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INVERSE CONDEMNATION - FLORIDA

Lacy v. City of St. Petersburg, Fla.

United States Court of Appeals, Eleventh Circuit - June 26, 2015 - Fed.Appx. - 2015 WL 3916683 (Mem)

In 2011, the City of St. Petersburg demolished Christine Lacy's house after it was damaged in a shoot-out between St. Petersburg police and Lacy's husband. Lacy brought a 42 U.S.C. § 1983 lawsuit, alleging that the demolition was an unconstitutional taking and violated her procedural due process rights.

The District Court dismissed the case and Lacy appealed.

The Court of Appeal affirmed, holding that Lacy had not pleaded facts showing that the relevant state procedure for seeking compensation for her property — an inverse condemnation action under Florida law — was inadequate.

Lacy acknowledged both that Florida courts recognize an inverse condemnation action through which she may seek compensation and that her complaint did not allege facts showing that such an action was inadequate. Nonetheless, she argued that pursuing state procedures would cause her "needless delay" and pointed to Supreme Court precedent holding that a plaintiff need not exhaust administrative remedies before filing suit in federal court to vindicate her constitutional rights. The court noted that this argument missed the mark because the issue was not one of exhaustion. Instead, there simply existed no constitutional injury for federal courts to redress unless and until Lacy showed that she could not seek just compensation under Florida procedures.