

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DAVID B. GRIFFIS,

Appellant,

v.

Case No. 5D20-2682

BRIDLE OAKS ESTATE, LLC,

Appellee.

Opinion filed September 24, 2021

Nonfinal Appeal from the Circuit Court
for Sumter County,
Mary P. Hatcher, Judge.

Benjamin R. Kelley, S. Brent Spain,
and David A. Theriaque, of Theriaque
& Spain, Orlando, for Appellant.

James E. Wade, III, of WadeLaw,
P.A., Bushnell, for Appellee.

PER CURIAM.

Appellant, David B. Griffis (“Griffis”), appeals an order dismissing his action for declaratory judgment and injunctive relief filed against his neighbor, Bridle Oaks Estate, LLC (“Bridle Oaks”). We reverse the dismissal

because, contrary to the trial court's ruling, Griffis' Second Amended Complaint sufficiently alleged a cause of action for declaratory and injunctive relief.

Griffis filed suit alleging that Bridle Oaks operates a commercial event venue on property it owns adjacent to Griffis in violation of county ordinances. Bridle Oaks moved to dismiss the Second Amended Complaint alleging, *inter alia*, that its "alleged transgressions are exempt from the Sumter County Codes and enforcement of same is prohibited" pursuant to section 570.85, Florida Statutes (2020). That statute exempts agritourism from regulation by local governments.

The trial court granted the motion, finding that the Second Amended Complaint is "based upon the conclusory statements that [Bridle Oaks'] use of [its] property is not agritourism or bona fide agricultural" pursuant to section 570.85, Florida Statutes (2020). We disagree.

"A motion to dismiss for failure to state a cause of action admits all well pleaded facts as true, as well as reasonable inferences that may arise from those facts." *Palumbo v. Moore*, 777 So. 2d 1177, 1178 (Fla. 5th DCA 2001) (citation omitted). "The trial court must confine its review to the four corners of the complaint, draw all inferences in favor of the pleader, and accept as true all well-pleaded allegations." *Huet v. Mike Shad Ford, Inc.*, 915 So. 2d

723, 725 (Fla. 5th DCA 2005). “The question for the trial court to decide is simply whether, assuming all the allegations in the complaint to be true, the plaintiff would be entitled to the relief requested.” *Id.*

We do not decide whether Griffis was required to plead facts in the Second Amended Complaint to affirmatively establish that section 570.85 does not apply. See, e.g., *Williams v. City of Jacksonville*, 191 So. 3d 925, 928 (Fla. 1st DCA 2016) (“A plaintiff is not required to anticipate affirmative defenses . . . with specific allegations in her complaint in order to survive a motion to dismiss.” (citation omitted)). We need only observe that, to the extent that Griffis was so required, the allegations in the Second Amended Complaint adequately and specifically detail why Bridle Oaks’ use of its property would not constitute agritourism under Florida law.

Therefore, while we express no view on the merits of this case, the dismissal was in error, and we reverse and remand for further proceedings.

REVERSED and REMANDED.

LAMBERT, C.J., EISNAUGLE and SASSO, JJ., concur.