

Florida Real Property and Business Litigation Report
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Buending v. Town of Redington Beach, Case No. 20-11354 (11th Cir. 2021).

Florida Statute section 163.035(4) permits a municipality to defend its decision to allow the public to use “dry sand” of beachfront owners in any proceeding, not just in defense to taking actions.

City of Holmes Beach v. Coral Escapes Of Holmes Beach, LLC, Case No. 2D20-2004 (Fla. 2d DCA 2021).

A municipality is entitled to attorney’s fees in Bert Harris Act litigation if it prevails in litigation and has appropriately responded to the claim, including a response under Florida Statute section 70.001(4)(c)(11) that it was making no changes to the governmental action.

Davis v. Clark, Case No. 2D21-171 (Fla. 2d DCA 2021).

Florida Statute section 768.79 applies in small claims matters.

Maisonneuve v. Situs Investments, LLC, Case No. 4D20-2397 (Fla. 4th DCA 2021).

Citing *Page v. Deutsche Bank Trust Co. Americas*, 308 So. 3d 953 (Fla. 2020), the Fourth District holds a defending borrower is entitled to an award of attorney’s fees if he proves a contract existed but that the lender was not entitled to enforce it.

Taubenfeld v. Lasko, Case No. 4D20-1362 (Fla. 4th DCA 2021).

The Fourth District recognizes the new tort of aiding and abetting a conversion.