



1000 Friends of Florida and the Martin County Conservation Association file notice of appeal with the Florida Supreme Court

Tallahassee, December 5, 2011—1000 Friends of Florida and the Martin County Conservation Alliance (MCCA) have filed a notice to seek review by the Florida Supreme Court of a First District Court of Appeals ruling requiring the groups and their attorneys to pay the attorneys' fees of the state, Martin County, and a developer after their appeal of a land use decision was dismissed by the Court.

"Our only recourse at this point is to petition the Florida Supreme Court to hear this case," explains 1000 Friends President Charles Pattison. "This is important not only to correct the lower court decision, but to make a ruling that guarantees the rights of all to seek appeals of administrative decisions without fear of being sanctioned." If left to stand, the Court's ruling negatively affects every nonprofit, citizen and small business in Florida.

"MCCA firmly believes that our appeal is in the best interest not just for our organization but for all citizens and nonprofits throughout Florida," says MCCA Chairman Donna Melzer.

In December of 2010, the First District Court of Appeals ordered 1000 Friends and the MCCA to pay attorneys' fees over their 2008 appeal of two comprehensive plan amendments in Martin County regarding development options in agricultural lands, and water and sewer extensions in a secondary urban service district. The court determined that 1000 Friends did not have the right, or "standing," to file the appeal and thus viewed its appeal to be without a legal or factual basis. 1000 Friends had asked the First District Court to rehear the case, but that request was denied in a 2-1 decision opinion on November 4 of this year. One of the three judges offered an exceptionally strong dissent opinion, arguing that not only should 1000 Friends and the MCCA not have been sanctioned, but also that the Court was probably wrong in the first instance to find that the groups did not have standing.

1000 Friends and the MCCA are requesting review by the state Supreme Court on the basis that the First District ruling "expressly and directly conflict[s] with a decision of another district court of appeal or of the supreme court on the same question of law." Review by the Florida Supreme Court is discretionary. 1000 Friends must file its complete "jurisdictional brief" with the Supreme Court by December 12.

"This ruling has chilling ramifications for anyone in Florida seeking to exercise his or her right to appeal a court decision," explains 1000 Friends Chairman Emeritus Nathaniel Pryor Reed. He notes that the decision is not limited to planning, but extends to all types of appeals.

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