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INVERSE CONDEMNATION - FLORIDA

Hussey v. Collier County

District Court of Appeal of Florida, Second District - November 14, 2014 - So.3d - 2014 WL 5900018

Francis and Mary Hussey sued Collier County claiming that the County's amendment of its comprehensive future land use plan destroyed any reasonable economic use of their land, a large, undeveloped acreage in a rural area known as North Belle Meade. They sought compensation under the Bert J. Harris Private Property Rights Act, § 70.001, Fla. Stat. (2007) (the Harris Act), and on a theory of inverse condemnation.

The Circuit Court dismissed both causes of action with prejudice and the Husseys appealed.

The District Court of Appeal held that:

- The Husseys were not prohibited from seeking compensation under the Harris Act as the amendment to the County's comprehensive plan reclassified the land use category of their property; and
- The Husseys inverse condemnation claim for a regulatory taking was barred by the statute of limitations.