Jordan et al. v. St. Johns County

(With thanks to St. Johns County Attorney Patrick McCormack)

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Failure of the System

- Jordan et al. Case
• Claims:
  – Taking
  – Duty to maintain road

• 5th DCA
  – Discretion not absolute
  – County must provide “reasonable level of maintenance” that results in “meaningful access”
  – Fair? To owners? To taxpayers?
“Takings” in the U.S. Constitution

“... nor shall private property be taken for public use, without just compensation.”
5th Amendment is

“designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole”

Armstrong v. United States, 124 U.S. 40, 49 (1960)
Parting Thoughts

• SLR will create heavy costs
• Who pays
  – Property owners?
  – Public?
• Why?
  – Who has info? Who can better change their own behavior?
• Treat different property owners differently?
“[A] foolish man . . . built his house on sand. The rain came down, the streams rose, and the winds blew and beat against that house, and it fell with a great crash.”

Matthew 7: 26-27