

FORMAL NOTICE AND POSITION STATEMENT

Regarding SFWMD Enforcement Closure and Reservation of Rights

Property: Folio No. 30-5815-000-0795

Trust: LA CABAÑA LIVING LAND TRUST

Trustee: ADRI MARC S.A.

Last updated: January 29, 2026

IMPORTANT NOTICE AND LIMITATION OF SCOPE

This document is a **formal position statement, notice, and reservation of rights** issued by the Trustee and beneficiaries of the LA CABAÑA LIVING LAND TRUST concerning regulatory and enforcement matters related to the above-referenced property.

This document:

- Is **not** a court filing
- Is **not** a judicial or administrative determination
- Is **not** a finding of fact by any tribunal or oversight body
- Does **not** constitute a final legal adjudication of any issue
- Does **not** constitute legal advice to any third party

Nature of This Document

This document reflects:

- The Trust's **factual assertions, legal positions, and dispute posture**
- The Trust's **interpretation of agency correspondence, records, and events**
- The Trust's **notice of claims, objections, and reservation of rights**

It is **not** a ruling, judgment, or finding by any court, agency, or independent authority.

No Findings or Determinations of Liability

Nothing in this document should be interpreted as:

- A judicial finding of wrongdoing
- A binding determination of liability or misconduct

- A criminal or civil adjudication
- A statement that any individual or agency has been legally determined to have violated the law

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

Adversarial and Disputed Context

This document is written in the context of an **active and disputed regulatory and legal conflict** and necessarily reflects:

- The Trust's perspective
- The Trust's legal and factual positions
- The Trust's interpretation of events and records

Other parties may **disagree in whole or in part** with the statements contained herein.

No Reliance by Third Parties

This document:

- Is **not** intended to be relied upon by third parties as legal advice
- Is **not** a substitute for independent legal counsel
- Should **not** be used as the basis for legal, financial, or business decisions by others

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

Good-Faith Notice and Record Preservation

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

- Preserving the Trust's position and record
- Providing notice of dispute and claims
- Documenting the Trust's understanding of events
- Supporting lawful oversight, review, and adjudication

Reservation of Rights

The Trustee and beneficiaries **expressly reserve all rights, claims, and remedies**, whether known or unknown, in law or in equity.

All ultimate determinations of fact, law, liability, or remedy are **properly for courts and competent authorities**, not this document.

Formal Notification of SFWMD Enforcement Closure and Reservation of Legal Rights

To Whom It May Concern:

This letter serves as formal notice that the South Florida Water Management District (SFWMD) has officially **closed the enforcement case** concerning the property located at **Folio No. 30-5815-000-0795**. The decision, as confirmed in a written letter dated **July 21, 2025**, establishes that **SFWMD no longer asserts any regulatory violation or jurisdictional enforcement** against the subject property.

This closure is significant for the following reasons:

1. **Primary Regulatory Jurisdiction** – SFWMD is the delegated state agency responsible for Environmental Resource Permitting (ERP) under Chapter 373, Florida Statutes, and Rule 62-330, F.A.C. Their decision to close the case nullifies any claim by subordinate local agencies.
2. **Absence of Violations** – The closure confirms there is no evidence of unlawful fill, wetland impact, or unauthorized activity. This contradicts and invalidates any ongoing narrative previously promoted by Miami-Dade County's Department of Environmental Resources Management (DERM).
3. **Federal Preemption & Delegation Doctrine** – No federal agency (e.g., USACE, EPA) has identified violations or intervened. SFWMD's final disposition reinforces that no higher regulatory concern exists, thereby stripping DERM of legal standing.
4. **Violation of State Law by DERM** – DERM's continued enforcement efforts violate:
 - §163.3162, F.S. (Agricultural Lands and Practices Act);
 - §823.14, F.S. (Florida Right to Farm Act);
 - HB 909 (2022–2023), which restricts environmental enforcement on agricultural lands by local governments;
 - Rule 62-340, F.A.C. (Florida Wetland Delineation Standards);
 - §112.313(6), F.S. (Misuse of Public Position);
 - §837.06 and §838.022, F.S. (False Reports and Official Misconduct);
 - Florida Constitution, Art. I, §9 (Due Process Clause);
 - U.S. Constitution, 14th Amendment (Equal Protection and Due Process);
 - Miami-Dade County Code of Ethics §§ 2-11.1(g), (h), (j).
5. **DERM Employee Misconduct** – Enforcement on this property was initiated and sustained by DERM employees who:
 - Posted Cease & Desist notices **without site entry, soil borings, hydrology, or vegetation survey**—a fact not denied or refuted by DERM in any formal document or agency response;
 - Used **off-site images from neighboring parcels** to justify claims;

- Created a **retroactive species list** only after enforcement began;
- Ignored a formal Letter of Interpretation request and instead escalated enforcement;
- Blocked or misrepresented scientific rebuttals submitted via the DERM portal;
- Relied on **ambiguous terminology** (e.g., "alleged" vs. "confirmed" wetlands) without conducting a formal delineation.

6. **Economic Harm & Property Rights Suppression** – While the property continues to maintain its **agricultural exemption**, DERM's actions have caused significant reputational harm, tenant disruption, and potential devaluation of the land. The improper enforcement has chilled lawful agricultural operations, triggered unnecessary legal costs, and risked future compliance issues despite the absence of jurisdiction.

7. **Public Records Suppression & Transparency Failures** – The DERM RER portal shows a pattern of selective document presentation, where staff-uploaded materials—such as citations, enforcement letters, and photographs—are displayed prominently and consistently, while landowner-submitted documents, including rebuttals and scientific data, are either omitted, corrupted, or inconsistently listed. DERM's uploads are:

- Clean, clear, and prominently displayed;
- Landowner rebuttals are obscured, corrupted, or not viewable.

Separate from the portal manipulation, multiple formal complaints about DERM's conduct were submitted to the Miami-Dade Office of the Inspector General (OIG). These complaints included evidence of misconduct, jurisdictional overreach, and record suppression. Rather than investigating independently, **OIG returned the complaints to DERM—the very agency under scrutiny—without action or transparency**, undermining public trust in the oversight process.

8. **DERM's Enforcement is Now Nullified** – The official closure letter from SFWMD, dated July 21, 2025 (Enforcement Case No. 23523), confirms that "SFWMD is no longer pursuing enforcement action" against the subject property. This determination was based on a complete review of the submitted materials and an internal conclusion that no regulatory violations occurred. Consequently, **DERM has no remaining basis—scientific, legal, or jurisdictional—to continue enforcement proceedings**. Any further action would lack legal foundation and may constitute abuse of power, exposing county staff to liability under state and federal law. – With the SFWMD case officially closed, **DERM has no legal, scientific, or regulatory basis to continue any enforcement** or to assert that a wetland violation exists. Any continued action by DERM is arbitrary, capricious, and actionable.

9. **Misrepresentation of Unrelated Properties** – DERM has previously used photographic and regulatory evidence from neighboring parcels—**such as Folio No. 30-5815-000-1610 adjacent parcel, not the subject property** —to support enforcement. This practice is deceptive and violates due process. The subject property, **Folio No. 30-5815-000-0795**, must be evaluated on its own merits, not by visual approximation.

RESERVATION OF RIGHTS:

The Trustee and Beneficiaries of the LA CABAÑA LIVING LAND TRUST hereby reserve **all legal rights and remedies**, including but not limited to:

- Immediate relief under the Florida and U.S. Constitutions;
- A pending **Bert J. Harris Act** claim for regulatory takings;
- Filing for **injunctive relief** or **declaratory judgment** to stop further illegal enforcement;
- **Federal civil rights claims** under 42 U.S.C. § 1983;
- **Referral to the U.S. Department of Justice and FBI** for civil rights violations and misuse of federal funds;
- Pursuit of **compensatory and punitive damages** in state or federal court.

This document will be entered into the public record, published at www.MiamiDade.Watch, and delivered to all relevant agencies and public officials.

Signed,
ADRI MARC S.A., Trustee
LA CABAÑA LIVING LAND TRUST
July 25, 2025



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 21, 2025

Adri Marc S.A., Successor Trustee
The Cabana Living Land Trust
8901 SW 157 AVE 16 167
Miami, FL 33196

**Subject: The Cabana Living Land Trust Property
Closure of Enforcement Case
Enforcement Case No. 23523
Folio No. 3058150000795
Miami-Dade County**

Dear Mr. Marc:

As discussed with South Florida Water Management District (District) staff and Victor Reyes on July 16, 2025, the above referenced enforcement case is hereby closed.

If you have any questions or require additional assistance, please contact Gabriela Munoz at 561-682-2329 or via email at gamunoz@sfwmd.gov.

Sincerely,

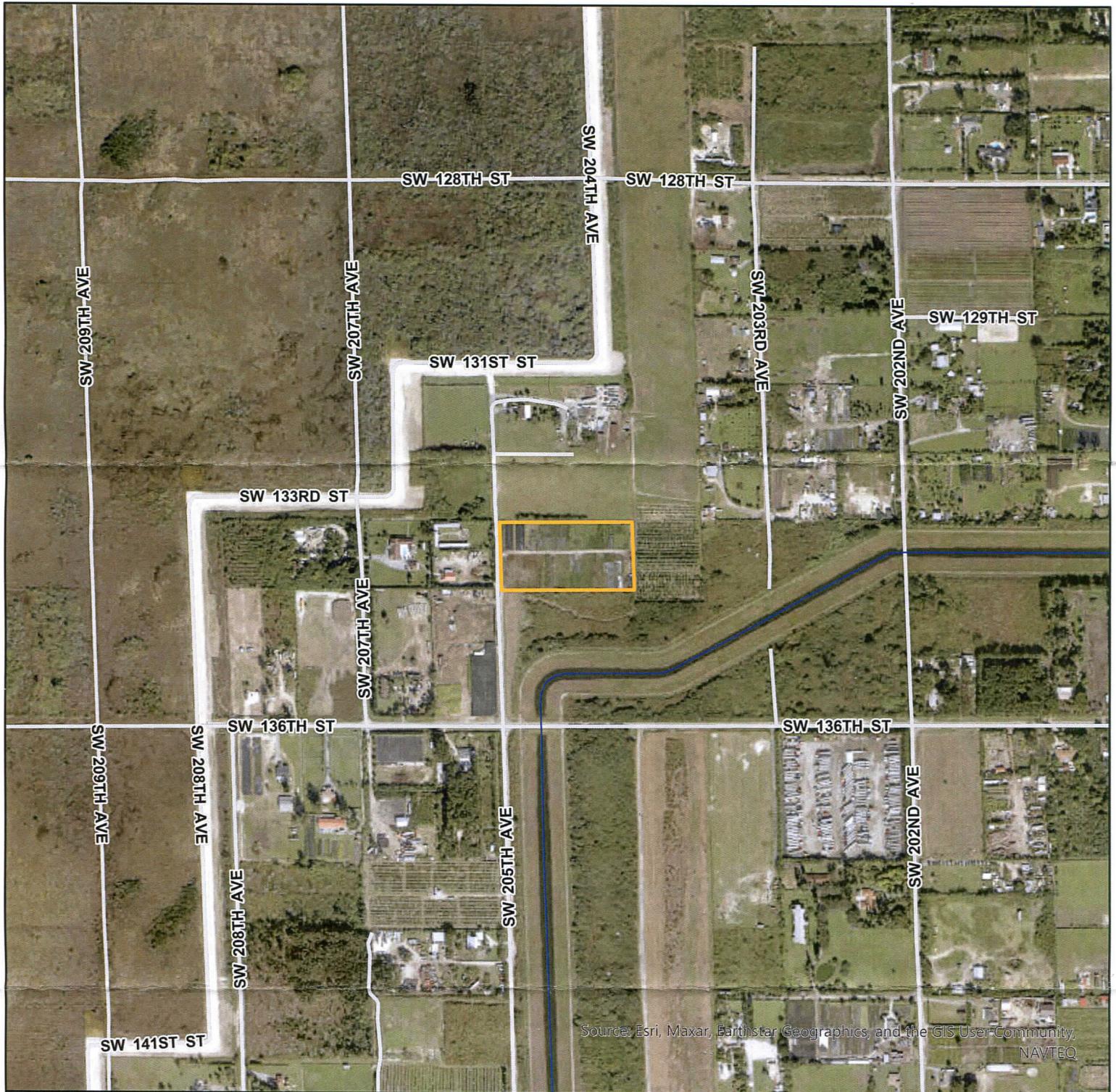
A handwritten signature in blue ink that reads "Gabriela Munoz".

Gabriela Munoz
Environmental Analyst 3

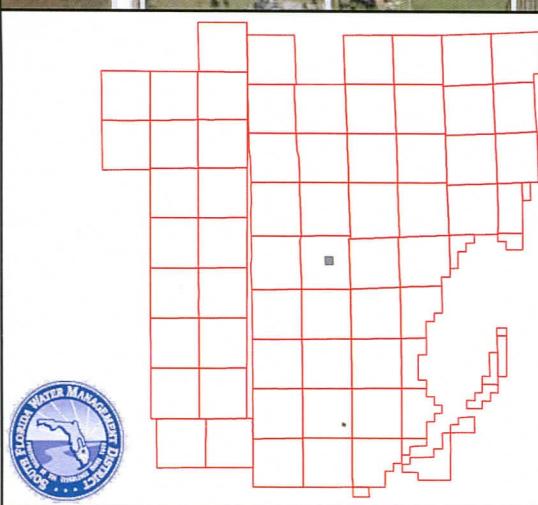
eEnclosures: Location Map ([23523_LocMap_20250613.pdf](#))

c: Victor Reyes (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 23523



Sources: Esri, Maxar, Barthélémy Geographics, and the GIS User Community.
NAVTEQ



Application

MIAMI-DADE COUNTY, FLORIDA

N

Cost Code: 23523

Application No.:

Permit No:

Project Name: La Cabana Living Land Trust
Property



Map Date: 2025-06-13

0.3
Miles

Exhibit A: Location Map



FT MYERS FL 339
23 JUL 2025 AM 1 L

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT
Fort Myers Service Center
2301 McGregor Boulevard
Fort Myers, Florida 33901

Adri Marc S.A., Successor Trustee
The Cabana Living Land Trust
8901 SW 157 AVE 16 167
Miami, FL 33196

33196-115816