

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2009

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT,

Appellant,

v.

CASE NO. 5D06-1116
CORRECTED

COY A. KOONTZ, JR., ETC.,

Appellee.

_____ /

Opinion filed March 20, 2009

Appeal from the Circuit Court
For Orange County,
Joseph P. Baker, Judge.

William H. Congdon, Palatka,
for Appellant.

Christopher V. Carlyle, Shannon McLin Carlyle
and Gilbert S. Goshorn, Jr., of The Carlyle
Appellate Law Firm, The Villages, and Michael D.
Jones of Michael D. Jones & Associates, P.A.,
Winter Park, for Appellee.

ON MOTION FOR CERTIFICATION

PER CURIAM.

Upon our consideration of Appellant's Motion for Certification, we grant the motion and certify the following question to the Florida Supreme Court as one of great public importance:

WHERE A LANDOWNER CONCEDES THAT
PERMIT DENIAL DID NOT DEPRIVE HIM OF ALL

OR SUBSTANTIALLY ALL ECONOMICALLY VIABLE USE OF THE PROPERTY, DOES ARTICLE X, SECTION 6(a) OF THE FLORIDA CONSTITUTION RECOGNIZE AN EXACTION TAKING UNDER THE HOLDINGS OF *NOLLAN*¹ AND *DOLAN*² WHERE, INSTEAD OF A COMPELLED DEDICATION OF REAL PROPERTY TO PUBLIC USE, THE EXACTION IS A CONDITION FOR PERMIT APPROVAL THAT THE CIRCUIT COURT FINDS UNREASONABLE?

QUESTION CERTIFIED.

GRIFFIN, ORFINGER and TORPY, JJ., concur.

¹ *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825 (1987).

² *Dolan v. City of Tigard*, 512 U.S. 374 (1994).