

Second DCA Affirms Requirements to Ripen a Regulatory Takings Claim

In *GolfRock v. Lee County*, GolfRock submitted an application seeking to change the zoning of a parcel of land. Lee County then amended its comprehensive plan to no longer permit GolfRock's planned use of the property, and asked GolfRock to withdraw its application. GolfRock refused and filed an action for declaratory judgment, acknowledging that in order to assert its private property rights under Article X, Section 6 of the Florida Constitution or under the Bert Harris Act, GolfRock must have a final denial of the application. In the declaratory judgment, GolfRock asked the trial court to find that any continuation of the current zoning request is futile and that any claims for remedy for the injury to their private property rights are ripe for adjudication.

The court held that GolfRock's complaint did not bring a takings claim, but merely asks the trial court to declare that the County's actions amount to a final decision and that any further pursuit of the application would be futile. In order for a case to be ripe for a regulatory takings claim, the plaintiff must demonstrate receipt of a final decision regarding the application and attempts to seek compensation through the procedures the state has provided. The court held that GolfRock's complaint failed to state a cause of action and remanded to the trial court with directions to dismiss the action.