

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Orange County v. Buchman

**District Court of Appeal of Florida, Fifth District - January 8, 2016 - So.3d - 2016 WL 81661
- 41 Fla. L. Weekly D144**

County brought eminent domain proceeding against property owners. The Circuit Court entered judgment on a jury verdict that, among other things, awarded severance damages to the property owners. County appealed. The District Court of Appeal affirmed in part, reversed in part, and remanded. On remand, the jury returned a verdict that was not supported by the evidence, and the Circuit Court ordered an additur. County appealed, and property owners cross-appealed.

The District Court of Appeal held that trial court did not abuse its discretion by ordering additur.

Trial court did not abuse its discretion by ordering additur when jury returned a verdict that was not supported by the evidence in eminent domain case. Additur was permitted in eminent domain proceedings, additur did not infringe upon county's constitutional right to a jury determination of damages, and offer of a new trial in lieu of additur sufficiently preserved the right to trial by jury.