

# **INTEGRATED ENFORCEMENT FRAMEWORK**

## **Agricultural Property – Police, DERM, Code, Wetlands, and Contamination**

### **With HB 909 as Strategic Protection**

**Date:** February 17, 2026

**Revision:** Corrected Statutory Scope Edition

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## **LEGAL DISCLAIMER**

This document is provided for educational and informational purposes only. It is not legal advice and does not create an attorney-client relationship.

The analysis contained herein reflects the statutes and administrative rules referenced as of the date listed above, including but not limited to:

- §403.182(11), Florida Statutes (HB 909, 2022)
- Chapter 373, Florida Statutes
- F.A.C. 62-340
- MDC Chapter 24

Laws, rules, and delegation agreements may change. Application of these statutes is fact-specific and dependent upon individual circumstances.

Readers are encouraged to consult qualified legal counsel regarding specific legal matters.

Nothing in this document asserts blanket immunity from local, state, or federal enforcement authority. The purpose of this framework is to clarify statutory boundaries and procedural protections.

## **I. The Governing Structure — Four Legal Layers**

When agricultural land is subject to enforcement, four legal systems may intersect:

### **A. Constitutional Protections**

- Fourth Amendment (search & entry)
- Fifth / Fourteenth Amendment (due process)

### **B. State Wetlands Law**

- Chapter 373, F.S.
- Environmental Resource Permitting
- F.A.C. 62-340 delineation methodology

### **C. Local Environmental Code**

- MDC Chapter 24
- Must operate within valid delegation
- Cannot conflict with Chapter 373
- Cannot invent methodology outside 62-340

#### D. Contamination Evaluation During Agricultural Conversion

- §403.182(11), F.S. (HB 909)
- Exclusive authority of the DEP Secretary
- No delegation to local governments

HB 909 is the contamination-control firewall within this structure.

## **II. Scenario: Vegetative Agricultural Material Alleged as Wetland Fill**

### Step 1 – Is It Wetland Jurisdiction?

Under Chapter 373:

- Wetland delineation must follow Rule 62-340
- Hydrology, soils, vegetation must be documented
- Site-specific data required

If no valid 62-340 delineation exists, classification is procedurally vulnerable.

### Step 2 – Does the Material Meet “Fill” Definition?

Under ERP standards:

- Fill must materially alter elevation or hydrology

Organic vegetative agricultural material:

- Does not automatically equal regulated fill
- Requires scientific evaluation
- Cannot be presumed unlawful

This remains a Chapter 373 / 62-340 issue.

## **III. Where HB 909 Adds Strength**

HB 909 becomes relevant if the County shifts to:

- Environmental condition concerns
- Contamination risk theories
- Soil liability assertions

- Environmental testing demands during agricultural conversion

In that case:

Only the DEP Secretary may define contamination standards.

Local governments may not:

- Create independent contamination evaluation standards
- Impose their own liability procedures
- Require testing beyond state-authorized standards

HB 909 prevents regulatory stacking in the contamination lane.

#### **IV. MDC Chapter 24 Boundaries**

MDC Chapter 24:

- May regulate environmental protection locally
- Must stay within valid state delegation

It cannot:

- Override Chapter 373 methodology
- Expand contamination standards beyond §403.182(11)
- Blend wetlands enforcement with contamination theory without authority

#### **V. Police Involvement — Proper Scope**

Police enforce:

- Criminal statutes
- Valid local ordinances

They do not:

- Perform wetland delineations
- Interpret hydrology
- Define contamination standards

If police claim environmental investigation:

They must identify a criminal statute.

HB 909 limits contamination-based expansion of enforcement.

## **VI. Temporary Truck Parking**

Truck parking typically raises:

- Zoning issues
- Land use classification
- Right to Farm considerations

It is not automatically:

- A wetlands issue
- A contamination issue

If contamination standards are invoked, HB 909 governs that portion.

## **VII. Structured Clarification Response**

When facing multi-agency enforcement:

Request written clarification whether the action is based upon:

- (a) Wetlands delineation under Chapter 373 and Rule 62-340
- (b) Local code enforcement under MDC Chapter 24
- (c) Zoning classification
- (d) Environmental condition evaluation standards governed by §403.182(11), F.S.

This forces statutory lane identification.

## **VIII. What HB 909 Provides**

HB 909 provides:

- Uniform statewide contamination standards
- Centralized authority at DEP
- Protection from locally invented contamination procedures
- Limitation on delegation of contamination standards
- Reduced risk of environmental liability expansion during ag conversion

It does not eliminate wetlands regulation.

It limits contamination escalation.