

Bond Case Briefs

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Hardee County v. FINR II, Inc.

Supreme Court of Florida - May 25, 2017 - So.3d - 2017 WL 2291004

Property owner filed complaint seeking compensation from county pursuant to Bert J. Harris Jr., Private Property Rights Protection Act for county's reduction of mining setback on phosphate company's adjacent property.

The Circuit Court granted county's motion to dismiss. Owner appealed. The District Court of Appeal affirmed in part, reversed in part, remanded, and certified direct conflict of decisions. County's application for review was granted.

The Supreme Court of Florida held that:

- Act does not apply to property that has suffered diminution in value or other loss as result of proximity to the property that is subject to a government action, and
- Setback around mining company's property was not a property right for which adjacent owner could state a claim under the Act.

Bert J. Harris, Jr., Private Property Protection Act does not apply to property that has suffered diminution in value or other loss as result of its proximity to the property that is subject to a government action.

Quarter-mile setback around phosphate mining company's property was not a property right for which adjacent landowner operating neurological rehabilitation center could state a claim under the Bert J. Harris, Jr., Private Property Protection Act when county reduced setback to 150 feet; setback was created by police power as a land use designation for the general welfare.