

# **Bond Case Briefs**

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## **ZONING & PLANNING - FLORIDA**

### **Gay v. Jupiter Island Compound, LLC**

**District Court of Appeal of Florida, Fourth District - April 12, 2023 - So.3d - 2023 WL 2904054**

Landowners brought action against member/chairperson of town's impact review committee, alleging tortious interference with business relationships.

The Circuit Court issued nonfinal order summarily denying member/chairperson's motion to dismiss based on common-law absolute immunity and statutory immunity. Member/chairperson petitioned for certiorari review as to common-law absolute immunity and appealed as to statutory immunity.

The District Court of Appeal held that:

- Member/chairperson was entitled common-law absolute immunity, but
- Landowners' complaint sufficiently alleged member/chairperson acted in bad faith or with malicious purpose, as exception to statutory immunity.

Alleged conduct of member/chairperson of town's impact review committee occurred within scope of duties as public official, and thus, member/chairperson was entitled to common-law absolute immunity from liability for tortious interference with business relations; while landowners alleged that member/chairperson made false representations about ex parte communications that were intended to delay and ultimately deny landowners' construction applications, member/chairperson had authority in those roles to address landowners' constructions applications, regardless of whether she made false statements.

Landowners' complaint for tortious interference with business relations sufficiently alleged that member/chairperson of town's impact review committee acted in bad faith or with malicious purpose, as exception to a public official's statutory immunity from tort liability for acts or omissions in scope of employment or function; landowners alleged that member/chairperson embarked upon series of acts with three co-conspirators to delay landowners' construction applications and interfered with their relationships with their retained professionals, and that she failed to disclose, and instead falsely stated, that she had not had any ex parte communications regarding landowners' applications.