

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT IN AND FOR WALTON
COUNTY, FLORIDA

CASE NO.:

11CA000469

KAREN BENNETT and T. REPPARD BENNETT,
co-trustees of the Karen B. Bennett Revocable
Trust,

Plaintiffs,

vs.

WALTON COUNTY, a political subdivision of the State
of Florida,

Defendant.

FILED
WALTON CO FLORIDA
CLERK OF COURTS
2011 JUN 16 P 2:19

COMPLAINT

Plaintiffs KAREN BENNETT and T. REPPARD BENNETT, co-trustees of the Karen B. Bennett Revocable Trust, sue WALTON COUNTY, a political subdivision of the State of Florida, and allege as follows:

JURISDICTION AND VENUE

1. This is an action seeking damages and compensation in excess of Fifteen Thousand Dollars (\$15,000), exclusive of expenses, costs, and attorneys' fees. Fla. Stat. § 26.012.
2. This action arises under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, and pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1983.
3. This action also seeks to redress the deprivation, under codes of law, of civil rights secured by the Fourteenth Amendment to the United States Constitution, pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983.
4. This action also seeks compensation for violation of Plaintiffs' due process rights as guaranteed by Article I, §§ 2 & 9, of the Florida Constitution.

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5. This action also seeks compensation for the taking of private property, without payment of just and full compensation, in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and in violation of Article X, § 6, of the Florida Constitution.

6. This action also seeks compensation for Defendant's violation of Plaintiffs' rights to free speech and free use of the press, as guaranteed by the First and Fourteenth Amendments to the United States Constitution, and by Article I, § 4, of the Florida Constitution.

7. This action also seeks compensation for violation of Plaintiffs' right to be free from governmental impairment of private contracts, as guaranteed by Article I, § 10, of the United States Constitution, and by Article I, § 10, of the Florida Constitution.

8. This action also seeks compensation for Defendant's violation of Chapter 2011-119 of the Laws of Florida.

9. This action seeks a declaratory judgment pursuant to Fla. Stat. § 86.011 *et seq*, and injunctive relief prohibiting Defendant's continued violation of Plaintiffs' rights as guaranteed by the Constitutions and laws of the United States and the State of Florida.

10. Venue in this Court is proper in that Plaintiffs and Defendant reside in this Circuit, the claims arose in this Circuit, and the real property that is the subject of this action is located in this Circuit.

PARTIES

11. Plaintiffs Karen Bennett and T. Reppard Bennett, husband and wife, at all times material were and are (at present, as co-trustees of the Karen B. Bennett Revocable Trust) the owners of certain real property in Walton County, Florida, that is the subject of this action, located at 4228 East County Highway 30A, Santa Rosa Beach, Florida 32459 (the "Property").

12. Plaintiffs are beneficially interested in and aggrieved by the acts, decisions, and conduct of Defendant, as alleged herein.

13. Plaintiffs have, and at all times material have maintained, interests and fundamental vested rights in the use of the Property, which are adversely affected by the acts, decisions, and conduct of Defendant as alleged herein.

14. Defendant Walton County is a political subdivision of the State of Florida subject to the jurisdiction of this Court, and is a "person" within the meaning of 42 U.S.C. § 1983.

15. The acts and omissions of Defendant, as alleged herein, were performed under color of law, and Defendant has its principal place of business in, and conducts business in, Walton County.

BACKGROUND

16. For years, wedding tourism has been a major industry in Walton County, with visitors coming to hold weddings, including weddings on rented private property.

17. Defendant has advertised, and still does advertise, Walton County to this effect as a wedding destination, including endorsing weddings held on rented private property.

18. Relying on this history, Plaintiffs purchased the Property in 2002 with the reasonable expectation that they would be able to rent to visitors who intended to hold weddings and other events on the Property if they so decided.

19. The Property is located within Walton County's "Residential Preservation Area" land district, as designated by Section 2.01.03(L)(3)(a)(iii) of the County's Land Development Code.

20. The Property includes a triplex and is surrounded primarily by multi-family residences.

21. Plaintiffs have used the Property as a vacation rental since its time of purchase and renovation, as do many of the property owners within the Residential Preservation Area.

22. Defendant has advertised, and still does advertise, private properties within the Residential Preservation Area as available for the holding of events.

23. From the time Plaintiffs purchased the property until February 2010, Plaintiffs rented the Property to visitors, including tourists who held weddings and other events on the Property, without any interference from Defendant.