

Bond Case Briefs

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EMINENT DOMAIN - FLORIDA

Leon County v. Lakeshore Gardens Homeowners' Association, Inc.

District Court of Appeal of Florida, First District - February 28, 2019 - So.3d - 2019 WL 961439 - 46 Fla. L. Weekly D604

County sought writ of certiorari seeking review of circuit court's nonfinal order granting motion by homeowner's association to dismiss its petition in eminent domain.

The District Court of Appeal held that dismissal of county's petition departed from essential requirements of law and caused material injury to county.

Circuit court's dismissal of county's petition for eminent domain filed against homeowner's association, but which did not name individual homeowners, departed from essential requirements of law and caused material injury to county from which there would be no adequate remedy on appeal, although general directives governing civil practice and procedure suggested naming individual homeowners who were affected as indispensable parties, where all homeowners had interest in common area affected by action, statute provided that homeowner's association may defend actions in eminent domain, and rule of civil procedure permitted homeowner's association to institute, maintain, settle, or appeal actions in its name concerning matters of common interest to all members.