

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES and THE FLORIDA COMMISSIONER OF AGRICULTURE,
Appellants,

v.

DAVID MENDEZ, LILLIAN MENDEZ, TOBY BOGORFF, ROBERT BOGORFF, BETH GARCIA, RONALD GARCIA, ROBERT PEARCE, BARBARA PEARCE, and TIMOTHY DONALD FARLEY, on behalf of themselves and the certified Class of Broward County homeowners,
Appellees.

Nos. 4D11-4644
and 4D12-196

[October 10, 2012]

CERTIFYING QUESTION

PER CURIAM.

Pursuant to Florida Rule of Appellate Procedure 9.125, we certify the following question to be of great public importance:

Are property owners who have recovered final judgments against the State of Florida in inverse condemnation proceedings constitutionally entitled to invoke the remedies provided in section 74.091, Florida Statutes, without first petitioning the Legislature to appropriate such funds pursuant to section 11.066, Florida Statutes?

GROSS, HAZOURI and CONNER, JJ., concur.

* * *

Consolidated appeals and cross-appeal from the Circuit Courts for the Fifteenth Judicial Circuit, Palm Beach County and the Seventeenth Judicial Circuit, Broward County; Robin L. Rosenberg and Ronald J.

Rothschild, Judges; L.T. Case Nos. 2002CA13717AJ and 00-18394(08) CACE.

Wesley R. Parsons and Karen H. Curtis of Clarke Silverglate, P.A., Miami, for appellants.

Jamie Alan Cole of Weiss Serota Helfman Pastoriza Cole & Boniske, P.A., Fort Lauderdale, and Robert C. Gilbert of Grossman Roth, P.A., Coral Gables, for appellees.

Pamela Jo Bondi, Attorney General, Scott D. Makar, Solicitor General, and Louis F. Hubener, Chief Deputy Solicitor General, Tallahassee, for Amicus Curiae State of Florida.

Not final until disposition of timely filed motion for rehearing.