

Galleon Bay Corp. v. Bd. of Cty. Comm'rs of Monroe County, 314 So. 3d 509 (Fla. 3d DCA 2020)

Third DCA Holds Florida Statute Requiring Petitioner of Eminent Domain Proceedings to Deposit Judgment Amount within Twenty Days Does Not Apply to Inverse Condemnation Proceedings

Galleon Bay Corporation (“Galleon Bay”) appealed a trial court’s order from August 15, 2019, denying its post-judgment Motion to Declare Final Order Null and Void (the “Motion”). This Motion sought to void a final judgment entered on May 26, 2016, entered by the trial court after a jury awarded Galleon Bay \$480,000 in damages for its inverse condemnation claim against Monroe County and the State of Florida. When Galleon Bay appealed the 2016 judgment, the Third DCA affirmed. After, Galleon Bay was unsuccessful in moving the Third DCA for rehearing, rehearing en banc, or for a written opinion.

Later, in March 2019, Galleon Bay filed its Motion and asserted that the proceedings resulting in the 2016 final judgement were void because the defendants did not deposit the amounts set forth in that final judgement into the registry of courts within 20 days of the rendition of the final judgment, as required by section 73.111 of the Florida Statutes. Section 73.111 states that “within 20 days of the rendition of the judgment, the petitioner shall deposit the amount set forth into the registry of the court for the use of the defendants, or the proceeding shall be null and void. . .”

The trial court, after conducting a hearing on Galleon Bay’s Motion, denied the Motion—concluding that section 73.111 did not apply to either the inverse condemnation proceeding or the final judgment. The Third DCA affirmed the trial court’s order, reasoning that the trial court correctly concluded that section 73.111 is inapplicable to Galleon Bay’s inverse condemnation proceeding. Galleon Bay was never a petitioner in an eminent domain proceeding, as contemplated in section 73.111; thus, the Third DCA had no relevant authority to hold that section 73.111 applied to inverse condemnations proceedings as well.