

Florida Real Property and Business Litigation Report
Volume XIV, Issue 9
February 27, 2021
Manuel Farach

PBT Real Estate, LLC v. Town of Palm Beach, Case No. 18-13920 (11th Cir. 2021).

The decision of a municipality to bury underground electricity cables and to charge residents for doing so does not rise to the level of violation of Fourteenth Amendment rights to substantive due process and equal protection of the laws unless the municipality's actions were not rationally related to serve a legitimate government interest.

Reynolds v. Behrman Capital IV L.P., Case No. 19-13537 (11th Cir. 2021).

The Doctrine of Derivative Jurisdiction prevents the post-removal use of Bankruptcy Rule 7004(d) to establish personal jurisdiction over the defendants in removed cases in which the state court lacked personal jurisdiction over the defendants.

SVI Trust Williams Walk Condominium Association, Inc., Case No. 1D18-3729 (Fla. 1st DCA 2021).

A trial court may not enter summary judgment for foreclosure of a condominium assessment lien when there is disputed testimony as to whether a representative of the condominium association fraudulently induced the owner to purchase the units by misrepresenting that there were no outstanding assessments on the unit.

5F, LLC v. Hawthorne, Case No. 2D19-2574 (Fla. 2d DCA 2021).

Riparian owners have a common law right to construct a dock over privately owned submerged land adjacent to their upland property and out to navigable water without the consent of the owner of the submerged land.

The School Board of Miami-Dade County, Florida v. The City of Miami Beach, Florida, Case No. 3D20-1128 (Fla. 3d DCA 2021).

A school board is immune under sovereign immunity from being forced to pay municipal stormwater drainage fees.

Faruk v. Madison Acquisitions Corp., Case No. 3D21-0073 (Fla. 3d DCA 2021).

The law will imply a reasonable time for performance of a contract if the contract does not specify a time for performance.

Massey Services, Inc. v. Sanders, Case No. 5D19-3116 (Fla. 5th DCA 2021).

Responding to inquiries from co-workers and his soon to be former employer as to where he was going to be employed does not constitute "solicitation" in violation of Florida Statute section 542.335.