receive agricultural classification for regulatory and taxation purposes. **Authority:** §193.461, Fla. Stat.
3. Nonresidential farm buildings used exclusively for agricultural purposes are exempt from building codes, permits, and fees. **Authority:** §604.50, Fla. Stat.
4. Federal law requires that acquisitions of land within the Eight and One-Half Square Mile Area (Las Palmas) occur only from willing sellers and mandates flood protection for all remaining residents. **Authority:** Public Law 101-229 (1989).
5. Wetlands permitting is governed exclusively by the federal government and the State of Florida. Jurisdiction rests with the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the Florida Department of Environmental Protection. Counties may not assume such jurisdiction. **Authority:** Clean Water Act, 33 U.S.C. §1344; §373.441, Fla. Stat.
6. The Florida Department of Environmental Protection's Office of General Counsel has confirmed that no delegation of Environmental Resource Permitting authority has ever been granted to Miami-Dade County.
7. The Florida Department of Environmental Protection Southeast District has confirmed that no formal wetlands determination under Rule 62-340, Florida Administrative Code, has ever been conducted for the subject parcel.

III. JURISDICTIONAL DEFECTS

1. The Florida Department of Environmental Protection has confirmed that no delegation of Environmental Resource Permitting authority exists in favor of Miami-Dade County. Absent such delegation, Miami-Dade County lacks subject matter jurisdiction over wetlands or Environmental Resource Permitting enforcement. **Authority:** §373.441, Fla. Stat.
2. No formal wetlands determination has been performed on the subject parcel pursuant to Rule 62-340, Florida Administrative Code. The Florida Department of Environmental Protection Southeast District confirmed that it has never conducted such a determination. Enforcement without a valid delineation is unlawful. **Authority:** Rule 62-340, Fla. Admin. Code.
3. The South Florida Water Management District, the proper state delegate for Environmental Resource Permitting under Section 373.441, Florida Statutes, formally closed its enforcement case against this property on July 21, 2025. Once the State's delegate has closed its case, Miami-Dade County has no jurisdiction to pursue the matter further.
4. Miami-Dade County Department of Environmental Resources Management initiated enforcement without lawful access to the property. In correspondence dated May 15, 2025, the department admitted that it was "again requesting" Trustee authorization, demonstrating that enforcement began prior to authorization.
5. After-the-fact correspondence dated May 16, 2025, attempting to justify prior access by claiming authorization, is unsupported by any recorded Trustee consent and cannot cure the jurisdictional defect created by unlawful entry.

IV. CASE CLOSED BY PROPER AUTHORITY

1. Under Section 373.441, Florida Statutes, the Florida Department of Environmental Protection may delegate Environmental Resource Permitting authority to water management districts. The South Florida Water Management District is the entity holding such delegated authority for this region.
2. On July 21, 2025, the South Florida Water Management District issued a formal closure of its enforcement case against the subject property, thereby ending all Environmental Resource Permitting enforcement at the state-delegated level.
3. Once the South Florida Water Management District, as the proper state delegate, has closed its enforcement action, no residual authority exists for Miami-Dade County Department of Environmental Resources Management to pursue duplicative or continued enforcement. Any such attempt is ultra vires and void. **Authority:** §373.441, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

V. CONTROLLING CASE LAW

1. **Miami-Dade County v. Valdes, 211 So.3d 247 (Fla. 3d DCA 2017):** The court held that Miami-Dade County could not regulate bona fide farm operations because such regulation is preempted by state law. Agricultural operations are shielded from county interference absent express statutory delegation.
2. **Miami-Dade County v. Florida Power & Light Co., Case No. 3D14-1467 (Fla. 3d DCA 2016):** The court held that Chapter 33B of the Miami-Dade County Code is environmental law, not zoning, and cannot extinguish vested agricultural rights on pre-platted lots.
3. **Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008):** The Florida Supreme Court held that agencies may not act outside the jurisdiction expressly conferred by statute.
4. **United States and State of Florida v. Miami-Dade County (S.D. Fla. 2013):** A federal consent decree demonstrated systemic violations of the Clean Water Act by Miami-Dade County, showing that the County itself is under federal oversight while attempting to expand unlawful enforcement against landowners.
5. **Friends of the Everglades v. South Florida Water Management District, 570 F.3d 1210 (11th Cir. 2009):** The Eleventh Circuit held that pumping polluted water between water bodies constitutes a discharge under the Clean Water Act requiring a permit.
6. **Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, 280 F.3d 1364 (11th Cir. 2002):** The court confirmed that pump stations transferring polluted water are point-source discharges under the Clean Water Act.
7. **Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013):** The U.S. Supreme Court held that unconstitutional exactions in land-use permitting constitute takings under the Fifth Amendment.
8. **Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992):** The Court held that regulations depriving landowners of all economically beneficial use of property constitute a per se taking under the Fifth Amendment.

VI. MEMORANDA OF AGREEMENT AND DELEGATIONS

1. **1996 Memorandum of Agreement (MA-13-114):** Delegated to Miami-Dade County limited authority to process minor proprietary applications concerning state-owned submerged lands, such as private docks, small boat ramps, seawalls, culverts, and navigation aids. The agreement expressly limited the scope of delegation and did not include wetlands permitting or Environmental Resource Permitting authority.
2. **2014 Solid Waste Specific Operating Agreement:** Delegated to Miami-Dade County limited responsibilities regarding solid waste permitting and compliance. The Florida Department of

Environmental Protection retained oversight and audit rights. No wetlands or Environmental Resource Permitting authority was included.

3. **2024 Air Pollution Control Specific Operating Agreement:** Authorized Miami-Dade County to function as an approved local air pollution control program. Oversight remained with the Florida Department of Environmental Protection. Delegation was confined to air permitting and compliance; no wetlands or Environmental Resource Permitting authority was granted.
4. **2020 Brownfields Delegation Agreement:** Provided Miami-Dade County with limited authority to administer aspects of the Florida Brownfields Redevelopment Program. Oversight remained with FDEP and the U.S. Environmental Protection Agency. No wetlands or Environmental Resource Permitting authority was included.
5. **2005 Memorandum of Agreement (EPA and FDEP):** Confirmed that the U.S. Environmental Protection Agency retained oversight of the Florida Brownfields Program. No delegation to Miami-Dade County of wetlands or Environmental Resource Permitting authority was contemplated.
6. **1999 Superfund Memorandum of Agreement:** Coordinated cleanup actions under CERCLA between EPA and FDEP. Oversight remained with EPA. Miami-Dade County was not granted wetlands or Environmental Resource Permitting jurisdiction.
7. **2020 Clean Water Act Section 404 Memorandum of Agreement:** Authorized Florida to assume certain Section 404 permitting functions, while the U.S. Army Corps of Engineers retained jurisdiction over retained waters, navigable waters, tribal lands, and waters affecting endangered species or interstate commerce. Miami-Dade County is not a party to this delegation.
8. **2016 Resource Conservation and Recovery Act Memorandum of Agreement:** Governed hazardous waste regulation under RCRA. EPA retained audit authority and oversight. Miami-Dade County was not delegated wetlands or Environmental Resource Permitting authority.
9. **2007 Operating Agreement (FDEP and Water Management Districts):** Divided responsibility for Environmental Resource Permitting, compliance, enforcement, and wetlands determinations between FDEP and the Water Management Districts. Miami-Dade County was not included.

VII. RESPONDENT’S REBUTTALS (JUNE 12–13, 2025 FILINGS)

1. On June 12, 2025, Respondent filed a Formal Jurisdictional Objection and Notice of Violations with the Miami-Dade County Clerk of Courts. This filing denied each allegation contained in Civil Violation No. 2025-B286251, challenged the County’s lack of Environmental Resource Permitting delegation under Section 373.441, Florida Statutes, and objected to the absence of a wetlands determination under Rule 62-340, Florida Administrative Code. The filing further

identified violations of the Florida Sunshine Law, placed the County on formal litigation hold, and preserved Respondent's claims under state and federal law.

2. On June 13, 2025, Respondent filed a Formal Appeal and Jurisdictional Challenge. This filing incorporated documentary evidence including hydrological data from South Florida Water Management District pump stations, Federal Emergency Management Agency flood maps, U.S. Fish and Wildlife Service National Wetlands Inventory maps, U.S. Department of Agriculture agricultural classification records, soil and vegetation analyses, aerial photographic comparisons, and proof of fabricated or misapplied plant species lists. Respondent demonstrated that every factual basis asserted by Miami-Dade County Department of Environmental Resources Management was either unsupported, contradicted by state and federal records, or affirmatively disproven.

3. By filing and serving these rebuttals, Respondent preserved all jurisdictional defenses, factual objections, and claims of state and federal preemption for this proceeding and for any subsequent judicial review. Miami-Dade County was placed on notice that its evidence was procedurally defective, scientifically deficient, and legally preempted. **Authority:** §120.57, Fla. Stat.

VIII. RIGHT TO RECORD HEARINGS

1. Respondent, as Trustee, asserts the right to record all proceedings in this matter. This right is protected under Rule 2.451 of the Florida Rules of Judicial Administration, which authorizes the use of electronic devices to capture and transmit court proceedings subject to reasonable restrictions.

2. Florida's Sunshine Law provides that all meetings of any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken, must be open to the public and must permit recording by any person. Any action taken in violation of this requirement is void. **Authority:** §286.011, Fla. Stat.

3. Denial of Respondent's right to record these proceedings would constitute a violation of due process under the Fifth and Fourteenth Amendments to the U.S. Constitution and Article I, Section 9 of the Florida Constitution. Such a denial would also provide independent grounds for judicial review and reversal.

IX. HEARING OFFICER QUALIFICATIONS

1. Respondent demands the production of public records establishing the qualifications of the Hearing Officer assigned to Civil Violation No. 2025-B286251. Under Florida law, the public has a right to inspect and copy such records. **Authority:** Chapter 119, Fla. Stat.

2. The qualifications must demonstrate knowledge of agricultural law, wetlands science, and federal preemption principles, including but not limited to:

- Agricultural classifications under §193.461, Fla. Stat.
- Preemption under §§163.3162 and 823.14, Fla. Stat.
- Wetland delineation procedures required by Rule 62-340, Fla. Admin. Code.
- Federal protections for the Eight and One-Half Square Mile Area under Public Law 101-229.
- Federal jurisdiction over wetlands permitting under the Clean Water Act, 33 U.S.C. §1344.

3. If the Hearing Officer lacks these qualifications, Respondent asserts that proceeding with this matter would violate due process under the U.S. Constitution and Florida Constitution. **Authority:** U.S. Const. amends. V, XIV; Art. I, §9, Fla. Const.; §120.57, Fla. Stat.
4. Given the substantial consequences at issue, including claims exceeding five billion dollars in damages to the Las Palmas community, Respondent submits that any adjudicator who lacks demonstrable expertise in agricultural law, wetlands regulation, and federal preemption must disqualify themselves. **Authority:** Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009).
5. The Notice of Administrative Hearing issued by Miami-Dade County fails to identify by name the Hearing Officer assigned to this matter, depriving Respondent of the ability to verify qualifications and impartiality.
6. Without prior disclosure of the identity of the adjudicator, Respondent is deprived of a meaningful opportunity to challenge the Hearing Officer's impartiality or move for disqualification before the hearing occurs. Such concealment constitutes a violation of due process under both state and federal law.
7. Accordingly, Respondent renews the request that the Hearing Officer disclose qualifications in full, including training in agricultural law, wetlands science, and federal preemption principles, or disqualify themselves if they lack such expertise.

X. MIAMI-DADE COUNTY'S FINANCIAL MOTIVE: UNJUST ENRICHMENT AND EXTORTION

1. Miami-Dade County, through the Department of Environmental Resources Management, has employed unlawful enforcement practices to extract millions of dollars in fines, mitigation fees, and coerced settlements from agricultural landowners in the Eight and One-Half Square Mile Area. These actions were taken absent jurisdiction, delegation, or lawful wetlands determinations.
2. Property owners have been compelled to enter into "consent agreements" and to purchase purported permits for activities that Miami-Dade County lacks authority to regulate. Such conduct constitutes unlawful exaction and amounts to unjust enrichment under Florida law. **Authority:** Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013).

3. Revenues collected under these unlawful practices have been retained in County environmental trust funds without statutory basis, further evidencing unjust enrichment. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).
4. Farmers who refused to comply with these unlawful demands were threatened with liens or criminal referral. Such coercive threats constitute extortion under color of law. **Authority:** U.S. Const. amend. V; U.S. Const. amend. XIV; 42 U.S.C. §1983.
5. Miami-Dade County has further converted farmland obtained or devalued through these enforcement practices into "mitigation credits," which it has then used as local match contributions to unlock federal and state funding for large-scale infrastructure and development projects. These projects include Developments of Regional Impact outside the Urban Development Boundary, Everglades parkland expansions, and the 836 Expressway extension.
6. This pattern demonstrates that Miami-Dade County's enforcement actions are financially motivated and not grounded in legitimate environmental protection. The County has used unlawful enforcement to generate revenue locally and to secure additional appropriations, to the detriment of agricultural landowners and in contravention of state and federal law.

XI. WIDER CONTEXT: ZONING HISTORY, 2012 WARP ZONE 4 FINDINGS, AND PARKLAND/KROME GROVES DEVELOPMENT OF REGIONAL IMPACT

1. In 2012, the Water and Land Resources Planning Committee, as part of the Comprehensive Everglades Restoration Plan process, determined that the East Everglades, including the Eight and One-Half Square Mile Area (Las Palmas), should not be considered part of the Everglades Protection Area. Instead, the Committee identified the area as Zone 4, designated as the Buffer and Transition Zone. Zone 4 lands are to be treated as private property where agricultural and residential uses are to be protected and where flood protection must be provided. **Authority:** Public Law 101-229 (1989).
2. Chapter 33B of the Code of Miami-Dade County, the East Everglades Ordinance, has been judicially construed as environmental law rather than zoning. Agricultural and residential rights on pre-platted lots within the Eight and One-Half Square Mile Area are vested and cannot be extinguished by overlay restrictions. **Authority:** Miami-Dade County v. Florida Power & Light Co., Case No. 3D14-1467 (Fla. 3d DCA 2016).
3. The Parkland/Krome Groves Development of Regional Impact (DRI) was filed in 2005 and found sufficient in 2008. Pursuant to Section 380.06(12)(b), Florida Statutes, the applicant elected to continue review under the DRI process before the 2018 statutory deadline, rendering the project grandfathered despite the repeal of DRI review under Chapter 2018-158, Laws of Florida. The DRI encompasses approximately 961 acres outside the Urban Development Boundary, with requests to convert agricultural designations into residential, commercial, and industrial uses.

4. Because the Parkland/Krome Groves DRI is grandfathered and remains viable, Miami-Dade County is obligated to demonstrate environmental mitigation sufficient to offset impacts of development outside the Urban Development Boundary. The County has sought to satisfy these obligations by restricting, devaluing, and acquiring farmland in the Eight and One-Half Square Mile Area, and converting such farmland into mitigation credits.

XII. 2018 LEGISLATIVE CHANGE ELIMINATING DRI REVIEW

1. In 2018, the Florida Legislature enacted Chapter 2018-158, Laws of Florida, which amended Chapter 380, Florida Statutes, to eliminate the Development of Regional Impact (DRI) review process for proposed developments and for changes to existing DRIs. This statutory revision transferred authority over large-scale developments to local governments, subject to review under the comprehensive plan amendment process.
2. Following this legislative change, amendments to development orders for existing DRIs are reviewed exclusively by the local government that issued the original order, without state or regional review. Comprehensive plan amendments for projects exceeding DRI thresholds are now reviewed under the coordinated process in Section 163.3184(4), Florida Statutes, which requires state agency comments but vests primary approval authority in the local government.
3. This statutory revision has significantly increased the discretion of Miami-Dade County in evaluating and approving development outside the Urban Development Boundary. As a result, the County has a heightened incentive to secure mitigation credits by restricting and acquiring farmland in the Eight and One-Half Square Mile Area and converting such farmland into environmental offsets for large-scale development approvals.
4. By shifting primary control of development review to Miami-Dade County through the Comprehensive Development Master Plan amendment process, the Legislature placed even greater responsibility on the County to act within the limits of state and federal law. Miami-Dade County Department of Environmental Resources Management's attempt to expand jurisdiction into wetlands and Environmental Resource Permitting, absent delegation, is inconsistent with the statutory scheme and must be rejected. **Authority:** §373.441, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

XIII. WHY MIAMI-DADE COUNTY NEEDS FARMLAND FOR FUNDING AND DEVELOPMENT

1. Large-scale Everglades restoration and infrastructure projects in South Florida operate under federal–state cost-share agreements that require local governments to provide land, easements, rights-of-way, relocations, and disposal areas, commonly referred to as LERRDs. Without securing these LERRDs, Miami-Dade County cannot satisfy its cost-share obligations and

cannot access federal appropriations for Comprehensive Everglades Restoration Plan (CERP) projects. **Authority:** Water Resources Development Act of 2000, Pub. L. 106-541.

2. Farmland in the Eight and One-Half Square Mile Area (Las Palmas) has been repeatedly targeted by Miami-Dade County as a source of mitigation land to satisfy LERRD requirements. By restricting, devaluing, and acquiring farmland, the County converts private property into environmental credits that it then books as local match contributions to unlock federal and state funds.

3. The Parkland/Krome Groves Development of Regional Impact, grandfathered under §380.06(12)(b), Florida Statutes, requires mitigation to proceed with thousands of planned residential units and associated commercial development outside the Urban Development Boundary. Miami-Dade County has positioned farmland in Las Palmas as the offset mechanism to provide that mitigation, linking unlawful enforcement against agricultural landowners directly to the advancement of large-scale urban expansion.

4. Miami-Dade County has further utilized farmland takings and restrictions in Las Palmas to secure mitigation credits for major transportation projects, including the 836 Expressway extension. These credits are necessary to obtain approvals under both state law and the National Environmental Policy Act for highway expansions into environmentally sensitive lands.

5. By unlawfully expanding enforcement powers beyond its statutory jurisdiction, Miami-Dade County Department of Environmental Resources Management has transformed farmland into a financial instrument used to fund public works projects and private development approvals. Such actions constitute regulatory takings, unjust enrichment, and exceed the County's lawful authority under both state and federal law. **Authority:** U.S. Const. amend. V; U.S. Const. amend. XIV; Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992); Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013).

XIV. ALTERNATIVE FALLBACK ON ALLEGED FILL (WITHOUT CONCEDING JURISDICTION)

1. Respondent maintains that Miami-Dade County Department of Environmental Resources Management lacks jurisdiction to regulate wetlands or Environmental Resource Permitting on the subject parcel. **Authority:** §373.441, Fla. Stat.; Clean Water Act, 33 U.S.C. §1344.

2. Without conceding jurisdiction, Respondent notes that Miami-Dade County's own consent standard dated May 4, 2023, authorizes up to 0.5 acre of fill at the location. The alleged fill area identified by the County is less than 0.25 acre. Even under the County's defective papers, no factual violation exists.

3. Enforcement based on a purported violation contradicted by the County's own written standard fails to meet the substantial competent evidence requirement in administrative proceedings. **Authority:** §120.57, Fla. Stat.

XV. APPENDIX A: LEGAL AUTHORITIES AND PROTECTIONS PRESERVED

A. Federal Law

1. **Public Law 101-229 (1989):** Requires that acquisitions of land in the Eight and One-Half Square Mile Area occur only from willing sellers, and mandates that the U.S. Army Corps of Engineers provide flood protection for remaining residents.
2. **Clean Water Act, 33 U.S.C. §1251 et seq.:** Governs the discharge of pollutants into waters of the United States. Section 404 (33 U.S.C. §1344) grants wetlands permitting authority exclusively to the EPA, the U.S. Army Corps of Engineers, and, as delegated, to FDEP. Section 402 (33 U.S.C. §1342) requires NPDES permits for discharges, including pump station transfers of polluted water.
3. **National Environmental Policy Act, 42 U.S.C. §4321 et seq.:** Requires environmental impact statements for major federal actions significantly affecting the environment, including federally funded infrastructure projects.
4. **United States Constitution, Fifth Amendment:** Prohibits the taking of private property for public use without just compensation.
5. **United States Constitution, Fourteenth Amendment:** Protects due process and equal protection rights against state infringement.
6. **42 U.S.C. §1983:** Provides a cause of action against local governments and officials for deprivation of constitutional rights under color of state law.

B. Florida Statutes

1. **§163.3162, Fla. Stat. (Agricultural Lands and Practices Act):** Expressly preempts local governments from regulating bona fide farm operations.
2. **§823.14, Fla. Stat. (Right to Farm Act):** Protects farm operations from being treated as nuisances and from local interference.
3. **§193.461, Fla. Stat. (Greenbelt Law):** Requires classification of bona fide agricultural lands as agricultural for regulatory and taxation purposes.
4. **§604.50, Fla. Stat. (Nonresidential Farm Buildings):** Exempts nonresidential farm buildings from county building codes, permits, and fees.
5. **§373.441, Fla. Stat. (Delegation of ERP):** Authorizes delegation only to water management districts, not to counties.
6. **§380.06, Fla. Stat. (Development of Regional Impact):** Provides framework for DRIs, repealed in 2018 with grandfathered exceptions.
7. **§286.011, Fla. Stat. (Sunshine Law):** Requires open and recordable public meetings.

8. **§120.57, Fla. Stat. (Administrative Hearings):** Requires that agency action be supported by substantial competent evidence.

C. Florida Case Law

1. **Miami-Dade County v. Valdes, 211 So.3d 247 (Fla. 3d DCA 2017):** Counties cannot regulate bona fide farm operations absent statutory delegation.
2. **Miami-Dade County v. Florida Power & Light Co., Case No. 3D14-1467 (Fla. 3d DCA 2016):** Chapter 33B is environmental law, not zoning; vested agricultural rights cannot be extinguished.
3. **Florida DEP v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008):** Agencies may not act outside statutory jurisdiction.
4. **Friends of the Everglades v. SFWMD, 570 F.3d 1210 (11th Cir. 2009):** Pumping polluted water requires a Clean Water Act permit.
5. **Miccosukee Tribe v. SFWMD, 280 F.3d 1364 (11th Cir. 2002):** Pump station transfers are point-source discharges under the Clean Water Act.
6. **Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013):** Permit exactions constitute unconstitutional takings.
7. **Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992):** Regulation depriving land of all economic use constitutes a per se taking.
8. **Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009):** Due process requires recusal where impartiality is in question.

D. Miami-Dade County Ordinances

1. **Chapter 33B (East Everglades Ordinance):** Environmental law regulating East Everglades; cannot extinguish vested rights.
2. **Chapter 24 (Environmental Protection):** Source of DERM enforcement authority, misapplied to farmland without jurisdiction.

E. Memoranda of Agreement and Delegations

1. **1996 MOA (MA-13-114):** Limited delegation to Miami-Dade County for minor proprietary submerged land uses only.
2. **2014 Solid Waste SOA:** Limited to solid waste; oversight retained by FDEP.
3. **2024 Air Pollution SOA:** Limited to air permitting; oversight retained by FDEP.
4. **2020 Brownfields Delegation Agreement:** Limited to cleanup tasks; oversight retained by state and federal agencies.

5. **2005 EPA–FDEP Brownfields MOA:** Confirmed federal oversight of Florida's Brownfields Program.
6. **1999 Superfund MOA:** Confirmed federal oversight under CERCLA.
7. **2020 Section 404 MOA:** Delegated federal Section 404 authority to Florida, with retained jurisdiction for the U.S. Army Corps of Engineers.
8. **2016 RCRA MOA:** Confirmed federal oversight of hazardous waste regulation.
9. **2007 FDEP–WMDs Operating Agreement:** Reserved ERP responsibilities to FDEP and Water Management Districts only.

XVI. USDA NRCS SOIL REPORT AND DERM CEASE AND DESIST ORDER – CONTRADICTORY FINDINGS

1. On August 1, 2024, the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) issued a Custom Soil Resource Report for the subject parcel. The report classified the dominant soil type as Chekika very gravelly marly loam, 0 to 2 percent slopes, identified the land as farmland of unique importance, and determined that the mapped soil unit is non-hydric.
2. The USDA NRCS findings state unequivocally that the soils are not hydric, have no flooding or ponding frequency, and therefore do not qualify as wetlands under Rule 62-340, Florida Administrative Code, or the Clean Water Act, 33 U.S.C. §1344.
3. On the same date, August 1, 2024, Miami-Dade County Department of Environmental Resources Management issued a Cease and Desist Order alleging wetlands violations on the subject parcel.
4. The simultaneity of these events demonstrates a direct contradiction between federal science and county enforcement. On the same day the USDA NRCS confirmed that the property's soils were non-hydric farmland of unique importance, Miami-Dade County alleged wetlands jurisdiction without any formal delineation.
5. This contradiction is not speculative. Respondent incorporated both the USDA NRCS Soil Report and the Miami-Dade Cease and Desist Order into the official record through the Jurisdictional Challenge Appeal Extension filed on July 7, 2025. These exhibits are preserved and part of the evidence before this Hearing Officer.
6. The County's enforcement action, issued in contradiction of authoritative federal findings and absent a wetlands delineation, fails to meet the requirement for competent substantial evidence under Florida's Administrative Procedure Act. **Authority:** §120.57, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

XVII. SUPPRESSION OF EVIDENCE AND PUBLIC RECORDS VIOLATIONS

1. Respondent has repeatedly exercised rights under Florida's Public Records Act to obtain access to materials relevant to this enforcement. Miami-Dade County Department of Environmental Resources Management has failed to provide complete or accessible records, resulting in suppression of evidence that undermines the fairness of these proceedings. **Authority:** Chapter 119, Fla. Stat.
2. On January 16, 2025, Respondent documented that the County's environmental records portal was nonfunctional, producing website errors and inaccessible formats instead of usable files. This denial of access obstructed Respondent's ability to review the evidence relied upon by the County.
3. On September 30, 2024, Miami-Dade County Department of Environmental Resources Management admitted in correspondence that problems existed with its system access and file formats, acknowledging its inability to provide complete records in response to Respondent's requests.
4. On October 1, 2024, Respondent issued a formal demand identifying more than 400 missing or inaccessible records connected to Case No. 20240048 and Folio 30-5815-000-0795. This documented systematic obstruction in violation of Chapter 119, Florida Statutes.
5. On October 18, 2024, the Florida Attorney General's Office, through Special Counsel for Open Government, confirmed receipt of Respondent's complaint regarding Miami-Dade County's public records practices. Although the Attorney General noted limited enforcement jurisdiction, the correspondence acknowledged Respondent's entitlement to relief under Florida's Sunshine Manual and confirmed that public records compliance remains mandatory.
6. On August 8, 2025, the Governor's Chief Inspector General referred Respondent's complaints about DERM's enforcement practices to the Florida Department of Environmental Protection Inspector General and the Miami-Dade County Inspector General, evidencing state-level recognition of these concerns.
7. The County's repeated failure to produce complete and accessible records constitutes suppression of evidence, undermines Respondent's due process rights, and violates the essential requirements of law. Proceedings based on incomplete or withheld records must be dismissed. **Authority:** U.S. Const. amend. XIV; Art. I, §9, Fla. Const.; §120.57, Fla. Stat.

XVIII. ENGINEERED FLOODING AND FEMA ZONE MANIPULATION

1. In 1994, the Federal Emergency Management Agency (FEMA) classified the subject parcel within Flood Zone X, designating the land as an area of minimal flood hazard. This baseline classification is confirmed by FEMA's official 1994 Flood Hazard Zone dataset for Miami-Dade County.

2. By 2005, the parcel was reclassified into Flood Zone AE, and by 2020, following canal expansions, seepage wall projects, and adjacent development, the parcel was reclassified into Flood Zone AH with a base flood elevation of eight feet. These changes did not result from natural hydrology but from engineered alterations to the local water management system.
3. Hydrological data confirm that the property has a ground elevation of approximately eight feet above sea level and a water table of approximately three feet above sea level, or five feet below the surface. No saturation occurs within twelve inches of the surface. Accordingly, the parcel fails the hydrology parameter for wetlands delineation under Rule 62-340, Florida Administrative Code.
4. Reliance on FEMA flood zone classifications as a substitute for wetlands delineation is scientifically unsupportable and legally defective. FEMA flood zones are intended for flood insurance and hazard mitigation purposes and cannot establish wetlands jurisdiction under state or federal law. **Authority:** Clean Water Act, 33 U.S.C. §1344; §373.441, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).
5. Miami-Dade County Department of Environmental Resources Management's use of FEMA flood zones to justify wetlands enforcement, absent a formal delineation, exceeds its statutory authority and constitutes a departure from the essential requirements of law.
6. The reclassification from Zone X in 1994 to Zone AE and then Zone AH suppressed property values, increased pressure on "willing seller" acquisitions in Las Palmas, and created artificial mitigation credits for Miami-Dade County to leverage in securing state and federal funds for Developments of Regional Impact and expressway expansions.

XIX. FORMAL REBUTTAL AND SUPPLEMENTAL FILING

1. On June 2, 2025, Respondent filed an Official Rebuttal Submission – Agricultural Property Rights Defense in response to the Notice of Violation dated January 17, 2025. This rebuttal was formally served on Miami-Dade County Department of Environmental Resources Management, the Mayor of Miami-Dade County, the South Florida Water Management District, the U.S. Department of Agriculture Natural Resources Conservation Service, the State Attorney's Office, all Miami-Dade County Commissioners, and the Florida Chief Inspector General.
2. The June 2, 2025 rebuttal asserted the following:
    - Enforcement against Respondent's parcel is preempted under §§163.3162 and 823.14, Fla. Stat.
    - The property is classified as bona fide agricultural land under §193.461, Fla. Stat.
    - Wetlands regulation on agricultural lands is under the jurisdiction of the U.S. Department of Agriculture Natural Resources Conservation Service pursuant to 7 C.F.R. Part 12, not Miami-Dade County.

- House Bill 909 (Ch. 2022-77, Laws of Florida) reaffirms exclusive state jurisdiction over agricultural environmental regulation.
- DERM's characterization of mulch as "debris" is a misapplication of law.
- The fill on site is minimal and within the one-quarter acre allowance recognized under Miami-Dade County Code.
- No three-parameter wetlands delineation was conducted as required by Rule 62-340, Fla. Admin. Code.

3. On June 5, 2025, Respondent filed a Certificate of Service – Supplemental Submission of Omitted Files. This filing included critical federal and state exhibits omitted from DERM's enforcement record:
    - FEMA Flood Zone Map confirming the property's flood zone classification.
    - South Florida Water Management District Monitoring Station Map, including Station S-357, confirming the property's hydrology does not meet wetlands parameters.
    - U.S. Fish and Wildlife Service National Wetlands Inventory Map confirming the property is not mapped as wetlands.
4. These filings are preserved in the administrative record and establish that Respondent has already provided substantial competent evidence disproving Miami-Dade County's wetlands claims. The evidence includes federal soil and wetlands determinations, FEMA flood zone classifications, and hydrology data from the South Florida Water Management District.
5. Miami-Dade County's failure to incorporate these exhibits into its enforcement record constitutes suppression of evidence and a denial of due process. These rebuttal filings demonstrate that the County's case lacks jurisdictional foundation and factual support, and that dismissal with prejudice is required. **Authority:** §120.57, Fla. Stat.; U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

XX. PROCEDURAL VIOLATIONS TIMELINE

1. DERM initiated enforcement from aerial photographs without conducting a formal wetlands delineation. **Authority:** Rule 62-340, Fla. Admin. Code; §373.421, Fla. Stat.
2. Respondent submitted daily hydrology reports, which DERM ceased acknowledging after January 29, 2025. **Authority:** Chapter 119, Fla. Stat.
3. DERM relied on an inspection report citing the wrong address and folio, violating due process. **Authority:** §120.569, Fla. Stat.; Taylor v. Richmond, 471 So.2d 178 (Fla. 5th DCA 1985).
4. On January 17, 2025, DERM issued a Notice of Violation absent wetlands determination or delegated authority. **Authority:** §373.441, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

5. On May 20, 2025, DERM issued Civil Violation No. 2025-B286251 against agricultural land, despite state preemption. **Authority:** §§823.14, 163.3162, Fla. Stat.; Miami-Dade County v. Valdes, 211 So.3d 247 (Fla. 3d DCA 2017).
6. On June 12, 2025, Respondent filed a Formal Jurisdictional Objection and Litigation Hold, which triggered preservation obligations. **Authority:** Chapter 120, Fla. Stat.; Bent v. State, 46 So.3d 1047 (Fla. 4th DCA 2010).

Result: This pattern demonstrates repeated procedural violations and denial of due process, rendering DERM's enforcement void.

XXI. IMPROPER ACCESS PROCEDURES UNDER CHAPTER 62-780, F.A.C.

1. Florida law prescribes a specific procedure for obtaining access to private property in the context of contaminated site rehabilitation. This procedure is codified in Chapter 62-780, Florida Administrative Code, which governs site assessment and remediation.
2. Under the Florida Department of Environmental Protection's official guidance, titled *Instructions for Use of Site Access Documents* (July 2023), a Person Responsible for Site Rehabilitation (PRSR) who is denied access must proceed as follows:
    - First, attempt voluntary negotiation with the property owner.
    - If refused, FDEP issues a Notice of Intent to Issue Order Requiring Access.
    - The proposed order must be reviewed by the Office of General Counsel and executed by the District Director.
    - Notice is served by certified mail, allowing a 21-day petition period.
    - Only after issuance of a Final Order may access occur, and not before ten additional days have passed.
3. These procedures apply only when contamination has been demonstrated to have migrated onto the property, and access is necessary for site assessment or remediation.
4. Miami-Dade County Department of Environmental Resources Management did not comply with any of these statutory and regulatory safeguards. Instead, it entered or attempted to enter Respondent's property without a Notice of Intent, without a Final Order signed by the FDEP District Director, and without Office of General Counsel review.
5. By bypassing the procedures required under Chapter 62-780, Florida Administrative Code, and the July 2023 FDEP guidance, Miami-Dade County Department of Environmental Resources Management acted without lawful authority. Its purported access, inspections, and enforcement based on such access are ultra vires, void, and violative of due process. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008); U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

XXII. FAILURE TO FOLLOW ENFORCEMENT HIERARCHY AND COMPLIANCE ASSISTANCE PROCEDURES

1. Florida Department of Environmental Protection policy establishes that enforcement actions must follow a structured compliance assistance and escalation process. This process is codified in the Compliance Assistance and Enforcement Process Flowchart (June 2, 2021), which provides the official sequence for inspections, compliance assistance, peer review, and enforcement actions.
2. The flowchart requires that:
    - Following an inspection, if no significant imminent threat is present, the agency must first issue a Compliance Assistance Offer Letter and provide an opportunity for voluntary correction.
    - If deficiencies persist, the matter must be evaluated under the Office of General Counsel Enforcement Manual Guidelines and Directive 923.
    - Cases involving penalties exceeding $25,000 or presenting significant issues must undergo Peer Review by the Division, including the Assistant Deputy Secretary.
    - Only after these steps may formal enforcement measures such as Warning Letters, Consent Orders, or Notices of Violation be issued.
3. The only exception permitting immediate enforcement requires a determination of a “significant imminent threat” and concurrence of the District or Division Director of the Florida Department of Environmental Protection.
4. Miami-Dade County Department of Environmental Resources Management disregarded this enforcement hierarchy. It issued Cease and Desist Orders and Notices of Violation against Respondent without first issuing compliance assistance correspondence, without peer review, and without Office of General Counsel oversight.
5. The County further failed to demonstrate that any significant imminent threat existed, or that the FDEP District or Division Director concurred in the enforcement action.
6. By bypassing the compliance assistance and enforcement hierarchy established by FDEP, Miami-Dade County Department of Environmental Resources Management exceeded its lawful authority and deprived Respondent of due process. The enforcement actions are ultra vires, procedurally void, and must be dismissed. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008); §120.57, Fla. Stat.

XXIII. DEP ENFORCEMENT MANUAL REQUIREMENTS IGNORED BY DERM

1. The Florida Department of Environmental Protection maintains an Enforcement Manual that establishes the organizational, procedural, and legal framework for all compliance and enforcement actions conducted under state environmental law. The July 2023 edition of the Enforcement Manual contains specific chapters on organization, compliance, enforcement, site access, administrative process, judicial process, and litigation procedures.

2. Chapter One identifies the chain of authority within FDEP, expressly confirming that the Office of General Counsel must review and approve enforcement actions, including site access orders and administrative remedies, before they are executed. Miami-Dade County Department of Environmental Resources Management issued notices and cease-and-desist orders without Office of General Counsel oversight, contrary to this requirement.

3. Chapter Two emphasizes compliance assistance as the initial and preferred method of enforcement. Only after documented failure of compliance assistance may formal enforcement be considered. DERM issued formal enforcement notices without first offering compliance assistance, in direct conflict with this mandate.

4. Chapter Four governs inspections and investigations, including Section 4.3 on Site Access, which sets forth the exclusive legal mechanisms by which FDEP may enter private property: (a) express permission of the owner or trustee, (b) implied permission under limited circumstances, (c) judicial inspection warrants, or (d) administrative access orders. DERM conducted inspections and enforcement actions without owner consent, without inspection warrants, and without administrative access orders, thereby violating state enforcement protocols.

5. Chapters Five and Six require that all administrative and judicial remedies follow specific procedures for notice, service, and evidentiary sufficiency. DERM issued Notices of Violation and Cease and Desist Orders absent wetlands delineations under Rule 62-340, Florida Administrative Code, and without statutory delegation under §373.441, Florida Statutes.

6. The appendices to the Enforcement Manual contain model access orders, inspection warrants, consent orders, and affidavits. The absence of such documents in this case underscores that DERM did not comply with FDEP's required enforcement models.

7. By disregarding the FDEP Enforcement Manual, Miami-Dade County Department of Environmental Resources Management exceeded its authority, violated procedural requirements, and deprived Respondent of due process. These actions render the County's enforcement ultra vires and void. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008); §120.57, Fla. Stat.; U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

XXIV. FEDERAL-STATE OPERATING AGREEMENTS DEFINE EXCLUSIVE JURISDICTION

1. Jurisdiction over wetlands and surface water regulation in Florida is governed by formal interagency agreements between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection. These agreements define the boundaries of federal and state authority, coordinate permitting, compliance, and enforcement, and establish exclusive jurisdictional roles. Miami-Dade County Department of Environmental Resources Management is not a party to these agreements and has no delegated authority under them.

2. On February 28, 2006, FDEP and the U.S. Army Corps of Engineers entered into an Interagency Coordination Agreement to govern the Corps' Civil Works projects in Florida. This agreement superseded the 1998 Standard Operating Procedure related to Corps coastal activities and remains the operative framework for coordination of navigation, Everglades restoration, and related federal civil works with state Environmental Resource Permitting.

3. On September 4, 2012, FDEP, the U.S. Army Corps of Engineers (Jacksonville District), and all five Florida Water Management Districts executed a comprehensive Operating Agreement superseding the 1998 Corps–FDEP Operating Agreement. This 2012 agreement governs statewide permitting, compliance, and enforcement for activities in wetlands and other surface waters under the Clean Water Act and Part IV of Chapter 373, Florida Statutes.

4. Both the 2006 Interagency Coordination Agreement and the 2012 Operating Agreement provide that federal and state jurisdiction is divided and coordinated exclusively between the U.S. Army Corps of Engineers, FDEP, and the Water Management Districts. Miami-Dade County is not listed as a participating or delegated entity.

5. These agreements remain in force and effect until terminated by written notice, and no subsequent agreements superseding them appear in the record. Accordingly, jurisdiction over wetlands permitting, compliance, and enforcement lies exclusively with the U.S. Army Corps of Engineers, FDEP, and the Water Management Districts.

6. By attempting to enforce wetlands permitting without delegation under §373.441, Fla. Stat., and outside of the federal-state operating agreements, Miami-Dade County Department of Environmental Resources Management has acted ultra vires. Its enforcement actions are inconsistent with controlling federal-state agreements and must be dismissed. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008); Clean Water Act, 33 U.S.C. §1344; §373.441, Fla. Stat.

XXV. DOMESTIC WASTEWATER SOA CONFIRMS NO WETLANDS DELEGATION

1. On January 17, 2001, the Florida Department of Environmental Protection and Miami-Dade County executed a Domestic Wastewater Specific Operating Agreement pursuant to §403.182,

Florida Statutes. This agreement delegated to Miami-Dade County limited authority over permitting, compliance, and enforcement of domestic wastewater facilities.

2. The scope of delegation in the 2001 SOA is confined to domestic wastewater systems, including sewage treatment facilities, residuals management, sewer extensions, and related infrastructure. Larger facilities and discharges requiring National Pollutant Discharge Elimination System permits remain under state or federal jurisdiction. The agreement does not mention wetlands, agriculture, or Environmental Resource Permitting.
3. The SOA expressly provides that Miami-Dade County may enforce environmental regulations under Chapter 24 of the Miami-Dade County Code only to the extent that such ordinances are not stricter than state law, unless stricter ordinances have been expressly approved by FDEP as amendments to the SOA.
4. By issuing Cease and Desist Orders and Notices of Violation premised on alleged wetlands impacts to Respondent's bona fide farmland, Miami-Dade County Department of Environmental Resources Management acted outside the scope of its delegated authority. Wetlands jurisdiction is reserved to FDEP, the South Florida Water Management District, and the U.S. Army Corps of Engineers.
5. The 2001 SOA demonstrates that the State of Florida never delegated wetlands or Environmental Resource Permitting authority to Miami-Dade County Department of Environmental Resources Management. By exceeding the bounds of its delegated authority, the County violated both §403.182, Florida Statutes, and the holding of Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

XXVI. FILL VOLUME AND TRUSTEE AUTHORITY

1. **Fill Volume.** The official joint records from the South Florida Water Management District and Miami-Dade County Department of Environmental Resources Management identify the alleged fill on the subject parcel as approximately 0.21 acre. The County's own consent document dated May 4, 2023, allows up to 0.50 acre of fill without violation. Even if the County's defective consent language were considered, the alleged fill falls below the threshold and cannot support a violation.
2. **Trustee Authority.** The property is held in trust under the Cabana Living Land Trust. Pursuant to the recorded Warranty Deed, the Successor Trustee is Adri Marc S.A. The prior trustee, Emelina Pino, ceased to hold any fiduciary authority once the trust property was lawfully transferred to the new trustee. Any actions, consents, or documents executed by Ms. Pino after the transfer are legally void and without effect.
3. **Legal Effect.** By acting on the basis of documents signed by a former trustee without authority, Miami-Dade County Department of Environmental Resources Management violated the Florida Trust Code and due process. All such documents are null, void, and inadmissible to establish jurisdiction. **Authority:** Chapter 736, Fla. Stat. (Florida Trust Code); U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

XXVII. FEDERAL-STATE HYDROLOGY PROJECTS AND PROPERTY OWNERSHIP CONFIRMATION

1. On March 7, 2023, the South Florida Water Management District issued Permit No. 13-07313-W, authorizing construction of approximately 4.9 miles of seepage barrier wall along the L-357W levee as part of the Comprehensive Everglades Planning Project (CEPP). The permit authorized the withdrawal of 20.81 million gallons annually from the Biscayne Aquifer for grout production and established special conditions requiring monitoring and mitigation of adverse impacts.

2. The CEPP seepage wall permit confirms that hydrologic conditions within the Eight and One-Half Square Mile Area are being engineered through federally coordinated projects, not by natural wetland dynamics. Such projects account for subsequent reclassifications of FEMA flood zones (from Zone X in 1994 to Zone AE and later AH), and directly undermine Miami-Dade County Department of Environmental Resources Management's assertion of wetlands jurisdiction.

3. On April 29, 2014, the U.S. Army Corps of Engineers executed a Quitclaim Deed transferring extensive lands in Miami-Dade County to the South Florida Water Management District for use in the Modified Water Deliveries to Everglades National Park project. These lands are expressly subject to Miami-Dade County Ordinances 33B-54 and 33B-55 but are held and managed under federal-state agreements, not by county environmental agencies.

4. The 2014 Quitclaim Deed establishes that hydrology in the Las Palmas/Eight and One-Half Square Mile Area is managed under federal-state ownership and trust arrangements, coordinated by the U.S. Army Corps of Engineers and the South Florida Water Management District. Miami-Dade County Department of Environmental Resources Management has no ownership or jurisdictional authority over these transferred lands or related projects.

5. Respondent's property ownership is separately confirmed by the Miami-Dade County Property Appraiser. The 2024 tax bill for Folio No. 30-5815-000-0795 lists Adri Marc S.A., Trustee of the Cabana Living Land Trust, as the legal owner of record. This confirms that Respondent, as Successor Trustee, holds exclusi

XXVIII. LACK OF DELEGATION PROOF AND PATTERN OF UNLAWFUL SETTLEMENTS

1. On May 30, 2025, Respondent submitted a formal public records request to the South Florida Water Management District, with copies to Miami-Dade County Department of Environmental Resources Management officials, seeking documentation of any delegation of authority from the Florida Department of Environmental Protection or the South Florida Water Management District to Miami-Dade County Department of Environmental Resources Management for Environmental Resource Permitting, wetlands delineations, regulation of agricultural lands, or

enforcement of Chapter 373, Florida Statutes, or House Bill 909. The request further demanded written confirmation if no such delegation exists. To date, no response has been received.

2. The failure of both Miami-Dade County Department of Environmental Resources Management and the South Florida Water Management District to provide any delegation records confirms that no lawful delegation exists. Jurisdiction over wetlands and Environmental Resource Permitting remains exclusively with the Florida Department of Environmental Protection, the South Florida Water Management District, and the U.S. Army Corps of Engineers. Miami-Dade County Department of Environmental Resources Management is not included in this chain of authority. **Authority:** §373.441, Fla. Stat.; Clean Water Act, 33 U.S.C. §1344; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).
3. In parallel, Miami-Dade County Department of Environmental Resources Management has established a pattern of using Chapter 24 of the Miami-Dade County Code to initiate lawsuits and extract financial settlements from landowners under the guise of wetlands enforcement, despite lacking jurisdiction.
4. On June 6, 2025, in Case No. 23-20469 CA 01, Miami-Dade County sued USA Krome Property, LLC for alleged wetland impacts. The settlement required the defendants to admit allegations, remove fill, restore land, obtain Class IV permits, grant DERM 24-hour access, and pay civil penalties, administrative costs, and attorney's fees. The County dismissed the case but retained jurisdiction to enforce the settlement.
5. This settlement illustrates the County's method of self-enrichment: pressuring landowners into "consent" judgments and financial penalties based on Chapter 24 enforcement that has no lawful delegation under state or federal law. Such conduct is consistent with unconstitutional exactions and takings as defined by the U.S. Supreme Court. **Authority:** Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013); Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992).
6. By failing to produce evidence of lawful delegation while simultaneously pursuing financial settlements under the guise of wetlands enforcement, Miami-Dade County Department of Environmental Resources Management demonstrates a pattern of ultra vires action, unjust enrichment, and deprivation of due process. These actions are void and cannot be sustained. **Authority:** U.S. Const. amend. V; U.S. Const. amend. XIV; §120.57, Fla. Stat.

XXIX. ENGINEERED FLOODING, STORMWATER TREATMENT AREAS, AND FEMA ZONE MANIPULATION

1. In 1994, FEMA classified the subject parcel within Flood Zone X, designating the land as an area of minimal flood hazard. By 2005, the parcel was reclassified into Flood Zone AE, and by 2020, following canal expansions, seepage wall projects, and adjacent development, the parcel was reclassified into Flood Zone AH with a Base Flood Elevation of eight feet. These changes reflect engineered alterations to the local water management system, not natural hydrology.

2. On March 7, 2023, the South Florida Water Management District issued a permit authorizing construction of approximately 4.9 miles of seepage barrier wall along the L-357W levee as part of the Comprehensive Everglades Planning Project. The permit further authorized significant water withdrawals from the Biscayne Aquifer for grout production, underscoring that hydrology in the area is managed through engineering, not natural wetland processes.
3. Central and Southern Florida (C&SF) Project mapping identifies the land immediately west of the Eight and One-Half Square Mile Area as a Stormwater Treatment Area. This designation confirms that the hydrology of the region is actively managed through federal and state water management infrastructure.
4. FEMA's National Flood Hazard Layer, including Panel No. 12086C0420L (effective September 11, 2009), designates the subject property as Flood Zone AH with a Base Flood Elevation of eight feet. This designation reflects managed seepage walls, canal operations, and stormwater treatment activities, not natural wetland hydrology.
5. FEMA flood zones exist solely for insurance and hazard planning purposes under the National Flood Insurance Act, 42 U.S.C. §4101 et seq., and cannot serve as evidence of wetlands jurisdiction. Wetlands jurisdiction requires a formal delineation under Rule 62-340, Florida Administrative Code, which has never been performed on the subject parcel.
6. Miami-Dade County Department of Environmental Resources Management's reliance on FEMA flood zone classifications to assert wetlands jurisdiction conflates floodplain management with wetlands delineation. This reliance is scientifically unsupportable, legally defective, and exceeds the County's statutory authority. **Authority:** Clean Water Act, 33 U.S.C. §1344; §373.441, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

XXX. EXCLUSIVE DEP JURISDICTION UNDER §403.182, F.S., AND DERM MISREPRESENTATION

1. Florida law vests exclusive jurisdiction for setting environmental standards and procedures on agricultural lands classified under §193.461, Florida Statutes, in the Florida Department of Environmental Protection. This authority cannot be delegated to counties. **Authority:** §403.182(11), Fla. Stat.
2. Miami-Dade County Department of Environmental Resources Management therefore has no lawful authority to enforce wetlands or Environmental Resource Permitting standards against Respondent's property, which is classified as agricultural land under §193.461, Florida Statutes. Any such enforcement is ultra vires and void.
3. On January 6, 2025, the Florida Department of Environmental Protection Southeast District confirmed that no formal wetland determination has ever been conducted on Respondent's parcel. The agency further stated that if a wetland determination were required, it must be requested through the South Florida Water Management District.

4. Despite this, Miami-Dade County Department of Environmental Resources Management informed FDEP that it had already "conducted a wetland assessment" and was actively enforcing against Respondent's property. Such a unilateral "assessment" has no legal force under Rule 62-340, Florida Administrative Code, and does not satisfy the statutory requirement for a formal wetland delineation.
5. By misrepresenting to FDEP that it had performed a lawful wetlands determination when in fact none had been conducted, Miami-Dade County Department of Environmental Resources Management engaged in enforcement without jurisdiction, contrary to state law and in violation of due process.
6. The combination of statutory prohibition under §403.182(11), Florida Statutes, and FDEP's confirmation that no wetland determination exists, establishes that Miami-Dade County Department of Environmental Resources Management has acted wholly without authority. Its enforcement actions are unlawful, void, and must be dismissed. **Authority:** Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008); §120.57, Fla. Stat.

XXXI. EEL ACQUISITION PRESSURE AND ADMISSION OF NO WETLANDS DELINEATION

1. On November 29, 2022, Miami-Dade County issued a public notice to property owners in the Eight and One-Half Square Mile Area advising that the Environmentally Endangered Lands (EEL) Program was considering parcels in the Everglades Buffer Area for acquisition. The notice stated expressly that "the EEL Program purchases property from willing sellers only."
2. Respondent actively engaged in this process. On November 28, 2022, Respondent corresponded with the County concerning the Land Acquisition Meeting. County staff acknowledged the inquiry and promised to provide further information.
3. These communications confirm that the County has identified the Las Palmas community as an acquisition target under the EEL Program. This creates a direct conflict of interest: Miami-Dade County Department of Environmental Resources Management pursues enforcement actions to depress property values and compel "voluntary" sales, while the County simultaneously positions itself as the acquiring entity.
4. On January 6, 2025, Miami-Dade County Department of Environmental Resources Management admitted in writing that "a wetland delineation has not been conducted on the subject property." The same email confirmed that the August 22, 2024 inspection was conducted by a biologist and a wetlands manager, but did not include a formal delineation under Rule 62-340, Florida Administrative Code.
5. This admission establishes that Miami-Dade County Department of Environmental Resources Management has never conducted the scientific three-parameter test required to classify wetlands under Florida law. Its enforcement relies instead on informal "letters of interpretation" and aerial photographs, none of which have legal force.

6. By simultaneously identifying Respondent's property for acquisition under the EEL Program and admitting that no formal wetlands delineation exists, Miami-Dade County demonstrates that its enforcement efforts are financially motivated and unsupported by competent substantial evidence. Such actions violate state law, federal protections for willing sellers, and constitutional due process. **Authority:** Public Law 101-229 (1989); U.S. Const. amend. XIV; Art. I, §9, Fla. Const.

XXXII. PATTERN OF PUBLIC RECORDS OBSTRUCTION AND EXCESSIVE FEES

1. Florida's Public Records Act requires that every person have the right to inspect and copy public records at any reasonable time and under reasonable conditions. Agencies may charge only the actual cost of duplication and, when extensive use of information technology resources or clerical/supervisory labor is required, a special service charge based on the actual cost incurred. Excessive or prohibitive fees violate the statute. **Authority:** §119.07, Fla. Stat.; Weeks v. Golden, 764 So.2d 633 (Fla. 1st DCA 2000).
2. Respondent has transmitted more than twenty public records requests to Miami-Dade County Department of Environmental Resources Management seeking records of delegation, wetlands determinations, enforcement files, and related authority. Of these requests, only one was fulfilled, and that only after Respondent was forced to escalate the matter to the Governor's Office, the South Florida Water Management District, the Miami-Dade County Commission, the Office of Inspector General, and the Mayor's Office.
3. On January 1, 2025, Respondent submitted a formal request for records of delegation of authority from the Florida Department of Environmental Protection or the South Florida Water Management District to Miami-Dade County Department of Environmental Resources Management. On January 28, 2025, DERM demanded an advance payment of $10,438.08, claiming the request required 166 hours of staff time at $62.88 per hour.
4. Respondent objected, invoking the statutory right to inspect records without unreasonable costs, and demanded an itemized breakdown of the charges. Miami-Dade County Department of Environmental Resources Management refused, insisting on full payment as a condition of access.
5. By demanding excessive fees and refusing to provide records absent payment of more than $10,000, Miami-Dade County Department of Environmental Resources Management effectively denied Respondent access to records necessary to prepare a defense. This pattern of obstruction is consistent with more than twenty prior unanswered or incomplete public records requests.
6. These actions constitute suppression of evidence, violate Respondent's rights under Chapter 119, Florida Statutes, and deprive Respondent of procedural due process under the Fourteenth Amendment to the U.S. Constitution and Article I, Section 9 of the Florida Constitution.

7. Because Miami-Dade County Department of Environmental Resources Management has withheld records essential to establishing jurisdiction, Respondent submits that enforcement based on an incomplete or concealed record must be dismissed. **Authority:** §120.57, Fla. Stat.; Bent v. State, 46 So.3d 1047 (Fla. 4th DCA 2010).

XXXIII. ENGINEERED FLOODING EVIDENCE AND DERM'S EXTORTIONATE PRACTICES

1. DBHYDRO records from February 2023 reported water stages between 5.43 and 7.38 feet NGVD at structures S-357 and G-3273, values suggesting only moderate water levels in the Eight and One-Half Square Mile Area.
2. At the same time, Respondent documented extensive surface flooding of farmland, with standing water over cultivated rows and to the fence line, on February 5 and 7, 2023.
3. Respondent transmitted these photographs and complaints to the South Florida Water Management District repeatedly, identifying S-358B and S-358C canal operations as the source of artificially high stages.
4. In direct conversations, a South Florida Water Management District representative confirmed that the flooding was temporary and caused by construction of the CEPP seepage wall near Respondent's property, and further assured Respondent that once construction moved past the property, water levels would stabilize.
5. This admission confirms that the flooding documented in February 2023 was engineered and temporary, not natural wetland hydrology.
6. By contrast, DBHYDRO statistical summaries from August 1, 2024 through 2025 confirm that under baseline conditions the water table remains consistently more than four feet below ground surface, failing the hydrology prong of Rule 62-340, Florida Administrative Code.
7. Taken together, the evidence demonstrates that:
    - Short-term anomalies (Feb. 2023) were caused by engineered construction, not wetlands.
    - Long-term records (2024–2025) confirm stable water levels well below wetlands thresholds.
    - DERM has never relied on science, hydrology, or wetlands delineations in its enforcement practices. Instead, it has adopted a pattern of extortionate tactics, issuing Cease and Desist Orders, demanding Class IV permits, and coercing settlements as its tools of enforcement.
8. These actions reflect unlawful practices under color of law rather than lawful wetlands regulation. **Authority:** §§403.182, 373.441, Fla. Stat.; Rule 62-340, Fla. Admin. Code; Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013); Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

XXXIV. IMPROPER COMMINGLING OF SCIENTIFIC AND ENFORCEMENT ROLES

1. Miami-Dade County payroll records confirm that scientific staff, such as biologists, are classified and compensated for technical work, including sampling, analysis, and wetlands review. These roles do not authorize enforcement actions, issuance of notices, or prosecution of cases.
2. The official job description for Compliance Officers, by contrast, is enforcement-focused and includes investigating complaints, issuing citations, preparing notices, and testifying in enforcement proceedings. It does not include scientific delineations or wetlands analysis.
3. Despite this separation, Miami-Dade County Department of Environmental Resources Management assigns Biologist II staff to act simultaneously as scientists and as enforcement officers. Performance evaluations confirm that such staff perform both wetlands assessments and enforcement duties, including initiating violations and testifying in hearings.
4. This commingling of functions is inconsistent with due process requirements. Florida law requires that wetlands delineations be performed under Rule 62-340, Florida Administrative Code, using scientific methods, while enforcement functions must be carried out separately by duly appointed officers with statutory authority.
5. The U.S. Supreme Court has held that combining investigative or prosecutorial functions with adjudicative or evidentiary functions creates unconstitutional bias. **Authority:** Withrow v. Larkin, 421 U.S. 35 (1975).
6. By collapsing scientific and enforcement roles into a single employee, Miami-Dade County Department of Environmental Resources Management has denied Respondent a fair and impartial process. Its actions are ultra vires, procedurally void, and must be dismissed. **Authority:** §120.57, Fla. Stat.; Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008).

RELIEF REQUESTED

For the foregoing reasons, Respondent respectfully requests that the Hearing Officer enter an Order:

1. Dismissing Civil Violation No. 2025-B286251 with prejudice.
2. Vacating all related Notices of Violation, Cease and Desist Orders, consent agreements, and enforcement actions issued by Miami-Dade County Department of Environmental Resources Management against the subject property.
3. Declaring that Miami-Dade County Department of Environmental Resources Management lacks wetlands or Environmental Resource Permitting jurisdiction absent a valid state delegation under §373.441, Fla. Stat., and a formal wetlands delineation under Rule 62-340, Florida Administrative Code.
4. Striking all evidence obtained without lawful access, delegation, or delineation.

5. Recognizing that FEMA flood zone designations cannot substitute for wetlands determinations.
6. Declaring that only Adri Marc S.A., Trustee of the Cabana Living Land Trust, has lawful trustee authority; any documents signed by prior trustees are void.
7. Ordering disclosure of the Hearing Officer's qualifications, including training in agricultural law, wetlands science, and federal preemption principles.
8. Acknowledging Respondent's preserved claims under state and federal law, including damages exceeding five billion dollars for takings, due process violations, and civil rights deprivations.

PRESERVATION OF OBJECTIONS

Respondent expressly preserves all objections, defenses, and claims under local, state, and federal law, including constitutional challenges, for purposes of judicial review under §120.68, Fla. Stat., and for federal review under 42 U.S.C. §1983.

CERTIFICATE OF SERVICE (EMAIL TRANSMISSION)

I HEREBY CERTIFY that on September 8, 2025, I served via electronic transmission a true and correct copy of the foregoing Motion to Dismiss with Prejudice upon:

- Miami-Dade Clerk of Courts — cocceappeal@miamidade.gov
- Miami-Dade County Department of Environmental Resources Management (DERM), Attn: Hearing Officer — EQCB@miamidade.gov
- Miami-Dade Board of County Commissioners (Districts 1–13)
- Office of the Commission Auditor — oca@miamidade.gov
- Office of the Mayor — Mayor@miamidade.gov
- Miami-Dade State Attorney's Office — eService@miamisao.com
- Office of the Inspector General — Felix.Jimenez@miamidade.gov
- DERM Staff — Lisa.Spadafina@miamidade.gov
- U.S. Department of Agriculture (USDA NRCS) — Eric.Peitz@usda.gov
- And all other parties of record.

Respectfully submitted,

_____

Trustee, ADRI MARC S.A.
On behalf of LA CABAÑA LIVING LAND TRUST
Dated: September 8, 2025

🌾 Hidden Land Use Policies:

This site reveals how regulatory decisions impact landowners, farmers, and communities. We simplify complex laws and expose actions that often go unseen.

📜 Hidden Information Examples

- **FEMA Flood Maps** – Land shifted from low-risk to hazard zones
- **U.S. Fish and Wildlife Service** – National Wetlands Inventory
- **USDA NRCS Soil Reports** – Soils classified hydric or non-hydric
- **SFWMD DBHYDRO** – Public water level and pumping data
- **Mitigation Bank Registries** – Tracking farmland monetization

💸 Mitigation Credits

- **Definition:** Units from preserved/restored land to offset development
- **How They Work:** Developers buy credits instead of halting projects
- **Incentives:** Credits sell for tens of thousands—counties profit, landowners lose
- **Impact:** Restrictions, lower values, lost farming rights
- **Beyond Urban Boundaries:** Credits fund highways, Everglades restoration, sprawl

🚨 Effects

- **Farmland lost to restrictions**
- **Artificial wetlands via engineered flooding**
- **Landowners pressured to sell cheap**
- **Development blocked unless credits are purchased**
- **Taxpayers subsidize hidden costs**

📜 Property Taxes: The Hidden Pipeline

Taxes may fund more than schools and roads. Mitigation credits are counted as “local match” in federal/state agreements—unlocking billions for projects that reshape rural land.

🔍 Our Goal

We publish what others won’t. By exposing records and patterns, we give communities power to challenge overreach and protect their land. **Knowledge is power. Use it.**

🏗️ Mitigation Credits, Swamps, and the Miami-Dade Dilemma

In theory, mitigation banking allows developers to restore degraded wetlands—like swamps—and earn credits to offset environmental damage elsewhere. But in practice, especially in places like Miami-Dade County, this system often raises serious ethical and transparency concerns.

🌀 How Developers Use Swamps for Credits

- **Locate Wetlands:** Developers identify swampy parcels classified as wetlands under federal or state law.
- **Create a Mitigation Bank:** With agency approval, they restore or enhance the land to generate credits.
- **Sell or Use Credits:** Credits are sold to other developers or used to offset destruction on separate sites.
- **Enable Expansion:** These credits allow development beyond the Urban Development Boundary—fueling highways, Everglades restoration, and residential sprawl.

⚠️ Ethical Concerns

- **Pay-to-Develop Loophole:** Developers can destroy wetlands elsewhere by purchasing credits, sidestepping direct accountability.
- **Engineered Wetlands:** Artificial flooding is sometimes used to qualify land for credits, harming nearby properties.
- **Landowner Pressure:** Farmers may be pushed to sell or convert productive land, losing rights and value.
- **Public Misinformation:** Taxpayers often fund infrastructure tied to mitigation banking without knowing their money supports land conversion.

🦅 U.S. Fish and Wildlife Service (USFWS) and Wetlands Designations

The U.S. Fish and Wildlife Service maintains the **National Wetlands Inventory (NWI)**, a nationwide database mapping wetlands and habitat areas. These maps are often used by regulators and developers to justify restrictions or mitigation projects.

Why It Matters in Miami-Dade and Las Palmas

- **No Wetland Mappings:** Much of the Las Palmas Community is *not* identified as wetlands in the official NWI, yet Miami-Dade County continues to regulate it as if it were.
- **Conflict with USDA Soil Surveys:** USDA NRCS soil reports often classify these parcels as non-hydric farmland of unique importance, directly contradicting county enforcement.
- **Selective Use:** Agencies cite NWI data when it supports restrictions but ignore it when it confirms land is not wetlands.
- **Habitat Misapplication:** NWI maps are designed for habitat conservation planning, not parcel-by-parcel enforcement. Using them for fines and seizures misrepresents their purpose.

Connection to Mitigation Credits

By disregarding USFWS wetlands data, Miami-Dade can:

- Reclassify productive farmland as “wetland” for creating mitigation credits.
- Justify engineered flooding and overlays that simulate wetlands conditions.
- Pressure landowners in Las Palmas to sell or surrender rights under false pretenses.

🌱 USDA NRCS Soil Reports

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) provides **Custom Soil Resource Reports** that evaluate soil type, hydrology, and farmland classification.

Why It Matters in Las Palmas

- **Non-Hydric Classification:** USDA NRCS reports for Las Palmas identify soils such as *Chekika very gravelly marly loam* as non-hydric, meaning they do not meet wetlands criteria.
- **Farmland of Unique Importance:** NRCS recognizes much of Las Palmas as farmland with high agricultural value.
- **Contradiction with County Enforcement:** Despite federal findings, Miami-Dade has issued wetlands violations in direct conflict with NRCS science.
- **Preserved in Record:** These USDA reports are included as evidence in the record and demonstrate that enforcement actions lack competent substantial evidence.

Connection to Mitigation Credits

By ignoring USDA NRCS reports, Miami-Dade County undermines federal determinations, pressures landowners to surrender agricultural rights, and manufactures the appearance of wetlands for mitigation banking purposes.

🏛️ Miami-Dade's Transparency Reputation

While Miami-Dade County has made efforts to promote open data and public records access, its land use practices have long been criticized for opacity and political maneuvering:

- The Comprehensive Development Master Plan (CDMP) has remained largely unchanged since 1975, despite massive urban growth.
- Decisions about zoning, development boundaries, and environmental overlays often occur without meaningful public input, especially in rural and agricultural zones.
- Ethics briefings emphasize Sunshine Law compliance and public records access, but enforcement is inconsistent, and violations can go unnoticed until challenged.

🔍 Why It Matters to the Las Palmas Community

The Las Palmas Community, located within the Eight and One-Half Square Mile Area, is directly affected by these practices. Engineered flooding, artificial wetlands designations, and misuse of mitigation credits have been used to:

- Restrict productive farmland and reduce property values.
- Pressure landowners into selling under the pretext of "willing seller" acquisitions.
- Create credits that are then leveraged to fund development projects outside the Urban Development Boundary.

By turning Las Palmas farmland into a financial instrument, Miami-Dade County undermines the rights of landowners, diverts taxpayer resources, and reshapes rural communities without genuine consent or lawful jurisdiction.

⚖️ Connection to Our Motion to Dismiss With Prejudice

The Respondent's motion to dismiss with prejudice is grounded in the fact that Miami-Dade County Department of Environmental Resources Management has acted without jurisdiction, without proper delegation, and in contradiction of federal and state law. The misuse of mitigation credits, disregard of U.S. Fish and Wildlife Service wetlands data, and contradiction of USDA NRCS soil reports in the Las Palmas Community demonstrate a pattern of:

- **Unlawful takings:** Restricting farmland and converting it into mitigation credits without authority.
- **Due process violations:** Initiating enforcement without lawful access or scientific delineation.

- **Financial conflicts of interest:** Using farmland restrictions to finance large-scale projects under the guise of environmental protection.

For these reasons, the enforcement action must be dismissed with prejudice. Allowing it to stand would perpetuate unlawful practices, erode the rights of the Las Palmas Community, and set a precedent for continued misuse of mitigation credits in Miami-Dade County.