

City of Homestead v. United States, No. 3D21-1280, 2022 WL 1160966
(Fla. 3d DCA Apr. 20, 2022)

Third DCA Holds That Settlements Made Pursuant to Bert J. Harris Act Are Quasi-Legislative in Nature and May Only Be Challenged Via Injunctive or Declaratory Relief

On April 20, 2022, the Third DCA granted the City of Homestead’s (the “City”) petition for writ of prohibition to preclude the appellate division of Miami-Dade County court from exercising improper jurisdiction over a petition for writ of certiorari filed by the United States. The United States sought to quash a resolution between the City and the Algers, private property owners that came to an agreement with the City pursuant to the Bert J. Harris, Jr., Private Property Rights Protection Act (the “Act”). The United States improperly sought a writ of certiorari to undo the settlement agreement between the parties.

The Third DCA began its analysis by holding that the settlement agreement between the City and the Algers is quasi-legislative in nature because it is a settlement of a claim under the Act. The Third DCA noted that under the Act, a governmental entity is not required to act in a quasi-judicial capacity as it otherwise would under more conventional property statutes. In determining whether an action is quasi-legislative or quasi-judicial, the Third DCA held that the focus should be on the type of claim itself, rather than the outcome of an action. The City acted in a quasi-legislative capacity because its actions were governed by and performed consistent with the Act.

Because the action was quasi-legislative in nature, the court held that the United States could not challenge the action through a writ of certiorari. The only available option to attack this quasi-legislative action is “declaratory or injunctive relief on the grounds that the action taken is arbitrary, capricious, confiscatory or violative of constitutional guarantees.” Based on the foregoing analysis, the court granted the City’s petition for writ of prohibition.