

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Collins v. Monroe County

District Court of Appeal of Florida, Third District - July 10, 2013 - So.3d - 2013 WL 3455608

The Landowners own property in Monroe County, Florida. Pursuant to the Monroe County Year 2010 Comprehensive Plan (the "Plan"), the Landowners filed petitions for a Beneficial Use Determination ("BUD"). A BUD petition requires an applicant to demonstrate that the comprehensive plan and land development regulations in effect at the time of the BUD application deprive the applicant of all reasonable economic use of the property.

Following a lengthy set of appeals, the court held that (a) the issuance of post-BUD building permits, etc. demonstrates that the Plan had not deprived Landowners of all reasonable economic use of their properties, and (b) only that landowner who had obtained building permits prior to the BUD petition was entitled to bring an eminent domain claim.