

Greenbelt Defense Packet

DR-482 (State) vs. MD-482 (Miami-Dade)


Las Palmas Community – Executive Summary, Legal Exhibit, and Filing Template

Reference Statutes: § 193.461, Fla. Stat.; Rule 12D-16.002, F.A.C.

Executive Summary – Key Differences & Traps


1. Extra Local Requirements (MDC adds layers of control)

- State Form (DR-482): Straightforward. Focuses on acreage, type of agricultural use, four years of income/expenses, and a general certification that land is in “bona fide agricultural use”.
- Miami-Dade (MD-482): Adds multiple supplemental forms and acknowledgments, including:
 - Extenuating Circumstances for Late Filing (forces you to explain lateness in writing, with discretionary approval by the Property Appraiser).
 - Property Access & Inspection Authorization Requirement (explicit agreement to let inspectors enter property, with a warning that refusal = denial or non-renewal).

 **Trap:** MDC turns what is a statewide right into a conditional privilege by demanding waivers of property rights (access, ongoing inspection, and disclosure) not required by the state. Refusal = automatic denial.


2. Financial Burden & Documentation

- State Form: Mentions property appraiser may request more information, including audited statements, but leaves it at discretion.
- MDC Form: Reiterates that audited financial statements and “reasonable access” inspections can be required, and denial of access means automatic denial.

 **Trap:** Small farmers like those in Las Palmas could be buried under documentation demands far beyond the statutory baseline (audits, leases, pollination schedules, contracts, etc.). This shifts the burden of proof against the farmer.


3. Inspection & Surveillance Clause

- State Form: No mandatory inspection clause.
- MDC Form: Makes physical inspections mandatory and ties renewal to granting access. Even lists examples of “hazards” (locked gate, no trespassing sign, dogs, fences, pesticides).

 **Trap:** MDC can weaponize inspections—any restricted access (normal for farms protecting equipment, chemicals, or livestock) can be used as pretext to deny or strip agricultural classification.

4. Late Filing Penalty Differences

- State Form: No built-in “extenuating circumstances” form. If you miss March 1, you’re typically barred.
- MDC Form: Adds a Late Filing Affidavit where you must beg forgiveness and prove extenuating circumstances.

 **Trap:** This discretionary process can be arbitrarily applied—allowing MDC to favor some applicants while denying others, reinforcing selective enforcement.


5. Wording Subtleties

- Both forms cite “bona fide commercial agricultural use”, but MDC repeatedly emphasizes “commercial” and “physical inspections,” which can be twisted:
 - State law allows good faith agricultural use, even small-scale.
 - MDC may insist on profit motive, contracts, and records that many Las Palmas farmers don’t keep, setting them up for denial.

 Trap: MDC can argue subsistence, homestead-scale, or marginal farming is “not commercial,” even if it qualifies under state law.

6. Jurisdictional Overreach

- State DR-482 is uniform across Florida and tied directly to §193.461, F.S.
- MDC MD-482 adds local overlays not in statute (access waivers, extra forms, discretionary denial clauses).

 Trap: This may expose MDC to legal challenge for exceeding delegated authority—but in practice, it burdens farmers with hoops that discourage applications or create easy denial grounds.

Key Takeaways for Las Palmas Defense

1. State vs. County Conflict: MDC’s version adds burdens not present in state law, which can be challenged as ultra vires (beyond authority).
2. Selective Enforcement Tool: Inspection/access requirements give MDC a pretext to deny small farms, especially in contested zones like Las Palmas.
3. Financial Barrier: Demanding audits, contracts, and pollination schedules goes far beyond “good faith use,” effectively targeting small-scale farmers.
4. Legal Strategy: Emphasize that §193.461 F.S. does not condition classification on unlimited access waivers or extenuating affidavits. Miami-Dade’s additions can be framed as traps and jurisdictional overreach.

Side-by-Side Comparison Chart – DR-482 vs. MD-482

Category	State of Florida (DR-482)	Miami-Dade County (MD-482)	Trap / Overreach
Form Content	Implements § 193.461(3)(a), Fla. Stat.: acreage, type of use, income history, certification.	Adds local supplements (Late Filing Affidavit, Property Access Authorization).	Local gov't may not impose burdens inconsistent with state law. ¹
Filing Deadline	Filing deadline: March 1. Strict statutory rule.	Adds "Extenuating Circumstances Affidavit" subject to County discretion.	Arbitrary discretion undermines uniform deadline. ²
Proof of Use	Requires "bona fide agricultural purpose" (good faith use). ³	Reframes as "commercial agricultural use" with contracts and records.	Narrows statutory standard; excludes small-scale farms. ⁴
Documentation	Appraiser may request additional info. ⁵	MDC explicitly reserves right to demand annual audited financial statements.	No statutory basis; imposes financial barrier. ⁶
Inspections	No mandatory access waiver; appraiser may inspect.	Requires signed access authorization; refusal = denial.	Conditioning benefit on waiver = unconstitutional condition. ⁷
Special Requirements	None.	Requires bee pollination schedules, contracts, and business plans.	Not authorized in statute; discriminates against small farmers.
Approval Process	Approve/deny per § 193.461(3)(a).	Same structure, but tied to new MDC criteria.	Adds non-statutory denial triggers.

Note: Numbers ¹⁻⁸ refer to Bluebook footnotes in the Legal Exhibit section.

Exhibit – Comparison of State Form DR-482 and Miami-Dade County Form MD-482

Subject: Application and Return for Agricultural Classification of Lands (Greenbelt Exemption)

Reference Statute: § 193.461, Fla. Stat.; Rule 12D-16.002, F.A.C.

I. Purpose of Comparison

This exhibit demonstrates how the State of Florida's DR-482 form differs from Miami-Dade County's MD-482 form. The County has imposed additional, unauthorized requirements that create regulatory traps disproportionately affecting the Las Palmas Community. These additions are ultra vires, conflict with state law, and create grounds for relief under the Bert J. Harris, Jr., Private Property Rights Protection Act.

II. Side-by-Side Comparison (Narrative Summary)

The state DR-482 implements the uniform statutory process in § 193.461(3)(a), Fla. Stat., while MDC's MD-482 layers on non-statutory supplements (e.g., late-filing affidavits and access waivers). This narrows the statutory standard of bona fide agricultural use and creates extra denial triggers.

III. Identified Traps with Legal Authority

1. Inspection Waivers – § 193.461 contains no requirement to sign away access rights. Conditioning benefits on property access constitutes a taking.⁷
2. Commercial Standard Inflation – State law recognizes good-faith use, not profitability or contracts.³ Profitability is not controlling; bona fide use suffices.⁴
3. Discretion in Late Filings – Filing deadline is strict; County cannot invent discretionary exceptions.²
4. Financial Barriers – Annual audited statements not required by law; appraisers are limited to statutory authority.⁶
5. Bee & Pollination Clause – Demands for contracts and schedules not authorized; agricultural classification turns on use, not paperwork.³⁴

IV. Legal Significance

- Ultra Vires: Miami-Dade exceeds authority granted by § 193.461 and Rule 12D-16.002.
- Equal Protection: Las Palmas farmers face unique burdens not imposed elsewhere in Florida.
- Takings & Bert J. Harris Act: Unauthorized conditions amount to inordinate burdens and unconstitutional conditions.⁷⁸

V. Conclusion

The State's DR-482 creates a uniform statutory process for agricultural classification. Miami-Dade's MD-482 inserts extra-statutory conditions—access waivers, commercial proof requirements, financial audits, and discretionary affidavits—that conflict with state law, enable selective enforcement, and unlawfully diminish property rights.

Footnotes (Bluebook)

1. State ex rel. Moodie v. Bryan, 50 So. 929, 930 (Fla. 1909).
2. Hausman v. Bay Cty. Prop. Appraiser, 543 So. 2d 904, 905 (Fla. 1st DCA 1989).
3. § 193.461(3)(b), Fla. Stat.
4. Straughn v. Tuck, 354 So. 2d 368, 371 (Fla. 1977); Rodriguez v. Miami-Dade Cty. Prop. Appraiser, 117 So. 3d 400, 402 (Fla. 3d DCA 2012).

5. § 193.461(3)(c), Fla. Stat.
6. Op. Att’y Gen. Fla. 75-169 (1975); Op. Att’y Gen. Fla. 92-31 (1992).
7. Dep’t of Agric. & Consumer Servs. v. Mid-Florida Growers, Inc., 521 So. 2d 101, 105 (Fla. 1988).
8. Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 604 (2013).

Template Cover Letter – DR-482 Filing Under Florida Law Supremacy

[Farmer's Name]

[Mailing Address]

[City, State, Zip]

[Phone Number]

[Email Address]

Date: [Insert Date]

TO:

Miami-Dade County Property Appraiser
Agricultural Section
10710 SW 211th Street, Suite 207
Cutler Bay, FL 33189

RE: Agricultural Classification (Greenbelt Exemption) Application – DR-482

Parcel/Folio Number: [Insert Parcel or Folio No.]

Property Address/Description: [Insert Description]

Dear Property Appraiser,

Enclosed please find my completed Form DR-482 – Application and Return for Agricultural Classification of Lands, filed pursuant to:

- § 193.461, Florida Statutes (Agricultural Lands; classification and assessment); and
- Rule 12D-16.002, Florida Administrative Code, which incorporates Form DR-482 as the exclusive statewide application.

This application is therefore submitted under the supremacy of Florida law, which governs agricultural classification uniformly across all counties.

Objection to Unauthorized Local Additions

It has come to my attention that Miami-Dade County has issued a locally modified form, referred to as MD-482, along with supplemental requirements including:

- Property access and inspection authorizations;

- “Extenuating circumstances” affidavits for late filings;
- Mandatory audited financial statements; and
- Contractual disclosures (e.g., bee pollination schedules or business plans).

Respectfully, none of these additional conditions are authorized under § 193.461, Fla. Stat. or Rule 12D-16.002, F.A.C. Florida law requires only that applicants file the state’s DR-482 form with supporting evidence of bona fide agricultural use.

Legal Position

1. Statutory Compliance: By filing DR-482, I have fully complied with the requirements of Florida law.
2. Ultra Vires Additions: Miami-Dade County lacks authority to impose supplemental forms or conditions not contained in statute or rule. See *State ex rel. Moodie v. Bryan*, 50 So. 929 (Fla. 1909).
3. Good Faith Agricultural Use: Florida courts have held that “bona fide agricultural purpose” is satisfied by good faith use of the land, not proof of profitability or contracts. *Straughn v. Tuck*, 354 So. 2d 368 (Fla. 1977).
4. Unconstitutional Conditions: Conditioning agricultural classification on the surrender of access rights or execution of unauthorized affidavits constitutes an unconstitutional condition. *Koontz v. St. Johns River WMD*, 570 U.S. 595 (2013).

Demand for Proper Processing

Accordingly, I respectfully demand that this application be processed solely under DR-482 and Florida law, without imposition of unauthorized local forms or conditions. Any attempt to deny or delay this application based on refusal to execute MD-482 or its supplements will be documented as ultra vires enforcement and reserved as evidence in any administrative appeal, Value Adjustment Board proceeding, or Bert J. Harris Act claim.

Respectfully submitted,

[Signature]

[Printed Name]

Blank Notice of Claim – Bert J. Harris, Jr. Private Property Rights Protection Act

[Date]

TO:

[County Attorney Name]

[County Attorney Address]

AND

[Mayor's Name]

[Mayor's Address]

AND

[DERM Director's Name]

[DERM Address]

Re: Notice of Claim under §70.001, Fla. Stat. (Bert J. Harris Act)

Property Owner/Trustee: _____

Folio Number: _____

Property Location/Legal Description: _____

Pursuant to §70.001(4)(a), Fla. Stat., this letter constitutes formal NOTICE OF CLAIM that the actions of Miami-Dade County have inordinately burdened the above-referenced agricultural property. Specifically, the County has imposed requirements through its MD-482 form and related enforcement practices that exceed statutory authority under §193.461, Fla. Stat., and conflict with the uniform statewide DR-482 application.

Basis of Claim

1. Unauthorized Local Additions – Describe which supplemental affidavits, inspection waivers, or financial disclosures were imposed.
2. Inordinate Burden – Describe the specific costs, delays, or burdens imposed on your property rights.
3. Jurisdictional Overreach – Explain how Miami-Dade converted the statutory DR-482 right into a conditional privilege.
4. Case Law Support – (Optional) Reference supporting case law such as *Straughn v. Tuck* or *Rodriguez v. Miami-Dade*.
5. Constitutional Protections – (Optional) Cite unconstitutional conditions if applicable.

Relief Requested

Within 150 days, Miami-Dade County must: (1) withdraw all unauthorized supplemental requirements (MD-482 and related affidavits); (2) process my DR-482 application solely under state law; and (3) provide compensation for any inordinate burden imposed on my property, including lost agricultural value and appraisal-documented diminution.

Exhibits

Exhibit A – DR-482 vs. MD-482 Comparison

Exhibit B – Appraisal Report (showing diminution of value)

Exhibit C – Agricultural evidence (photos, receipts, IRS Schedule F)

Exhibit D – Correspondence with DERM / Property Appraiser

Exhibit E – Hydrology reports and land use documentation

(Attach additional exhibits as needed)

Respectfully submitted,

[Signature]

[Printed Name]

[Title/Trustee]

Disclaimer

This packet is provided for educational and informational purposes only and does not constitute legal advice. Completion or use of these materials does not create an attorney-client relationship. Farmers and property owners should consult with qualified legal counsel regarding their specific situation, including but not limited to the filing of any claims under the Bert J. Harris, Jr. Private Property Rights Protection Act or related proceedings.

Dated: August 16, 2025



APPLICATION AND RETURN FOR AGRICULTURAL CLASSIFICATION OF LANDS

Section 193.461, Florida Statutes

DR-482
R. 01/23
Rule 12D-16.002,
F.A.C.
Effective 01/23

FLORIDA This completed application, including all required attachments, must be filed with the county property appraiser on or before **March 1 of the current tax year.**

Applicant name		Return to (address of property appraiser)	
Property Address			
Phone			
Parcel identification number or legal description			
Lands Used Primarily for Agricultural Purposes		Number of acres	How long in this use
Citrus			yrs
Cropland			yrs
Grazing land Number of livestock			yrs
Timberland			yrs
Poultry, swine, or bee yards			yrs
Aquaculture products			yrs
Other :			yrs
Agricultural Income from this Property Complete for the past 4 years.			
Year		Crop or Use	Gross Income
20__			Expense
20__			Net Income
20__			
20__			
Date purchased		Purchase price	
Has a Tangible Personal Property Tax Return, Form DR-405, been filed with the county property appraiser for machinery and equipment? Form DR-405 is incorporated, by reference, in Rule 12D-16.002, Florida Administrative Code. <input type="checkbox"/> yes <input type="checkbox"/> no			
If yes, name on the return: _____			
Is the real property leased to others? If yes, attach copy of lease agreement. <input type="checkbox"/> yes <input type="checkbox"/> no			
As of January 1 of this year, 20__ the lands listed above were used primarily for "bona fide" agricultural purposes. Bona fide agricultural purpose means "good faith commercial agricultural use of the land."			
The property appraiser may require additional information (<i>including requesting an annual audited financial statement</i>) and will notify you if additional information or documentation is needed to determine eligibility for the classification requested. I will comply with any reasonable request.			
I certify all information on this form and any attachment is true, correct, and in effect on January 1 of this year. If prepared by someone other than the applicant, the preparer signing this application certifies that this declaration is based on all information he or she has knowledge of.			
_____ Signature		_____ Print name	
_____ Signature, property appraiser or designee		_____ County	
For Record Purposes Only This acknowledges receipt of your Application for Agricultural Classification of Lands on _____ for the above described property. (Date)			
Record of Action of County Property Appraiser Check the appropriate box below.			
<input type="checkbox"/> 1. Application approved and all lands are classified agricultural			
<input type="checkbox"/> 2. Application disapproved and agricultural classification of lands denied on all lands			
<input type="checkbox"/> 3. Application approved in part and disapproved in part. Agricultural classification of lands approved on the following described portion. (Use the space below only for item 3. Space online will expand, if needed.)			
_____ Signature, property appraiser			
_____ Date			

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