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INVERSE CONDEMNATION - FLORIDA

Board of Trustees of Internal Imp. Trust Fund v. Walton County

District Court of Appeal of Florida, First District - September 23, 2013 - So.3d - 2013 WL 5302580

Not-for-profit organizations representing real property owners in two counties brought action against Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection, city, and county, alleging that beach restoration project constituted a taking.

The District Court of Appeal held that:

- The Department and the Board waived their argument of improper venue, and
- The nature of plaintiffs' inverse condemnation claim did not demand that it be treated like an eminent domain proceeding, which would have required it to be litigated in the county in which the affected land was located, as it involved question of subject matter jurisdiction, rather than venue.

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