

SAMPLE:

ADRI MARC S.A., Trustee – Bert J. Harris Claim (\$2) and Federal Preemption Notice

TO: Miami-Dade County Attorney's Office

CC: Director Lisa Spadafina, Division of Environmental Resources Management (DERM)

CC: Mayor Daniella Levine Cava, Miami-Dade County

CC: U.S. Army Corps of Engineers (USACE)

CC: National Park Service (NPS)

FROM: ADRI MARC S.A., as Trustee for the LA CABAÑA LIVING LAND TRUST

DATE: July 14, 2025

SUBJECT: **Formal Bert J. Harris Claim and Notice of Federal Preemption – Inordinate Burden on Private Property Rights**

Property: Folio No. 30-5815-000-0795 (15 55 38 4.81 AC M/L S1/2 OF NE1/4 OF SW1/4 OF SW1/4 LESS W25FT FOR R/W OR 16425-4368 0794 1)

Sent via Certified Mail – Return Receipt Requested

FORMAL DEMAND AND FEDERAL PREEMPTION NOTICE

This urgent legal notice is filed pursuant to §70.001, Florida Statutes (Bert J. Harris, Jr., Private Property Rights Protection Act), and the U.S. Constitution's Supremacy Clause to demand the immediate cessation of unlawful regulatory actions by Miami-Dade County DERM and SFWMD. These actions undermine federal law, devalue property, and coerce landowners in the 8.5 Square Mile Area (SMA). This notice preserves the rights of ADRI MARC S.A., as Trustee for the LA CABAÑA LIVING LAND TRUST, and the broader Las Palmas Community, even at a nominal claim amount of \$2, underscoring the priority of protecting private property rights.

We further notify USACE and NPS that local agencies are acting ultra vires, contrary to federal laws and agreements, and request immediate federal oversight.

LEGAL BASIS FOR RELIEF

The Bert J. Harris Act provides:

"When a specific action of a governmental entity inordinately burdens an existing use of real property or a vested right to a specific use of real property, the property owner is entitled to relief..." (§70.001(1), F.S.)

DERM and SFWMD have imposed an inordinate burden through regulatory actions that conflict with:

- **Public Law 101-229 (Everglades National Park Protection and Expansion Act of 1989)**
- **Public Law 108-7 (Omnibus Appropriations Act of 2003)**
- **CRS Report RS21331 (Congressional Research Service, 2005)**

- **2022 CEPP Environmental Assessment (USACE)**

These Congressional mandates explicitly prohibit coercive tactics and require all acquisitions within the 8.5 SMA to be voluntary and fully compensated.

FEDERAL PREEMPTION & SUPREMACY CLAUSE

Under the U.S. Constitution's Supremacy Clause (*McCulloch v. Maryland*, 17 U.S. 316 (1819)), any local or state action conflicting with federal statutes is null and void. DERM and SFWMD actions:

- Violate federal jurisdictional boundaries.
- Impose regulatory takings without just compensation (*Nollan, Lucas*).
- Circumvent the Savings Clause of WRDA 2000.

USACE and NPS are requested to suspend federal funding or approvals that enable local agencies to bypass federal protections.

SPECIFIC VIOLATIONS

Local agencies have:

- Misclassified agricultural land as wetlands without scientific basis.
- Imposed Cease and Desist Orders and Class IV permit demands outside jurisdiction.
- Leveraged EEL Program acquisitions via coercive devaluation.

This violates:

- **Final Executed 2016 Florida MOA**
 - **2020 Memorandum of Agreement (USACE/FDEP)**
 - **SPGP VI (2021)**
 - **SFWMD Operating Agreements (1998, 2007)**
 - **Wetland MOU (2006)**
 - **DERM's Limited Proprietary Authority (1995 MOA MA-13-114)**
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FEDERAL AGENCY ROLE & OBLIGATIONS

USACE and NPS must:

- Enforce Congressional mandates protecting 8.5 SMA residents.
- Prevent unauthorized regulatory action.

- Uphold property rights guaranteed by P.L. 101-229 and P.L. 108-7.

DAMAGES & RESERVATION OF RIGHTS

The ongoing actions of DERM and SFWMD have caused economic harm including:

- Loss of agricultural income.
- Market value devaluation.
- Legal and consulting expenses.

Clarification

We reserve the right to supplement this nominal claim with a full damages claim exceeding **\$150 million**, representing inordinate burdens imposed.

The \$150M is a placeholder narrative.

FORMAL RELIEF SOUGHT

We demand:

Under the Bert J. Harris Act, damages are limited to the actual loss in fair market value, proven by appraisal.

For a 5-acre parcel in Las Palmas, that means comparing its appraised value to the same 5 acres in areas such as Homestead or the Redlands, and calculating the difference caused by the County's restrictions.

1. Immediate cessation of all enforcement actions by DERM and SFWMD.
2. Written confirmation within 10 days that jurisdictional limits will be observed.
3. Federal intervention by USACE and NPS to enforce compliance.
4. Suspension of any actions conflicting with:
 - P.L. 101-229
 - P.L. 108-7
 - CRS Report RS21331
 - WRDA 2000 Savings Clause

Failure to comply will result in litigation and referral to Congress and federal oversight agencies.

CONCLUSION

DERM and SFWMD actions violate federal supremacy, constitutional protections, and Congressional intent. This notice demands full withdrawal of unlawful enforcement and federal agency coordination.

We respectfully request written confirmation of compliance within **10 calendar days**.

This correspondence does not waive any legal rights or remedies. All rights are expressly reserved.

ADRI MARC S.A.

Trustee for the LA CABAÑA LIVING LAND TRUST

By: _____

Authorized Representative

LEGAL DISCLAIMER

This document is submitted **without prejudice** and **under protest**. It is expressly provided for the purpose of preserving the rights and interests of the property owner(s) and/or trustee(s) pursuant to the **Bert J. Harris, Jr. Private Property Rights Protection Act** (Section 70.001, Florida Statutes), and **shall not be construed as a waiver of any jurisdictional objections, defenses, or legal rights** arising under state or federal law.

By submitting this claim, the property owner(s) and/or trustee(s) expressly **reserve all rights to challenge the legal authority, jurisdiction, and actions of the governmental entity(ies)** involved, including but not limited to objections based on:

- The Agricultural Lands and Practices Act (§163.3162, F.S.),
- The Florida Right to Farm Act (§823.14, F.S.),
- The Florida Greenbelt Law (§193.461, F.S.),
- Federal preemption under the Supremacy Clause of the U.S. Constitution, and
- Any other applicable statutory, constitutional, or common law protections.

This submission is made **solely to toll any applicable deadlines** and to preserve statutory remedies available under the Bert J. Harris Act. It **does not constitute an admission of liability, jurisdiction, or enforcement authority** by any governmental entity, and no inference of such admission shall be drawn from the filing of this claim.

The property owner(s) and/or trustee(s) further reserve all rights to pursue additional legal or equitable remedies in any appropriate forum.



Instructions for Serving Documents by Mail

1. Prepare the Document:

- Ensure the document is complete, signed, and dated.
- Include all supporting exhibits or attachments.
- Make at least **two copies**: one to mail, one for your records.

2. Select the Mailing Method:

- Use **Certified Mail with Return Receipt Requested (USPS Form 3811)** to get proof of delivery.
- Alternatively, for added security, use **USPS Priority Mail Express** or a private courier (FedEx, UPS) with signature confirmation.

3. Address the Envelope Correctly:

- Write the full name and title of the recipient (e.g., “Director, Miami-Dade County DERM”).
- Include the complete official mailing address.
(Example: *RERPublicRecords@miamidade.gov* – or physical mailing address if required)

4. **Include a Certificate of Service (Optional but Recommended):**

- Add a statement at the end of your document like:

“I hereby certify that a true and correct copy of this document was served by Certified Mail on [Date] to [Recipient Name and Address].”
- Sign and date this certification.

5. **Mail the Document:**

- Take the envelope to the post office.
- Request Certified Mail with Return Receipt.
(Keep the USPS receipt and tracking number.)

6. **Track and Confirm Delivery:**

- Monitor USPS tracking to confirm delivery.
- When the green return receipt (Form 3811) comes back, file it with your copy of the served document.

7. **Document Your Service:**

- Keep a copy of:
 - The sent document.
 - USPS receipt and tracking info.
 - Return receipt or proof of delivery.

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