

# **Bond Case Briefs**

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## **EMINENT DOMAIN - FLORIDA**

### **Galleon Bay Corporation v. Board of County Commissioners of Monroe County**

**District Court of Appeal of Florida, Third District - December 2, 2020 - So.3d - 2020 WL 7050188**

Corporate landowner initiated inverse condemnation proceedings against State and county.

Following jury trial, the Circuit Court entered judgment awarding landowner \$480,000 in damages. Landowner appealed, and State and county cross-appealed. The Third District Court of Appeal affirmed. After unsuccessfully motioning the Third District Court of Appeal for rehearing, rehearing en banc, and for a written opinion, landowner filed motion seeking to void judgment on ground that State and county did not timely deposit judgment amount. The Circuit Court denied motion. Landowner appealed.

The District Court of Appeal held that statute requiring petitioner in eminent domain proceedings to deposit judgment amount within 20 days after rendition of judgment did not apply to void judgment in inverse condemnation proceedings.

Statute requiring petitioner in eminent domain proceedings to deposit judgment amount within 20 days after rendition of judgment did not apply to void judgment in inverse condemnation proceedings in which jury awarded corporate landowner \$480,000 in damages that the State and county did not deposit within 20 days; statutory scheme demonstrated that term “petitioner” referred to a condemning authority initiating an eminent domain lawsuit by filing a petition, and statute made sense only in eminent domain context, in which it allowed a condemning authority to walk away from an unaffordable valuation.