

RETURN OF SERVICE

STATUTORY NOTICE WITH ATTACHMENTS

Case Number: N/A

Claimant:
ADRI MARC S.A., as Trustee for the LA CABANA LIVING LAND TRUST,



FIS2025006320

For:
Victor R. Reyes (Pro-Se)

Received by Lazaro Ordaz on the 31st day of July, 2025 at 11:45 am to be served on **Gerri Bonzon-Keenan, County Attorney Miami-Dade County Attorney's Office, 111 NW 1st Street, Suite 2810, Miami, FL 33128.**

I, Lazaro Ordaz, do hereby affirm that on the **31st day of July, 2025 at 1:30 pm, I:**

served a **PUBLIC AGENCY** by delivering a true copy of the **STATUTORY NOTICE WITH ATTACHMENTS** with the date and hour of service endorsed thereon by me, to: **Stephanie Kowalcuk as Mayor's aide for Gerri Bonzon-Keenan, County Attorney Miami-Dade County Attorney's Office** at the address of: **111 NW 1st Street, Suite 2900, Miami, FL 33128** and informing said person of the contents therein.

Additional Information pertaining to this Service:

The attorney's office was empty. No one was at the front desk. There was a phone number posted. Server called and was told Gerri Bonzon-Keenan was not available. Server was advised to drop off the notice in the mayor's office on the 29th floor.

Description of Person Served: Age: 25, Sex: F, Race/Skin Color: White, Height: 5'5", Weight: 170, Hair: Black, Glasses: N

Under penalties of perjury, I swear or affirm, pursuant to Fla. Stat. § 92.525 that I have read the foregoing and the facts stated there are true. I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the county in which service was made.

Affidavit of Legal Notice and Service – Example Document

This affidavit is provided as a template and proof of lawful service to be used by farmers, landowners, and trustees defending their property rights against unlawful or unjust environmental enforcement by Miami-Dade County.

This is just one of three separate affidavits that should be prepared and served individually—one for each agency listed below. Do not skip any. Serving all three is critical for preserving your rights.



Lazaro Ordaz
CPS#2319

Professional Process Servers
800 W. Cypress Creek Rd
Suite 390
Fort Lauderdale, FL 33309
(954) 566-2523

Our Job Serial Number: FIS-2025006320

Disclaimer:

This document is provided for informational purposes only. It is not legal advice. All landowners are responsible for doing their own due diligence and consulting qualified counsel to protect their rights. Laws and procedures may change. Use of this template does not guarantee any legal outcome.

SAME DAY RUSH

DELIVERED	07/31/2025 01:30 PM
SERVER	LO
LICENSE	CPS#2319

Statutory Notice

Bert J. Harris Act Claim Served Pursuant to §70.001, Florida Statutes

Date of Service: July 31, 2025

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

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

Legal Description: (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)

Served To:

- **Lisa Spadafina**, Director
Department of Environmental Resources Management (DERM)
Regulatory and Economic Resources Department (RER)
Miami-Dade County
701 NW 1st Court, 4th Floor
Miami, FL 33136

Miami-Dade County Attorney's Office
111 NW 1st Street, Suite 2810
Miami, FL 33128

- **Mayor Daniella Levine Cava**, Mayor
Miami-Dade County Mayor's Office
111 NW 1st Street, 29th Floor
Miami, FL 33128

Who Was Served and Why:

Lisa Spadafina, Director
Miami-Dade County DERM (Division of Environmental Resources Management)

Why: She is directly responsible for wetland enforcement actions against agricultural landowners. This service ensures DERM cannot claim ignorance of the legal notice, and places them on formal record under Florida Statutes.

Geri Bonzon-Keenan, County Attorney
Miami-Dade County Attorney's Office

Why: The County Attorney is the legal gatekeeper for all county government actions. By law, statutory claims must be served to the County Attorney in order to preserve your right to seek compensation under the Bert J. Harris Private Property Rights Protection Act (§70.001, F.S.).

Mayor Daniella Levine Cava, Mayor
Miami-Dade County

Why: The Mayor oversees executive operations and land acquisition programs. Serving the Mayor ensures full transparency and top-level knowledge of landowner legal objections and demands.

Notice:

This document constitutes a formal **statutory claim** under the **Bert J. Harris, Jr., Private Property Rights Protection Act**, as authorized by **§70.001, Florida Statutes**.

It is being **re-served via licensed process server** to ensure compliance with all notice requirements under Florida law.

Receipt of this claim triggers statutory deadlines and legal obligations.

Please retain this document for legal and administrative purposes.

Important Notes for Landowners:

Each affidavit must be served separately, with its own page, attachments, and proof of service

Do not combine the three deliveries into a single envelope or service attempt

Use a process server or certified mail with return receipt to establish official delivery

Keep copies of the affidavit and delivery confirmation for your records

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

TO:

Lisa Spadafina, Director

Department of Environmental Resources Management (DERM)

Regulatory and Economic Resources Department (RER)

Miami-Dade County

701 NW 1st Court, 4th Floor

Miami, FL 33136

Geri Bonzon-Keenan, County Attorney

Miami-Dade County Attorney's Office

111 NW 1st Street, Suite 2810

Miami, FL 33128

Mayor Daniella Levine Cava

Miami-Dade County Mayor's Office

111 NW 1st Street, 29th Floor

Miami, FL 33128

Why This Process Matters

Prevents agencies from claiming ignorance of your objections

Preserves your right to seek compensation under Florida law

Creates a record of resistance and non-consent if DERM continues illegal enforcement

Action Steps:

Customize this affidavit with your own name, property folio number, and documents

Prepare three copies — one for each agency above

Serve each agency separately and keep proof

FROM:

ADRI MARC S.A., as Trustee

on behalf of LA CABAÑA LIVING LAND TRUST

8901 SW 157 Ave, #16-167

Miami, FL 33196

DATE: July 31, 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)

FORMAL DEMAND AND FEDERAL PREEMPTION NOTICE

This urgent legal notice is submitted pursuant to **§70.001, Florida Statutes (Bert J. Harris, Jr., Private Property Rights Protection Act)** and the **U.S. Constitution's Supremacy Clause**, demanding the immediate cessation of unlawful regulatory actions by **Miami-Dade County DERM** and **SFWMD**. These actions violate federal law, devalue private property, and coerce landowners in the **8.5 Square Mile Area (Las Palmas Community)**.

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 statutes and agreements, and request immediate federal oversight.

LEGAL BASIS FOR RELIEF

The **Bert J. Harris, Jr., Private Property Rights Protection 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.)

In addition to §70.001, F.S., the property is protected from local and regional overreach by the following statutory and constitutional provisions:

- **§163.3162, F.S. (Agricultural Lands and Practices Act):** Preempts county and municipal regulation of bona fide agricultural operations.
- **§823.14, F.S. (Florida Right to Farm Act):** Protects agricultural operations from nuisance claims and improper regulatory interference.
- **Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013):** Expands regulatory takings doctrine to include monetary exactions as conditions of land-use approvals.

PARALLEL ARGUMENT: KOONTZ AND LAS PALMAS COMMUNITY

In **Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013)**, the U.S. Supreme Court held that:

“Extortionate demands for property in the land-use permitting context run afoul of the Takings Clause... because they impermissibly burden the right not to have property taken without just compensation.” (Koontz, 570 U.S. at 607)

The Court extended the *Nollan/Dolan* standard of **essential nexus** and **rough proportionality** to monetary exactions and permit denials that coercively impose financial burdens on landowners.

Here, DERM and SFWMD’s actions impose even greater and more far-reaching burdens than those in Koontz:

Factor	Koontz	Las Palmas Community
Property Size	~15 acres (mostly wetlands)	~4.81 acres (subject folio) + entire 8.5 SMA community (~8,500 acres)
Type of Regulatory Action	Permit denial conditioned on costly offsite improvements	Cease & Desist Orders, Class IV permit demands, regulatory coercion, property devaluation
Monetary Impact	~\$376,000 award post-remand	>\$150 million cumulative damages (market value losses, legal fees, agricultural income disruption)
Duration of Burden	Short-term permit denial	Multi-decade pattern of enforcement and economic suppression
Scope of Impact	Single landowner	Entire community of agricultural property owners

This demonstrates that the claimed damages exceeding \$150 million are proportionate and justified under the same constitutional principles.

FEDERAL PREEMPTION AND SUPREMACY CLAUSE

DERM and SFWMD's actions directly conflict with federal law, including:

- **P.L. 101-229 (Everglades National Park Protection and Expansion Act of 1989)**
- **P.L. 108-7 (Omnibus Appropriations Act of 2003)**
- **CRS Report RS21331 (Congressional Research Service, 2005)**
- **2022 CEPP Environmental Assessment (USACE)**

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

- Exceed federal jurisdictional boundaries.
- Constitute unconstitutional takings without just compensation (*Nollan, Lucas, Koontz*).
- Circumvent the **Savings Clause of WRDA 2000**, which preserves private property rights within Everglades restoration projects.

We therefore request that **USACE and NPS suspend federal funding or approvals enabling local agencies to bypass these federal protections.**

SPECIFIC VIOLATIONS

Local agencies have engaged in:

- Misclassification of agricultural land as wetlands without scientific basis.
- Issuance of Cease and Desist Orders and Class IV permit demands beyond their legal authority.
- Coercive devaluation of property through EEL Program acquisitions.

This conduct violates:

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

FEDERAL AGENCY OBLIGATIONS

We call upon **USACE and NPS** to:

- Enforce Congressional mandates protecting Las Palmas Community residents.
- Prevent unauthorized regulatory actions by state and county agencies.
- Uphold property rights guaranteed under **P.L. 101-229** and **P.L. 108-7**.

DAMAGES & RESERVATION OF RIGHTS

The unlawful actions of DERM and SFWMD have caused significant harm, including:

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

Under the Bert J. Harris Act (§70.001, F.S.), damages for a single parcel are limited to the actual loss in fair market value, proven by independent appraisal (for example, comparing 5 acres in Las Palmas against similar parcels in Homestead or the Redlands).

We reserve the right to amend this nominal claim of **\$2** to a full damages claim exceeding **\$150 million** for inordinate burdens imposed.

FORMAL RELIEF REQUESTED

(MDC) will deny any figure stated in advance — whether it is \$150M, \$500K, or even \$2

We demand:

1. Immediate cessation of all enforcement actions by DERM and SFWMD.
2. Written confirmation within 10 calendar 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.

NOTICE OF PRIOR FILING AND RE-SERVICE

Please be advised that this claim was originally submitted on **July 15, 2025**, via **certified mail with return receipt requested** to all three Miami-Dade County offices:

- **Mayor Daniella Levine Cava**
- **County Attorney Geri Bonzon-Keenan**
- **DERM Director Lisa Spadafina**

Two of the green cards were returned signed by **a single individual**, confirming receipt at both the Mayor's Office and the County Attorney's Office, indicating centralized intake. However, the certified delivery to the DERM office was returned **without signature or official stamp**.

In order to **eliminate any procedural ambiguity**, this notice is being **re-issued and re-served in person** via a **licensed process server** on **July 31, 2025** to **all three departments** listed above. This step is taken **out of an abundance of caution**, to reaffirm formal statutory compliance under **§70.001, Florida Statutes**, and to fully preserve all legal rights and remedies.

For reference, copies of the certified mail receipts from the original July 15, 2025 delivery to all three departments are included in this packet.

SUPPLEMENTAL DELIVERY NOTICE

On July 30, 2025, Mr. Terrence A. Smith, Assistant County Attorney Chief, Housing, Social Services and Economic Development, responded via email acknowledging receipt of the undersigned's public records request related to this matter.

This supplemental service of the Bert J. Harris Act Claim is therefore being made out of an abundance of caution, to ensure full statutory compliance under §70.001, Florida Statutes, and to eliminate any ambiguity regarding the initial delivery procedures.

CONCLUSION

DERM and SFWMD's actions violate federal supremacy, constitutional protections, and Congressional intent. We demand full withdrawal of unlawful enforcement and immediate coordination with federal agencies.

This notice is submitted **without prejudice and under protest**. All rights and remedies are expressly reserved.

ADRI MARC S.A., TRUSTEE

on behalf of *LA CABAÑA LIVING LAND TRUST*

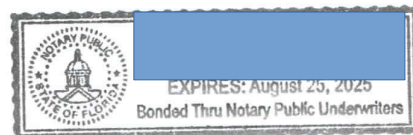
By: _____
Authorized Representative

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to (or affirmed) and subscribed before me
this 31 day of July, 2025
by _____

PRINT TYPE OR STAMP OF NOTARY

Personally known _____
or Produced identification ✓
Type of Identification Produced _____



Disclaimer:

This document is provided for informational purposes only. It is not legal advice. All landowners are responsible for doing their own due diligence and consulting qualified counsel to protect their rights. Laws and procedures may change. Use of this template does not guarantee any legal outcome.

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 PROCESS SERVER – PLEASE READ CAREFULLY

Purpose:

You are being retained to serve a statutory legal notice and supporting attachments to a public official in accordance with Florida law, specifically in connection with a pending Bert J. Harris Private Property Rights Protection Act claim under §70.001, Florida Statutes.

This document forms part of an official record to preserve the landowner's legal rights and must be served with care, precision, and full documentation.

Important Instructions:

This Affidavit Represents ONE of THREE Total Deliveries.

You are only serving one agency per affidavit.

Do not combine documents for other officials. Each must be served individually.

Serve the Document in Person to the named recipient or an authorized staff member at the listed government office.

If the recipient is unavailable, the server must identify who accepted the delivery and confirm they were authorized.

Affix Date and Time of Service clearly and legibly on the affidavit or accompanying proof of service.

Include the Following in the Affidavit of Service:

Full name and title of the person served

Description of the person served (age, sex, height, etc.)

Location of service (building/floor/office)

Exact date and time of delivery

Any verbal confirmation that the recipient or staff was authorized to accept

Sign the affidavit under penalty of perjury in accordance with Fla. Stat. §92.525

Delivery Target (Example for This Affidavit):

Name: Lisa Spadafina

Title: Director, Division of Environmental Resources Management (DERM)

Location: 701 NW 1st Court, 4th Floor, Miami, FL 33136

Document to Serve: Statutory Notice with Attachments

Please confirm exact building access procedures if required.

Do Not:

Do not delay the delivery beyond the instructed date range

Do not alter or combine this document with others

Do not leave the documents at the front desk or drop-box unless instructed by a live county employee

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

Postage

Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DANIELLA LEVINE CAVA,
MAYOR
MIAMI-DADE COUNTY MAYOR
111 NW 1 ST. 29TH FLOOR
MIAMI, FL 33128



9590 9402 3219 7196 8657 91

2. Article Number (Transfer from service label)

9589 0710 5270 1186 2708 95

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail[®]
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express
- ☐ Registered MailTM
- ☐ Registered MailTM Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

U.S. Postal ServiceTM
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Extra Services & Fees (check box, add fee as appropriate)

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LISA SPADAFINA, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT DEPT
701 NW 1ST COURT, 4TH FLOOR
MIAMI, FL 33136



9590 9402 3219 7196 8658 14

2. Article Number (Transfer from service label)

9589 0710 5270 1186 2708 71

COMPLETE THIS SECTION ON DELIVERY

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- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express
- ☐ Registered MailTM
- ☐ Registered MailTM Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

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Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIAMI-DADE COUNTY ATTORNEY
GERI BONZON-KERNAN
111 NW 1 ST, SUITE 2810
MIAMI, FL 33128



9590 9402 3219 7196 8658 21

2. Article Number (Transfer from service label)

9589 0710 5270 1186 2708 88

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail[®]
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express
- ☐ Registered MailTM
- ☐ Registered MailTM Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 3219 7196 8657 91

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*

ADRI MARC S.A TRUSTEE
8901 SW 157 AVE 16-167
MIAMI, FL 33196First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

LEGAL DISCLAIMER – READ CAREFULLY

This document is provided strictly for informational and educational purposes only. It is not legal advice, and it does not create an attorney-client relationship. While every effort has been made to ensure accuracy, all readers and recipients are strongly encouraged to perform their own due diligence, consult qualified legal counsel, and independently verify the laws, procedures, and deadlines applicable to their individual situation.

This affidavit and related documents are shared to help landowners, farmers, and trustees understand the legal process of serving statutory notice under Florida law, particularly as it relates to property rights, environmental enforcement, and constitutional protections. However, every property is different, and every case may involve unique facts, local ordinances, or agency conduct that requires careful legal review.

Why Due Diligence Matters:

Failure to follow proper procedures or meet deadlines can waive your rights under state or federal law.

Agencies may challenge the validity of improperly served documents or unsigned affidavits.

Only a licensed attorney can assess your full exposure to enforcement, compensation rights, or regulatory takings.

Do Not Assume This Template Alone Protects You.

This document is a starting point, not a final legal solution. It is your responsibility to:

Confirm correct addresses and personnel before attempting service

Tailor your affidavit to your specific folio number, land trust, or business entity

Maintain complete records of all notices served and received

Seek legal counsel if you are in active litigation, under enforcement, or pursuing compensation

This Document May Be Updated Without Notice
Laws and agency policies change. Always ensure you are working with the most current version of any legal template, statute, or procedural rule.

By reading or using this material, you acknowledge and agree that you are solely responsible for the consequences of your legal actions or inactions.

USPS TRACKING #



9590 9402 3219 7196 8658 14

United States
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MIAMI, FL 33196First-Class Mail
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USPS
Permit No. G-10

Closed

Personal Statement:

I'm just a farmer in Las Palmas. I have no legal training, and no desire to become anything other than what I am. But let me tell you this: they may try to intimidate me, silence me, or wear me down—but no matter how many times I'm knocked down, how often I fail, or how heavy the pressure becomes...

I will not surrender!

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