

Hill et al. v. Suwannee River Water Management District, No. 1D16-3343 (Fla. 1st DCA Apr. 18, 2017).

Quasi-Judicial Immunity in Takings Claims

Recently the Florida First District Court of Appeal ("First DCA") reversed a lower court's summary judgment order that found the Suwannee River Water Management District ("District") possessed absolute quasi-judicial immunity from a real property takings suit. The First DCA held that the District's actions that flooded the claimants' property were not rulings or judicial acts that qualify to receive quasi-judicial immunity.

The claimants, the Hill family, alleged that the District's drainage actions flooded their farm's sixty acres which they claim has denied them viable and beneficial use of their land since 2008 without compensation. The Hills sought an injunction to cease the flooding caused by the District and compensatory damages of at least one million dollars.

After a hearing, the circuit court granted summary judgment for the District on the grounds that the District possessed quasi-judicial immunity with respect to the takings claim because the District's actions were taken under the authority of court orders.

On appeal, the First DCA cited *Zoba v. City of Coral Springs*, 189 So. 3d 888, 891 (Fla. 4th DCA 2016) ("Absolute quasi-judicial immunity for nonjudicial officials is determined by a functional analysis of their actions in relation to the judicial process."). The First DCA held that the District's actions of draining a pond and flooding a field were not essential parts of the judicial process, or functionally comparable to the actions of judges (i.e. resolving disputes, making decisions, adjudicating rights, processing cases, etc.). In dicta, the court explained that, "(e)ven if the District's actions were functionally equivalent to judicial acts ... judicial decisions aren't necessarily immune from takings claims." See *Stop the Beach Renourishment, Inc. v. Fla. Dept. of Env'tl. Prot.*, 560 U.S. 702, 715 (2010). The First DCA reversed the lower court's order granting summary judgment and remanded for additional proceedings.