IMPORTANT NOTICE TO READERS

This document includes both primary source material and analytical commentary.

Scope, Purpose, and Limitations of This Document

This document is published as a **public-interest research, documentation, and analytical dossier** concerning land-use classification, environmental regulation, and administrative enforcement practices in Miami-Dade County, Florida.

This document:

- Is **not** a court filing
- Is **not** a legal pleading
- Is **not** a judicial or administrative finding of fact
- Is **not** a determination of liability, wrongdoing, or intent by any person or entity
- Does **not** constitute legal advice

---

1. Purpose of This Document

The purpose of this document is to:

- Preserve records
- Organize publicly available information
- Analyze administrative processes and institutional structures
- Identify areas that may warrant **further oversight, auditing, inspection, or judicial review**
- Provide educational and research material for journalists, policymakers, researchers, and the public

---

2. Nature of the Contents

This document contains:

- Public records
- Correspondence
- Filings and administrative documents
- Summaries and analytical explanations
- Process models and system-level interpretations
- Working research hypotheses

Some sections necessarily involve **interpretation, inference, and analytical opinion** based on the available record.

Readers are strongly encouraged to **review the original source documents** and reach their own independent conclusions.

Last updated: January 29, 2026

3. No Findings of Fact or Intent

Nothing in this document should be understood or interpreted as:

• An accusation of criminal conduct
• A finding of fraud, corruption, conspiracy, or illegality
• A determination of motive or intent
• A statement that any individual or agency has violated the law

All agencies, officials, and private parties referenced are **presumed to have acted lawfully and in good faith** unless and until a court of competent jurisdiction determines otherwise.

---

4. No Legal Advice

Nothing in this document:

• Creates an attorney-client relationship
• Constitutes legal advice
• Should be relied upon for legal decision-making

Anyone needing legal advice should consult a **licensed attorney of their own choosing**.

---

5. Good-Faith Research and Public-Interest Use

This document is published in **good faith** for purposes of:

• Transparency
• Public education
• Historical recordkeeping
• Oversight awareness
• Policy and institutional analysis

It is not published for purposes of harassment, defamation, or interference with any proceeding.

---

6. Reservation of Rights

The author expressly reserves all rights.

All factual disputes, legal interpretations, and jurisdictional questions are **properly for courts, inspectors, auditors, and lawful oversight bodies to determine**, not this document.

---

7. Reader Acknowledgment

By reading or using this document, the reader acknowledges that:

• This is an **informational and analytical research document only**
• It is **not a finding of fact or legal conclusion**
• The reader is responsible for their own evaluation of the source materials

---

End of Notice

Florida Whistleblower Act Disclosure – Systemic Flaw in Complaint Handling

Date: August 8, 2025

Submitted Under Authority of Chapter 112.3187, Florida Statutes (Whistleblower's Act)
This statute provides protections for individuals who disclose evidence of government waste, fraud, abuse, or misconduct to oversight bodies. By referencing it, this report is formally placed on legal record as a protected public interest disclosure.

NOTICE: This letter and all supporting evidence may be published in full at www.MiamiDade.watch and transmitted to public, legal, and press contacts without redaction.

Legal Reminder: Under §§112.3187–112.31895, Florida Statutes, any retaliatory action against a whistleblower is prohibited and subject to penalties. All agencies in receipt of this complaint are hereby placed on notice of their statutory obligations to protect whistleblowers from retaliation.

Public Records Preservation Demand: All agencies in receipt of this complaint are hereby instructed to immediately preserve and safeguard all records, communications, and documents—electronic or otherwise—relevant to the allegations herein. Destruction or alteration of such records may constitute a violation of Florida public records law and obstruction of justice.

Transparency Notice: This disclosure exposes a critical flaw in Florida's whistleblower process. At both local and state levels, including the Office of the Chief Inspector General (CIG), complaints are routinely redirected back to the very agencies accused of misconduct. On August 6, 2025, a detailed complaint regarding Miami-Dade County's Department of Environmental Resources Management (DERM) was submitted to the Florida CIG. In their formal response, they wrote:

> "After having had the opportunity to review your continued concerns… we are referring your additional information to the Inspectors General for the Department of Environmental Protection (DEP) and Miami-Dade County (MDC) for review of any issues that may fall within their jurisdiction…
> • DEP by calling (850) 245-3151 or emailing IG.Complaints@dep.state.fl.us
> • MDC by calling (305) 375-1946 or emailing mallery@miamidade.gov."

The CIG concluded by stating they consider the matter closed. This referral process undermines confidentiality, warns the accused agencies, and increases the risk of retaliation or evidence destruction —precisely the vulnerabilities the Whistleblower's Act was designed to prevent.

Connection to "DERM's Gravy Train" Evidence File: These procedural weaknesses are amplified by the investigative findings in *DERM's Gravy Train*, which documents patterns of financial self-interest, regulatory overreach, and procedural manipulation by DERM and associated entities. The fact that the CIG's office forwarded this whistleblower complaint directly to the same implicated agencies validates the systemic issues identified in that file and strengthens the case for urgent, independent oversight.

Key Findings and Action Summary – MOA No. MA-13-114

1. Scope and Limits

- The 1995 Memorandum of Agreement is the sole formal delegation from the Florida DEP and BOT to DERM.
- Delegation is strictly for **proprietary authority** over specific minor projects on sovereign submerged lands.
- It does **not** grant DERM independent regulatory wetlands jurisdiction.

2. Critical Oversight Provisions

- DEP retains control over policy, rule interpretation, and dispute resolution.
- Any party may terminate the MOA with 30 days' notice.
- DERM must provide annual compliance reports to DEP; failure to do so can void the agreement.

3. Evidence of Overreach

- DERM's enforcement actions against agricultural lands extend beyond the delegated authority.
- Such actions are **ultra vires** (beyond legal power) and open to legal challenge.

4. 1998 DEP Clarification

- DEP confirmed that only certain over-water vessel storage structures qualify under the MOA and only under specific conditions.

5. Recommended Actions

- Leverage MOA language and DEP correspondence to contest unlawful enforcement.
- Demand DEP audits for compliance with scope and reporting requirements.
- File legal actions challenging jurisdictional overreach.
- Advocate legislative reforms to reinforce delegation limits.

6. Call to Action

- Publicize these findings to inform lawmakers, media, and the public.
- Mobilize community members and directly affected individuals in coordinated advocacy and legal efforts.

7. Strategic Goal Alignment

This MOA analysis directly supports our broader whistleblower goals by providing a legally sound basis to challenge DERM's unauthorized actions, expose DEP's oversight gaps, and push for systemic reform. By clearly defining the limits of delegated authority and documenting violations, we create a factual and legal foundation for enforcement challenges, legislative advocacy, and public awareness campaigns that cannot be easily dismissed by the accused agencies.

Whistleblower Report – DERM Fraud, EEL Land Seizures, and Documented Criminal Misconduct in Miami-Dade

1 message

victor reyes <vreyes33196@gmail.com> Wed, Aug 6, 2025 at 11:48 PM
To: cig@eog.myflorida.com
Bcc: victor reyes <vreyes33196@gmail.com>

Submitted Under Authority of Chapter 112.3187, Florida Statutes (Whistleblower's Act) This statute provides protections for individuals who disclose evidence of government waste, fraud, abuse, or misconduct to oversight bodies. By referencing it, this report is formally placed on legal record as a protected public interest disclosure.

NOTICE: This letter and all supporting evidence may be published in full at www.MiamiDade.watch and transmitted to public, legal, and press contacts without redaction.

Dear Florida DOGE Team,

Please be advised that this is a formal Whistle-Blower complaint filed under Chapter 112.3187, Florida Statutes. It includes substantiated evidence of fraud, waste, misuse of public funds, and deliberate suppression of public records by Miami-Dade County agencies. I request prompt review and, where applicable, escalation to enforcement channels. This evidence may also be published publicly on www.MiamiDade.watch unless action is taken.

If your mission is to eliminate waste, fraud, and abuse in government, then the evidence you need is already public. The most egregious case in the state is unfolding in plain view: **Miami-Dade County's DERM and EEL land seizure operation**.

Start here:
Attachment: DERM's Gravy Train (Published July 24, 2025)
https://www.miamidade.watch/reports/DERMs_Gravy_Train.pdf

⚠ Key Findings:

- **Bogus wetland classifications** created using aerial photos, unverified plant lists, and fabricated narratives.
- **Illicit public funding** acquired through falsified restoration reports submitted to justify grants, acquisitions, and enforcement budgets.
- **Millions of dollars extorted** from agricultural landowners through unlawful enforcement actions.
- **EEL Program** purchases land at below-market prices from landowners threatened with fines and prosecution.
- **Public records requests ignored.** Affidavits, MODFLOW data, and hydrology logs were submitted, then suppressed.
- All of this is stored on DERM's **own public RER portal**. The fraud is documented, timestamped, and traceable.

🔷 The Systemic Failure:

- This isn't just about bad science. This is about public employees misusing their positions to commit fraud, obstruct justice, and destroy livelihoods. From environmental staff to legal counsel, record custodians to executive leadership—**every link in the chain must be held accountable**.
- **DERM writes the fake science** and enforces it.
- The **OIG refuses to investigate.**
- The **State Attorney's Office remains silent.**
- The **Clerk of the Courts blocks legal filings.**

- The **Mayor's Office rubber-stamps the abuse.**

So don't ask who's behind it all.
The County and the State of Florida. Corrupt agencies. That's right — you are.

If DOGE has any integrity, you will:

- Open a formal audit of DERM, EEL, and the County Clerk.
- Investigate grant fraud and unlawful land acquisition practices.
- Enforce penalties for agencies that suppress public records.
- **Issue criminal referrals for employees who falsified reports.**
- **Refer DERM enforcement officers for ethics violations and unlawful conduct.**
- **Cease all public funding to EEL until a fraud risk audit is completed.**

  This report may be used as part of future litigation, whistleblower filings, or formal criminal referrals to state and federal oversight agencies.

And if you're too afraid to act? Don't worry.
I'll do your job better than you ever will.

I have already:

- Published the documents.
- Tracked the funding.
- Collected affidavits.
- Modeled the groundwater.
- Built the case.

Now I'm giving DOGE the opportunity to prove it's more than political theater.
And if you want my help? **I will — but only if those responsible spend time helping me around the farm. That's where they'll learn what it means to earn an honest living, contribute to something real, and sweat for the first time in years. This is the only medicine I trust to treat their greed, arrogance, and detachment from the people they're supposed to serve.**

> *This message will be published publicly and shared with lawmakers, watchdogs, and the press. If DOGE wants to act privately, the window is closing.*

You have until August 20, 2025, to respond, investigate, or acknowledge. After that, this report will escalate to state and federal authorities, media outlets, and legal counsel.

Your move.

Respectfully,
Victor Reyes
Contributor – www.MiamiDade.watch
VReyes33196@gmail.com
Submitted August 6, 2025

DERMs_Gravy_Train.pdf
204K

RON DESANTIS
GOVERNOR

STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001
www.flgov.com
850-717-9418

August 8, 2025

Mr. Victor Reyes
vreyes33196@gmail.com

RE: Chief Inspector General Correspondence #2025-02-04-0014

Dear Mr. Reyes:

The Office of the Chief Inspector General received your additional information on August 6, 2025, in which you expressed concerns about the Miami-Dade County, Department of Environmental Resources Management (DERM).

Please understand that this office does not have jurisdiction over court or legal matters. The Florida Bar offers a Lawyer Referral Service which you may contact by calling toll-free at (800) 342-8011 or by submitting a request online at https://www.floridabar.org/public/lrs/. Florida Legal Services, Inc. also provides pro-bono legal services to those who qualify. You may find their contact information online at https://www.floridalegal.org/contact-us.

However, after having had the opportunity to review your continued concerns, by copy of this letter, we are referring your additional information to the Inspectors General for the Department of Environmental Protection (DEP) and Miami-Dade County (MDC) for review of any issues that may fall within their jurisdiction and action deemed appropriate. In the event you have any further questions, please contact the Inspectors General offices for:

- DEP by calling (850) 245-3151 or emailing IG.Complaints@dep.state.fl.us, or
- MDC by calling (305) 375-1946 or emailing mallery@miamidade.gov.

Thank you for bringing this matter to our attention. Based upon our review of the information you provided, we believe we have sufficiently referred your concerns to the appropriate entities and provided you with the appropriate contact information. Please be advised, our office considers this matter closed at this time.

Sincerely,

Office of the Chief Inspector General

cc: Candie Fuller, Inspector General
Felix Jimenez, Inspector General

DERM's Gravy Train
A Step-by-Step Breakdown of How Miami-Dade County Weaponizes Environmental Policy for Profit and Land Control
Date: *July 24, 2025*
Source: *www.MiamiDade.watch*

Introduction

This report exposes the abusive tactics, regulatory manipulation, and interagency collusion employed by the Miami-Dade County Division of Environmental Resources Management (DERM) to systematically seize land, silence dissent, and expand its funding pipeline—all under the false pretense of environmental protection.

Step 1: Declare a Wetland Without Scientific Basis

DERM routinely designates land as "wetland" based on outdated aerial imagery, misidentified or unverified plant species, and speculative field notes—often without ever conducting a site visit. Required elements such as real-time soil testing, hydrologic monitoring, and elevation surveys are routinely skipped. Although DERM cites Rule 62-340, Florida Administrative Code, the actual criteria—especially those relating to hydrology and soil indicators—are rarely applied as written. Established agricultural use is ignored, even when documented by tax records, USDA filings, and years of lawful operation.

Step 2: Biologist and Code Enforcer—Same Person, Two Roles, One Agenda

DERM allows the same employee to function simultaneously as both field biologist and code enforcement officer—an inherent and deeply flawed conflict of interest. In practice, the individual who authors the biological assessment is also the one who issues the citation. Under different job titles, the same person becomes the **scientist, investigator, accuser, and enforcer**—with no independent review or procedural safeguards.

This dual-role arrangement violates **basic principles of administrative fairness**, **Florida's Code of Ethics for Public Officers and Employees (§112.311–112.326, F.S.)**, and **best practices for regulatory integrity**. It undermines public trust and opens the door to abuse of authority.

One official may issue a Cease and Desist Order based on subjective or unverified field notes, then follow up with a formal citation enforcing their own findings. Supervisors routinely sign off without conducting independent evaluations, effectively rubber-stamping the misconduct rather than correcting it.

This setup has resulted in **multiple serious violations**, including:

- **Fabricated reports presented as official evidence**
- **Biological assessments issued without site access**

- **Cease and Desist Orders based on false or speculative data**
- **Lack of proper recusal or conflict disclosures as required by ethics law**

These are not isolated incidents—they form a **recurring pattern of abuse** driven by a system that prioritizes enforcement quotas and funding justification over truth, fairness, and legal compliance. This conduct may also violate provisions of the **Florida Administrative Procedure Act** and **the due process rights protected under the U.S. and Florida Constitutions.**

Step 3: Generate a False Inspection Report

DERM inspection reports are routinely compiled without scientific integrity or legal compliance. Instead of conducting site-specific evaluations as required under **Rule 62-340, Florida Administrative Code**, DERM relies on **fabricated imagery, speculative observations, and references to nearby properties** that bear no relevance to the actual parcel in question. Vegetation lists are cherry-picked, soil profiles are skipped, and no hydrologic testing is performed—**despite being explicitly required by law**.

This conduct violates multiple provisions of Florida law and professional standards, including:

- **Rule 62-340.300, F.A.C. –** which mandates site-specific analysis of hydrology, vegetation, and soils in determining wetland jurisdiction.
- **§120.57, Florida Statutes** (Administrative Procedure Act) **–** which guarantees due process and requires substantial, competent evidence for enforcement actions.
- **§112.313(6), Florida Statutes –** prohibiting public officers from using their official position to secure benefits through deceit or misrepresentation.
- **Florida Board of Professional Engineers and Environmental Professional Standards –** which require accuracy, objectivity, and avoidance of misrepresentation in official reporting.

By submitting false or unsupported reports as the foundation for enforcement, DERM may be engaged in **regulatory fraud, abuse of authority, and denial of due process rights**. These reports are not neutral scientific assessments—they are **predetermined narratives designed to trigger enforcement, support funding applications, and drive land acquisition schemes**.

The deliberate omission of hydrologic testing, soil boring, and on-site vegetation surveys—combined with the misuse of unrelated aerial imagery and adjacent parcels—undermines every principle of lawful regulation and environmental science. The result is a system in which false reports are weaponized against property owners, with no accountability for accuracy or legality.

Step 4: Declare a Wetland by Visual Guesswork – No Testing, No Science

On August 1, 2024, DERM issued and posted a Cease and Desist Order on the agricultural property located near **SW 205th Avenue in the Las Palmas Community**, without entering the land, collecting any field data, or notifying the trustee. The notice was based solely on **speculative observation**—likely

from the roadside—and was **recorded against the property title**, launching formal enforcement with no scientific justification.

There was no rain, no visible inundation, and no field activity occurring that day. Yet DERM initiated enforcement **without a wetland delineation**, and **without conducting the minimum requirements of Rule 62-340, Florida Administrative Code**, which mandates an on-site three-part test: **vegetation**, **soils**, and **hydrology** under **normal, unaltered conditions**.

No elevation map was prepared. No soil borings were taken. No hydrologic data or seasonal water table analysis was presented. DERM simply declared the presence of a wetland through **visual guesswork**, bypassing the scientific standards that protect landowners from arbitrary enforcement.

This conduct violates:

- **Rule 62-340.300, F.A.C. –** requiring objective and site-specific delineation methodology;
- **§163.3162 and §823.14, Florida Statutes –** shielding bona fide agricultural land from unsubstantiated environmental regulation;
- And **basic administrative due process**.

This was not science. It was a regulatory ambush designed to create a paper trail of presumed violations, pressuring landowners into compliance or surrender **without evidence, without process, and without jurisdiction**.

Step 5: Misleading Plant List Created After Enforcement – No Scientific Basis, No Site Integrity

After issuing a **Cease and Desist Order on August 1, 2024**, without performing any on-site hydrologic testing, soil borings, or formal delineation procedures, **DERM returned weeks later only after the landowner formally requested a Letter of Interpretation.** It was at that point—not before—that a so-called “wetland” plant species list was created.

During this return visit, DERM staff **photographed both the subject parcel and a neighboring lot**—a lot that DERM had previously ordered stripped down to **bare limestone caprock.** When questioned, DERM admitted these off-site images were used as justification because the parcel was “nearby,” confirming that **DERM relied on visual assumptions from a separate, altered property.**

Meanwhile:

- Over **90% of the subject property was and remains covered with potted nursery plants**, not naturally rooted vegetation.
- **No soil borings**, **no elevation survey**, and **no hydrologic measurements** were taken before or after the initial enforcement—despite legal requirements under **Rule 62-340, F.A.C.**
- DERM’s report lacked a **dated species inventory**, **GPS-tagged photographs**, or **baseline field data** required to support a wetland finding.

In response, the landowner submitted a **comprehensive scientific rebuttal**, referencing:

- The **USDA NRCS PLANTS Database**;
- The **U.S. Army Corps of Engineers' Technical Manual on Vegetation Delineation** (DTIC_ADA533785); and
- **Florida Wetland Plants: An Identification Manual** by Tobe et al. (FDEP, 1998).

Every species in DERM's list was:

- **Scientifically reidentified** by binomial (Latin) name and documented with dated site photos;
- **Cross-referenced** against official wetland classification manuals and indicator status tables; and
- Found to consist of upland, facultative, ornamental, or nursery-grown species inconsistent with wetland conditions.

Legal and Ethical Violations:

DERM's actions in this step violate multiple statutory and regulatory provisions:

1. **Rule 62-340.300(1)(a), F.A.C. –** Requires that hydrology be a primary indicator; no hydrologic testing was done.
2. **Rule 62-340.500(5), F.A.C. –** Prohibits reliance on vegetation alone without supporting hydrologic or soil indicators.
3. **§163.3162(4), Florida Statutes (Agricultural Lands and Practices Act) –** Prohibits local environmental regulation of bona fide agricultural lands without state or federal violation.
4. **§823.14, F.S. (Florida Right to Farm Act) –** Prohibits local enforcement that interferes with standard agricultural operations.
5. **§837.06, F.S. (False Official Statements) –** Potential violation if knowingly submitting false data in official agency reports.
6. **§838.022, F.S. (Official Misconduct) –** Criminal violation if public employees falsify, omit, or fabricate information to harm or deprive others of legal rights.
7. **Miami-Dade County Code of Ethics §§ 2-11.1(g), (h), (j) –** Violations for misuse of official position, failure to disclose conflicts of interest, and falsification of records.

Conclusion:

This was not scientific delineation. It was **a retroactive fabrication** used to justify enforcement that had already been initiated—despite the absence of jurisdiction, soil testing, or lawful evidence. When confronted with scientific rebuttals, DERM ignored them. The agency's actions not only undermine the legal intent of **Rule 62-340**, but also violate multiple provisions of state law and local ethics ordinances.

Step 6: Invent the Violation First, Justify It Later

In Miami-Dade County, **DERM does not investigate to determine whether a violation exists—it decides in advance that one does, then builds a post hoc justification.** The enforcement timeline is reversed: the **citation is issued first**, and the **evidence is manufactured afterward**. Cease and Desist Orders are posted with **no testing, no data, and no site-specific survey.**

Once enforcement begins, DERM staff **return to the property days or weeks later**—not to conduct an impartial assessment, but to **fabricate a retroactive record** that will later be presented as having preceded the enforcement. These after-the-fact reports often:

- Include **photos taken on adjacent properties**;
- Rely on **selectively identified plants** or **staged images**;
- Are undated or timestamped **after enforcement began**;
- Omit or ignore **contradictory field data** submitted by landowners;
- Lack **mandatory soil, elevation, and hydrologic criteria** per Rule 62-340, F.A.C.

These altered reports then become part of the **administrative file**, which is transmitted to County attorneys and later to the court. Judges, relying on the County's official record, are rarely aware that the entire factual basis for the case was created **after** enforcement began. **No neutral fact-finder** ever validates the original claim. Instead, the "legal record" is constructed **by the same agency bringing the charge**.

This process violates foundational principles of **due process**, including:

- The right to notice of the evidence against you;
- The right to confront and rebut claims made by the government;
- The right to an impartial hearing based on facts gathered in good faith.

Legal Violations and Misconduct:

1. **Rule 62-340, F.A.C. –** Requires technical determinations of wetlands be based on field-verified hydrology, soils, and vegetation—not retroactive photos or speculation.
2. **§120.57(1)(b), Florida Statutes –** Requires that material facts in administrative proceedings be based on **competent substantial evidence**.
3. **§119.07(1)(a), F.S. –** Mandates accurate public records; falsified or incomplete administrative records violate this requirement.
4. **§837.06, F.S. –** Criminal offense to knowingly make false official statements in documents intended for public or legal use.
5. **§838.022, F.S. –** Official Misconduct: knowingly falsifying records or altering dates to justify unlawful enforcement may constitute criminal conduct.

6. **Miami-Dade County Code of Ordinances § 2-11.1(g), (h), (j) –** Ethical violations for misuse of official position, falsification of records, and acts contrary to the public trust.

Conclusion:

This is not environmental protection. It is a **bureaucratic framing strategy**: issue the penalty first, then invent a scientific rationale later. The legal record becomes a tool of control, not truth. Once inside the courtroom, **the falsified timeline is nearly impossible to unwind**, especially for farmers and landowners without legal counsel.

This system does not tolerate rebuttal—it punishes it.

Step 7: DERMs Flip-Flop Defense – Classification vs. Delineation

When challenged, DERM claims no formal delineation was conducted—only a general classification. Yet when it serves their purpose, they flip the script and treat the property as if a full delineation under **Rule 62-340, F.A.C.** had been performed. The switch happens arbitrarily, often within the span of a single hour, depending on what justifies their next move.

This deliberate ambiguity is used to deflect legal responsibility while maintaining maximum enforcement pressure. By avoiding a formal delineation, DERM circumvents the procedural safeguards and scientific thresholds required by state law. At the same time, they impose fines, restrictions, and restoration demands as if their findings were final and legally binding. This tactic allows the agency to enforce without accountability—weaponizing uncertainty to deprive landowners of clear rights or remedies.

Step 8: Forward the Fraud to SFWMD to Escalate Enforcement

DERM transmits its fabricated enforcement reports directly to the **South Florida Water Management District (SFWMD)** to escalate regulatory action. Only DERM's narrative is shared—**landowner rebuttals, scientific counter-evidence, and procedural objections are excluded**.

SFWMD, despite having **full access to real-time hydrologic data through DBHydro and MODFLOW**, chooses to rely on DERM's false claims. Since **August 2024**, detailed water level reports, photos, and technical findings have been submitted by the landowner and made available to DERM—and by extension, to SFWMD. These reports directly contradict the wetland claims.

Yet SFWMD continues to act on **disproven assumptions**, escalating enforcement without verifying the evidence. This is not ignorance—it is **deliberate coordination**. A regulatory partner with the tools to uncover the truth has instead become **complicit in perpetuating the fraud**.

Step 9: Block Scientific Rebuttal and Suppress Public Records

DERM systematically blocks rebuttal evidence. File uploads vanish. Portals mysteriously stop working. Records are "lost" or denied. Farmers are stripped of the right to respond. Even after resubmitting data multiple times, DERM claims it never arrived. Transparency is deliberately sabotaged.

The DERM RER online portal presents a curated, one-sided record. All documents submitted by DERM staff appear clean, professionally formatted, and easy to access—often with detailed titles and timestamps. In contrast, landowner-submitted evidence is downgraded or digitally obscured: filenames are blank or garbled, formatting is corrupted, and many files are unviewable or unopenable. Publicly, the record appears complete, but in substance it is selectively edited.

This disparity is not a technical glitch—it is a calculated digital manipulation. By making DERM's narrative pristine while rendering the farmer's evidence visually impaired or inaccessible, the County creates a false appearance of credibility. This practice not only undermines fair adjudication, but also violates the **Florida Public Records Act (Chapter 119, F.S.)** and the spirit of **due process under the Fourteenth Amendment**.

A records system that silences one party while spotlighting another is not public transparency—it constitutes a deliberate distortion of the public record in favor of the prosecuting agency.

Step 10: Oversight Loop – Complaints Misrouted and Dismissed

When landowners submit formal complaints regarding DERM's conduct, they don't start an investigation—they trigger a bureaucratic evasion system.

- The **County Mayor's Office** assigns a tracking number, then refers the complaint to **Animal Services**, even when the issue involves environmental fraud and regulatory abuse.
- The **Office of the Inspector General (OIG)** receives detailed complaints supported by public documentation already available on the **MDC DERM RER online portal**—including state and federal protections like **HB 909**, the **Right to Farm Act**, and **Public Law 101-229**. Yet, instead of acting, OIG returns the matter to **DERM**, the accused party.
- The **Miami-Dade State Attorney's Office** remains silent, even after receiving full notice. No reply, no referral, no investigation—not even a courtesy response.

There is no need to resubmit evidence. It already exists in the County's own systems. Yet these oversight bodies refuse to act—creating a closed loop of denial, delay, and deflection.

This is not a breakdown in communication—it's **institutional obstruction**, shielding misconduct through intentional inaction.

Legal & Administrative Violations

- **§112.313(6), Florida Statutes – Misuse of Public Position**
  Knowingly ignoring, misrouting, or concealing valid complaints—especially when all evidence is already on file—may constitute abuse of office and willful neglect of duty.
- **§112.324, F.S. – Ethics Commission Jurisdiction**
  Failing to refer credible complaints for independent review or shielding misconduct violates the statutory duty to uphold public ethics and accountability.

- **Florida Constitution, Article I, §9 & U.S. Constitution, 14th Amendment – Due Process Rights**
  Blocking access to fair, impartial hearings or grievance procedures deprives landowners of fundamental constitutional protections under both state and federal law.
- **Chapter 119, Florida Statutes – Public Records Law**
  When agencies ignore, delay, or reroute complaints tied to existing public records—especially records they themselves maintain—they violate Florida's Sunshine Law and the principle of open government.

Step 11: Strip the Agricultural Exemption and Crush Financial Viability

In many cases, once DERM initiates enforcement—even without proving a valid wetland violation—a **chain reaction quietly begins**. The agency may notify the **Miami-Dade County Property Appraiser**, resulting in the **removal of the agricultural tax exemption**. This is often done **without verifying the facts**, without waiting for resolution, and **without notifying the landowner**.

No hearing. No appeal. Just a sudden reclassification—sometimes **retroactive**, inflating tax bills by thousands of dollars overnight. In cases where the land remains in active agricultural use, this removal is not only punitive but **legally unjustified**.

The result is **financial destabilization**. Even if the farmer continues lawful operations, the tax burden becomes unsustainable. The system is weaponized: **use taxation to break resistance**, and create conditions where landowners can no longer afford to hold their property.

Legal and Statutory Violations

- **§193.461, Florida Statutes – Agricultural Classification of Lands**
  Agricultural exemptions cannot be removed arbitrarily. Active, bona fide use must be evaluated fairly, not assumed void based on unrelated enforcement.
- **§163.3162, Florida Statutes (HB 909 – Agricultural Lands and Practices Act)**
  Local governments are barred from indirectly penalizing farming operations under the guise of environmental enforcement. Stripping exemptions as retaliation likely exceeds local authority.
- **Florida Constitution, Article VII, §4 – Uniform Taxation**
  Taxation must be applied equitably. Targeting farmers under enforcement without due process may violate constitutional protections.
- **42 U.S.C. §1983 – Civil Rights Act**
  Removing lawful exemptions without process or factual basis can constitute a deprivation of property rights under color of law—opening the door to federal liability.

Step 12: Coerced Sales Disguised as Conservation

DERM's enforcement strategy is designed to destroy land value through relentless citations, inflated tax assessments, and regulatory uncertainty. Once agricultural viability is crushed and the property is

devalued, the County offers a lifeline—**a buyout letter under the so-called "Willing Seller" program**.

But the offer is no rescue—it's a final insult. These purchase offers are **a fraction of fair market value**, calculated not on what the land is worth, but on what it has been reduced to after years of government-induced economic hardship. This is not environmental stewardship. It's **a rigged foreclosure process, orchestrated by the same agencies that caused the collapse.**

What begins as an enforcement action ends as a **land seizure by manipulation**. Productive farms are transformed into public land—not through eminent domain or compensation, but through **economic coercion masked as voluntary sale**.

This practice directly **violates the intent and statutory protections of Public Law 101-229—the Everglades National Park Protection and Expansion Act of 1989**. That law was created to guarantee that any land acquisition for restoration purposes be **voluntary, fair, and free from coercion**. It specifically protects communities like **Las Palmas**, which Congress intended to remain viable and intact.

Instead, **Miami-Dade County (through DERM) and the South Florida Water Management District (SFWMD)** have perverted the law's intent. They are using **federal restoration funds** to **pressure landowners under duress**, weaponizing policy to force "voluntary" sales that are anything but. What Congress envisioned as **consensual conservation** has been turned into **a calculated forfeiture program**—a land grab masquerading as environmentalism.

Step 13: Circuit Court – Theater of Control

By the time a case reaches Circuit Court, most farmers still believe they'll receive a fair hearing—that DERM is acting within lawful bounds, and that the judge will weigh the facts objectively. But the courtroom is not a check on DERM's power—it's the final stage of a process designed to legitimize it.

Judges are presented with **pre-assembled case files prepared by County attorneys**, built entirely on DERM's version of events. Key documents—many of them **factually inaccurate, procedurally flawed, or based on fabricated field reports—go unchallenged**. The landowner is overwhelmed by legal jargon, denied meaningful discovery, and restricted from introducing new evidence.

This is not a venue for truth—it's a **controlled environment where procedural traps and institutional bias favor the County**. No one explains the agency misconduct that built the case. No one questions how DERM's initial enforcement action originated. The burden quietly shifts to the landowner, who is forced to prove innocence against a record already rigged for conviction.

The outcome is predictable: **pressured settlements, coerced compliance, and the quiet forfeiture of property rights**. Landowners leave believing they lost on merit—when in reality, the system was never designed to give them a fair chance.

Step 14: Procedural Delay and Legal Entrapment by Design

DERM's enforcement system is **intentionally structured to entrap landowners** in a slow, opaque process that deprives them of fundamental due process protections. Once a violation is issued, **motions are routinely ignored**, **hearing dates are delayed without cause**, and **there is no guaranteed access to a neutral forum or timely review**.

This deliberate delay exerts **economic and psychological pressure**—particularly on farmers, whose operations depend on uninterrupted land access and regulatory clarity. The longer the delay, the greater the leverage DERM gains to extract settlements, enforce compliance, or compel forfeiture. This violates the basic constitutional guarantee that **"no person shall be deprived of life, liberty, or property, without due process of law."** (U.S. Const. amend. V; Fla. Const. art. I, § 9).

Administrative hearings are fully controlled by DERM. There is **no independent adjudicator**, **no automatic discovery rights**, and **no external oversight**. DERM staff act as **investigators, prosecutors, and hearing officials**—a structure that violates the principle of separation of functions required under **§ 120.57(1), Florida Statutes**, and **Florida Administrative Code Rule 28-106**, which call for impartial hearings in contested administrative proceedings.

As described in **Step 6** ("Invent the Violation First") and **Step 9** ("Block Scientific Rebuttal"), by the time the case reaches Circuit Court for appeal, the **"official record" has already been manufactured**—excluding contradictory evidence, rebuttals, or scientific corrections submitted by the landowner. Circuit Court review under **§ 120.68, F.S.** is limited to the existing administrative record, and **no new evidence may be introduced**, effectively cementing DERM's one-sided narrative as unchallengeable.

This procedural design does not merely fail to meet constitutional due process standards—it **weaponizes delay and control** to transform judicial review into a **rubber stamp**, granting the illusion of legal legitimacy to what is, in effect, bureaucratic coercion.

Step 15: Interagency Complicity and the Money Pipeline

DERM's enforcement actions do not occur in a vacuum. Other agencies benefit—and therefore comply. Each citation issued becomes a trigger for a cascading flow of funding and performance metrics across local, state, and federal levels. This includes:

- **Eligibility for federal and state environmental grants;**
- **Increased line-item budgets and staffing allocations;**
- **Performance-based incentives and interagency compliance quotas;**
- **Access to matching funds tied to enforcement statistics.**

The financial incentives are indirect but substantial. Promotions, guaranteed pension tracks, consulting contracts, and post-agency employment are awarded to those who maintain the enforcement machine. The Miami-Dade Property Appraiser meets tax revenue targets by reclassifying properties. County legal departments bill hours defending actions they know are procedurally defective. The South Florida

Water Management District (SFWMD) meets its enforcement goals, often using DERM's reports without independent verification.

This is not environmental stewardship—it is institutionalized profiteering through regulatory overreach.
The landowner becomes the involuntary donor to a bureaucratic revenue stream.

Step 16: Exposing the Gravy Train – The Only Way to Stop It

Want to stop DERM? Expose the financial motive:

- **More violations = Bigger budgets.** Every citation is logged and used to justify higher funding during budget cycles. More "activity" equals more cash.
- **More takedowns = Grant compliance.** Environmental enforcement is tied to federal/state grant terms. Every enforcement action helps check boxes on performance metrics.
- **More agency activity = Performance bonuses.** Agencies report their enforcement stats to justify bonuses, promotions, and new staffing.
- **More propaganda = Job security.** Public outreach campaigns and PR spins are funded to defend agency actions. The more the public buys into the myth, the safer the budget line.

Fabricated or procedurally invalid violations are not just regulatory overreach—they're the foundation of a financial racket. **Demand independent audits. Request public financial disclosures. File ethics complaints. This isn't environmental enforcement—it's organized theft disguised as policy.**

Step 17: The OIG – Watchdog or Cover-Up Unit?

The Miami-Dade Office of the Inspector General (OIG) presents itself as an independent watchdog—but in practice, it operates as a **protective barrier for County agencies**, not a mechanism for accountability. Complaints alleging serious misconduct are frequently **rerouted back to the very departments named in the complaint**, often without independent inquiry, response, or resolution.

Allegations supported by factual evidence are quietly closed, redirected, or dismissed without meaningful review. Rather than investigating misconduct, the OIG appears to function as an **internal damage control unit**, shielding the County from exposure and liability.

The public is led to believe that oversight exists. In reality, the system is **engineered to protect insiders, not the residents it claims to serve**.

STOP CORRUPTION:

Expose the abuse. Name the players. Follow the money. File public records requests. Document the fraud. Submit to legislators. Report to media. Show the world that behind every Cease and Desist is a paycheck—and behind every "wetland" is a land grab.

WHO MUST BE INVESTIGATED

This corruption machine will not dismantle itself. It operates with internal protection, external funding, and systemic complicity. Only thorough, independent investigations—by ethical auditors, whistleblowers, and legal watchdogs—can expose the full scale of abuse. The following agencies and actors must be immediately investigated:

- **DERM Directors and Field Biologists**
  Investigate the misuse of dual enforcement roles, the creation of false or misleading environmental reports, and repeated abuse of **Chapter 24 of the Miami-Dade County Code**. Scrutinize all employees who issue citations and simultaneously serve as fact witnesses.
- **Miami-Dade County Attorney's Office**
  Audit all legal filings where County Attorneys may have presented or defended knowingly false, incomplete, or retroactive enforcement records in administrative and judicial proceedings.
- **Miami-Dade Property Appraiser's Office**
  Examine how agricultural exemptions are systematically stripped following DERM enforcement—often without hearings, evidence, or notice—resulting in unlawful tax increases and economic coercion.
- **South Florida Water Management District (SFWMD)**
  Investigate the use of fabricated or unverified DERM reports in issuing enforcement actions, permit denials, or compliance referrals. Determine whether federal wetland protocols (e.g., **Rule 62-340, F.A.C.**) were bypassed in favor of DERM's unsupported claims.
- **Federal and State Grant Administrators**
  Conduct forensic audits of funding streams tied to local environmental enforcement metrics. Follow the money—especially where citations generate eligibility for performance-based grants, staffing budgets, or matching funds.
- **Miami-Dade Office of the Inspector General (OIG)**
  Investigate the OIG itself for procedural failures, willful blind-eye referrals back to DERM, and its pattern of dismissing or whitewashing citizen complaints despite credible evidence of wrongdoing.
- **Miami-Dade County Commission**
  Hold Commissioners accountable for approving annual DERM budgets, ignoring public complaints, and enabling continued abuse through willful neglect of oversight duties.
- **Environmental Grant Writers and Private Consultants**
  Investigate individuals and firms who profit from enforcement-driven funding, especially where they have worked on both policy drafting and post-enforcement grant procurement. Assess for conflicts of interest, collusion, and insider contracting.

This is your roadmap. This is your evidence. Use it to restore accountability.

Expose the Gravy Train. Burn the tracks.

Date: July 24, 2025
Prepared by: www.MiamiDade.watch

Legal Disclaimer

This report is provided for **informational and educational purposes only**. It is not intended as legal advice, nor does it establish an attorney-client relationship. Readers are encouraged to consult with a qualified attorney regarding any specific legal issues or questions.

The content reflects the **personal research, opinions, and experiences** of the author(s) and contributors. While every effort has been made to ensure the accuracy of the information presented, **no guarantee is made** regarding the completeness or current applicability of the material contained herein.

The names of public agencies and officials mentioned in this publication are included **for public accountability and transparency purposes** and do not imply misconduct unless otherwise substantiated by official findings.

MiamiDade.watch is an independent, non-governmental platform dedicated to public education, civic engagement, and lawful oversight of public agencies. Use of this material constitutes acceptance of these terms.

MEMORANDUM OF AGREEMENT

Among
Board of Trustees of the Internal Improvement Trust Fund,
Department of Environmental Protection
and
Metropolitan Dade County

Agreement No. MA-13-114

Article I

Whereas, both the Board of Trustees of the Internal Improvement Trust Fund (BOT), through the Department of Environmental Protection (DEP), and Metropolitan Dade County, through its Department of Environmental Resources Management (DERM), have jurisdiction over dredge and fill activities occurring within the boundaries of Dade County; and

Whereas, the jurisdiction of the Board of Trustees, through the DEP, is proprietary in nature, and the jurisdiction of Metropolitan Dade County, through DERM, is regulatory in nature; and

Whereas, implementation of these different jurisdictions has resulted in regulatory and proprietary programs that are to a significant degree overlapping; and

Whereas, the parties acknowledge that certain types of dredge and fill activities can be adequately reviewed by a single party; and

Whereas, the parties are striving to reduce the degree of overlap in their programs, thereby providing more efficient service to the public and allowing each party to focus limited staff and funding on other more pressing issues.

NOW, THEREFORE, the parties make this Memorandum of Agreement (MOA) in accordance with the purposes outlined above, and hereby agree as follows:

Article II

A. The Board of Trustees hereby:

1. Delegates to Metropolitan Dade County the authority to act as agent of the BOT to review, authorize, or deny those project types listed in Attachment A of this MOA, except for projects for which Metropolitan Dade County is the applicant or that are located contiguous to unbridged, undeveloped coastal islands as defined by sections 18-21.003(12), (13), (52), (53), and 18-21.004(1)(h), F.A.C.

B. The Department of Environmental Protection, through its Bureau of Submerged Lands and Environmental Resources (BSLER), agrees to do as follows:

1. Provide DERM with updates to the Operations and Procedures Manual as they are issued.

2. Include DERM in all applicable BSLER training programs.

3. Provide policy and rule guidance to DERM staff as necessary to ensure consistency with BOT and DEP policy and procedures.

4. Assume the lead role in modifying this MOA as necessary.

C. Metropolitan Dade County, through its Department of Environmental Resources Management (DERM), agrees to do as follows:

1. Apply chapters 18-18, 18-20, and 18-21, F.A.C., to all project types listed in Attachment A of this MOA.

2. Apply the BSLER Operations and Procedures Manual to all aspects of application processing associated with those project types listed in Attachment A of this MOA.

3. Participate in BSLER training sponsored by DEP as determined necessary by DEP.

4. Forward the original files for those project types listed in Attachment A of this MOA to the DEP's Division of State Lands' public records center within 30 days of agency action.

5. Provide to BSLER an annual report in accordance with the report matrix of Attachment B of this MOA. Failure to comply with these reporting requirements may result in termination of the agreement.

Article III

A. The delegations set forth in Attachment A of this MOA are not applicable to a specific application for a request to use sovereign submerged lands under chapters 18-18, 18-20, or 18-21, F.A.C., where one or more members of the BOT, or DEP or DERM staff, determines that such application is reasonably expected to result in a heightened public concern, because of its potential effect on the environment, natural resources, or controversial nature or location.

B. Should disagreements arise regarding requests to use sovereign, submerged land or should interpretation of rules be necessary, such disagreements or interpretation shall be resolved by the DEP Bureau of Submerged Lands and Environmental Resources.

C. This agreement shall become effective upon execution by the parties and upon DERM staff completing proprietary program training provided by the DEP within 90 days of execution.

Article IV

A. This agreement may be modified by mutual consent of the parties.

B. This agreement may be terminated by any party by providing a 30-day written notice to another party by certified U.S. mail at the following addresses:

B. This agreement may be terminated by any party by providing a 30-day written notice to another party by certified U.S. mail at the following addresses:

Dade County/ DERM: Metropolitan Dade County
Department of Environmental Resources Management
33 S.W. 2nd Avenue
Miami, FL 33130-1540

BOT: The Board of Trustees of the Internal Improvement Trust Fund
The Capitol
Tallahassee, FL 32399

DEP: Department of Environmental Protection
Bureau of Submerged Lands and Environmental Resources
2600 Blair Stone Road, MS 2505
Tallahassee, FL 32399-2400

Article V

A The Chief of BSLER is hereby designated as the official representative of the BOT and DEP on matters relating to this agreement.

B. The Director of Dade County's Department of Environmental Resources Management is hereby designated as the official representative of Metropolitan Dade County on matters relating to this agreement.

In Witness Whereof, this Memorandum of Agreement has been executed by the undersigned duly authorized parties on April 5th, 1996

METROPOLITAN DADE COUNTY

By: _____
ARMANDO VIDAL, P.E.
COUNTY MANAGER

By: _____
Harvey Ruvin, Clerk

DADE COUNTY COMMISSIONERS FLORIDA

Approved as to Form and Legality:

_____
County Attorney

DEPARTMENT OF ENVIRONMENTAL PROTECTION, BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, STATE OF FLORIDA

By: _____
Virginia B. Wetherell
Secretary, DEP

Approved as to Form and Legality:

_____
Assistant General Counsel, DEP

ATTACHMENT A

The MOA Applies to the Following Project Types
Located in Dade County
and Not Contiguous to an
Unbridged, Undeveloped Coastal Island

1. Installation and repair of private residential single-family docks that meet the requirements of Section 403.813(2)(b), F.S. A private residential single-family dock means a dock associated with a detached residence.

2. Installation and repair of private residential single-family boat ramps that meet the requirements of Section 403.813(2)(c), F.S. A private residential single-family boat ramp means a ramp associated with a detached residence.

3. Repair or replacement of existing docks that meet the requirements of Section 403.813(2)(d), F.S.

4. Repair or replacement of existing seawalls, revetments, or bulkheads that meet the requirements of Section 403.813(2)(e), F.S.

5. Maintenance dredging projects that meet the requirements of Section 403.813(2)(f), F.S., where the dredged material will be used for public purposes on public land or has no economic value as determined by Section 18-21.011(3)(c), F.A.C.

6. Repair or replacement of existing functional pipes or culverts, the purpose of which is the discharge of stormwater, that meet the requirements of Section 403.813(2)(h), F.S.

7. Installation of aids to navigation and associated buoys that meet the requirements of Section 403.813(2)(k), F.S.

ATTACHMENT B

ANNUAL REPORT

to the Department of Environmental Protection

Submitted by:

Metropolitan Dade County
Department of Environmental Resources Management
Susan Markley, Chief
Natural Resources Division

ATTACHMENT B

ANNUAL REPORT

Metropolitan Dade County
Department of Environmental Resources Management

PROJECT CLASSIFICATION	NUMBER OF APPLICATIONS	NUMBER OF APPROVALS	NUMBER OF DENIALS

Period beginning _____ and ending _____. Certified

this _____day of _____, 19____, by

_____
Susan Markley, Chief
DERM, Natural Resources Division

Department of
Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

May 27, 1998

Craig K. Grossenbacher, Chief
Coastal Resources Section
Metropolitan Dade County
Environmental Resources Management
33 S.W. 2nd Avenue, Suite 400
Miami, FL 33130-1540

RE: Memorandum of Agreement (MA-13-114)
Board of Trustees, DEP, and Metropolitan Dade County
Regarding proprietary authorizations for minor projects on sovereign submerged lands

Dear Mr. Grossenbacher:

I am in receipt of your May 8, 1998, letter to Larry O'Donnell of the DEP Southeast District Office in West Palm Beach regarding the above-referenced Memorandum of Agreement (MOA). You are requesting clarification from DEP on whether the approval of structures designed for the over-water storage of vessels is consistent with the MOA.

I concur that the activities listed and described in your May 8, 1998, letter (Exhibit A) are consistent with the scope of the MOA and, therefore, are within the authority delegated from the Board of Trustees to the County to issue proprietary authorizations for those activities. [The Board of Trustees approved the MOA on December 12, 1995. A copy of the MOA and the original Board certification are attached (Exhibit B).]

This letter and your May 8 letter shall be attached to the original MOA. If I can be of any further assistance, please do not hesitate to contact me at 850/921-9870 or Suncom 291-9870.

Sincerely,

P.M. C

Phil Coram, Chief
Bureau of Submerged Lands and Environmental Resources

PC/vj
Attachments
cc: Susan Markley, Joanne Clingerman, Dade Co. DERM
Larry O'Donnell, Leonard Nero, Jim Stoutamire, Valerie Jones, Bob Gough, Michael Ashey, Charles Knight, DEP

METROPOLITAN DADE COUNTY, FLORIDA

Exhibit A

ENVIRONMENTAL RESOURCES MANAGEMENT
33 S.W. 2nd AVENUE
MIAMI, FLORIDA 33130-1540
(305) 372-6789

May 8, 1998

Mr. Larry O'Donnell, Environmental Manager
Florida Department of Environmental Protection
400 N. Congress Avenue
West Palm Beach, FL 33401

Re: Memorandum of Agreement regarding proprietary authorizations for minor projects on state lands

Dear Mr. O'Donnell:

Please consider this letter as a follow-up to our recent conversation regarding the aforementioned Memorandum of Agreement (MOA) between the state and the county for proprietary authorization for minor projects on state lands. The Department is seeking clarification on whether or not the approval of structures designed for the over water storage of vessels is consistent with the MOA. It was my understanding that FDEP agreed that a formal modification of the MOA is not necessary and that the county has the authority to issue proprietary authorization for the following projects:

I. The installation and repair of private residential single-family boat lifts, elevators, hydrohoists, davits and davit pads or other similar structures designed for the over water storage of vessels that meet the requirements of F.S. 403.813 provided the following criteria are met:

The structure(s):

shall not involve the dredging of filling other than piling installation

shall not substantially impede the flow of water or create a navigational hazard

- shall be used only for recreational, noncommercial activities associated with the mooring or storage of boats (including personal water craft)

- shall not facilitate the mooring or storage of more than two (2) vessels per dock

II. The repair or replacement of existing boat lifts, elevators, hydrohoists, davits and davit pads or other similar structures designed for the over water storage of vessels other than single family detached residences that meet the requirements of F.S. 403.813 provided the following criteria are met:

proprietary authorization from the State of Florida shall exist for the structure that is to be repaired or replaced

- the lift, elevator, davits and davit pads or similar mounting structures shall be repaired or replaced in the same location and configuration as the structure being replaced

- no fill material shall be used other than for the replacement of the existing piles

Please review this letter and indicate FDEP's concurrence by signing on the line below and returning the enclosed copy of this letter to us. The Department intends to attach a copy of this letter to the original MOA.

Please contact me if you have any questions or comments at (305) 372-6575.

Sincerely,

Craig K. Grossenbacher, Chief
Coastal Resources Section

Florida Department of Environmental Protection concurs with the above.

Larry O'Donnell, Environmental Manager — Date
Florida Department of Environmental Protection

Department of
Environmental Protection

Exhibit B

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

STATE OF FLORIDA

COUNTY OF LEON

CERTIFICATE

I, Judy Brooks, do hereby certify that the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, met on December 12, 1995 and approved the following Item 4 on the agenda for that date.

Item 4 Metropolitan Dade County/DERP Memorandum of Agreement

REQUEST: Authority to enter into a memorandum of agreement (MOA) with Metropolitan Dade County regarding minor activities that qualify for an exemption or a letter of consent.

COUNTY: Dade

APPLICANT: Division of Environmental Resource Permitting

STAFF REMARKS: Because of local government rules that require applicants to obtain proprietary authorizations before issuance of a local permit, delays have occurred in the approval process for certain minor activities.

Staff of the Department of Environmental Protection (DEP) and Dade County's Department of Environmental Resources Management (DERM) have identified a list of activities, the processing of which can be expedited without weakening environmental protection (see Attachment A of the proposed MOA). All of the projects listed in Attachment A are statutorily exempt from regulatory permitting at the state level and are either administratively exempt from proprietary review or require a routine proprietary letter of consent. The applicant will apply to DERM, and, if authorized by DERM, the appropriate exemption letter or letter of consent from the Board of Trustees will be attached to the local permit. The proposed process will not diminish environmental protection because DERM staff currently conducts site assessments for all of these minor activities.

Staff believes that the proposed process for project types listed in Attachment A of the MOA responds to the goals of eliminating duplication and reducing processing time with the additional benefit of site inspections. This list was developed after recognizing that DEP staff essentially approves the same projects as does the staff of DERM. The only apparent difference is the time lapse between authorizations. Since DEP staff will no longer review the listed activities, the net effect will be a slight reduction in workload for DEP Southeast District staff, no increase in workload for DERM staff, and reduced processing times for applicants.

The MOA is being presented for approval so that, upon approval by Metropolitan Dade County, it may be implemented immediately without returning to the Board of Trustees. This approval is sought to allow the Secretary of DEP to sign the MOA. If Metropolitan Dade County requests any substantial change, it will be brought back to the Board of Trustees for consideration.

RECOMMEND APPROVAL

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Board of Trustees of the Internal Improvement Trust Fund's seal on this 13th day of December A.D., 1995.

Judy A. Brooks
Cabinet Affairs Director

SEAL