

Supreme Court of Florida

ORIGINAL

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No. 81,046

DEPARTMENT OF TRANSPORTATION,

Petitioner,

vs.

JOSEPH DIGERLANDO,

Respondent.

[June 9, 1994]

SHAW, J.

We have for review Department of Transportation v. DiGerlando, 609 So. 2d 165 (Fla. 2d DCA 1992), in which the court affirmed an order granting DiGerlando summary judgment and certified the following question as being of great public importance:

WHETHER ALL LANDOWNERS WITH PROPERTY INSIDE THE BOUNDARIES OF INVALIDATED MAPS OF RESERVATION UNDER SUBSECTIONS 337.241(2) AND (3), FLORIDA STATUTES (1987), ARE LEGALLY ENTITLED TO RECEIVE PER SE DECLARATIONS OF TAKING AND JURY TRIALS TO DETERMINE JUST COMPENSATION.

DiGerlando, 609 So. 2d at 166. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

In Tampa-Hillsborough County Expressway Authority v. A.G.W.S. Corp., 19 Fla. L. Weekly S169 (Fla. Apr. 8, 1994), we answered the above certified question in the negative. DiGerlando, however, may maintain his current inverse condemnation action and seek to prove that the map of reservation did effect a taking of his particular property. We quash the decision of the district court and remand this case for proceedings consistent with this opinion.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN and HARDING, JJ., and McDONALD, Senior Justice, concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance
Second District - Case No. 92-02178

(Hillsborough County)

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