

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Livingston v. Frank

District Court of Appeal of Florida, Second District - July 30, 2014 - So.3d - 2014 WL 3734284

After quick-take eminent domain proceedings, the trial court determined that property owner had no property interest in the interest earned on deposit funds held in the court registry pursuant to the eminent domain proceedings. Property owner appealed.

The appeals court affirmed, holding that property owner was not entitled to the interest.

Under Florida's quick-take statutory scheme, once the condemning authority makes the deposit, two acts occur simultaneously. First, the condemning authority acquires title to the condemned property, and, second, the property owner's entitlement to full compensation under the respective constitutional provisions vests. It is the right to full compensation that vests, not a right to the specific funds, although common practice regularly releases the funds to the property owner.