

# Koontz v. St. Johns River Water Management District

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 **Resource Materials**

***Koontz v. St. Johns Water Management District*** (US 2013)

<http://www.supremecourt.gov/opinions/12pdf/11-1447_4e46.pdf>

Florida Supreme Court decision

<http://www.floridasupremecourt.org/decisions/2011/sc09-713.pdf>

Summary of the case from various perspectives

<http://www.foxrothschild.com/newspubs/newspubsArticle.aspx?id=15032389022>

<http://www.nahb.org/generic.aspx?genericContentID=211111>

<http://theusconstitution.org/cases/koontz-v-st-johns-river-water-management-district>

<http://www.fed-soc.org/publications/detail/koontz-v-st-johns-river-water-management-district-post-decision-scotuscast>

Commentary on ***Koontz*** (thanks to Rob Thomas at [www.inversecondemnation.com](http://www.inversecondemnation.com) for the list)[control and click to follow the link or go to [www.inversecondmenation.com](http://www.inversecondmenation.com) and search “Koontz”]:

***[Supreme Court Rules for Property Owner in Koontz v. St. Johns River Water Management District](http://legalplanet.wordpress.com/2013/06/25/supreme-court-rules-for-property-owner-in-koontz-v-st-johns-river-water-management-district/%22%20%5Ct%20%22_self)*** - lawprof Richard Frank, *Legal Planet*.

***[Supreme Court's Koontz Decision May Help Landowners Fighting Mitigation Payments](http://www.massachusettslandusemonitor.com/regulatory-takings/yesterday-the-united-states-supreme/%22%20%5Ct%20%22_self)*** - from the *Massachusetts Land Use Monitor*.

***[Does](http://blog.pacificlegal.org/2013/does-koontz-also-blow-holes-in-williamson-county/?utm_source=rss&utm_medium=rss&utm_campaign=does-koontz-also-blow-holes-in-williamson-county" \t "_self)* [Koontz](http://blog.pacificlegal.org/2013/does-koontz-also-blow-holes-in-williamson-county/?utm_source=rss&utm_medium=rss&utm_campaign=does-koontz-also-blow-holes-in-williamson-county" \t "_self) *[also blow holes in](http://blog.pacificlegal.org/2013/does-koontz-also-blow-holes-in-williamson-county/?utm_source=rss&utm_medium=rss&utm_campaign=does-koontz-also-blow-holes-in-williamson-county" \t "_self)* [Williamson County](http://blog.pacificlegal.org/2013/does-koontz-also-blow-holes-in-williamson-county/?utm_source=rss&utm_medium=rss&utm_campaign=does-koontz-also-blow-holes-in-williamson-county" \t "_self)*[?](http://blog.pacificlegal.org/2013/does-koontz-also-blow-holes-in-williamson-county/?utm_source=rss&utm_medium=rss&utm_campaign=does-koontz-also-blow-holes-in-williamson-county" \t "_self)*** -  J. David Breemer, *PLF Liberty Blog*.

**[Koontz v. St. Johns River Water Management District](http://www.pointoflaw.com/archives/2013/06/koontz-v-st-johns-river-water-management-district-of-issues-resolved--and-shoved-under-the-table.php%22%20%5Ct%20%22_self)*[: Of Issues Resolved - and Shoved under the Table](http://www.pointoflaw.com/archives/2013/06/koontz-v-st-johns-river-water-management-district-of-issues-resolved--and-shoved-under-the-table.php%22%20%5Ct%20%22_self)*** - lawprof Richard Epstein, *Point of Law*.

***[Supreme Court ruling bolsters private property rights](http://www.latimes.com/business/la-fi-court-property-rights-20130626%2C0%2C2605457.story?track=rss&cid=dlvr.it&dlvrit=52116" \t "_self)*** - from the *LA Times*.

***[Opinion recap: Broadening property owners' right to sue](http://www.scotusblog.com/2013/07/opinion-recap-broadening-property-owners-right-to-sue/%22%20%5Ct%20%22_self)*** - from *SCOTUSblog*.

***[Koontz Decision: No Big Deal or Blow to Sustainable Develoment?](http://www.planetizen.com/node/63926%22%20%5Ct%20%22_self)*** - Jonathan Nettler, *Planetizen*.

**[Late to the Game: Koontz and whether you can have a takings claim without an actual takings](http://lawprofessors.typepad.com/land_use/2013/07/late-to-the-game-koontz-and-whether-you-can-have-a-takings-claim-without-an-actual-takings.html%22%20%5Ct%20%22_self)** - lawprof Jessie Owley, *Land Use Prof Blog*.

***[CAC Reacts to Supreme Court Decision in Koontz Takings Case](http://theusconstitution.org/media/releases/cac-reacts-supreme-court-decision-koontz-takings-case%22%20%5Ct%20%22_self)*** - *Constitutional Accountabllity Center.*

***[Land Owners Complete a Clean Sweep at the U.S. Supreme Court](http://www.californiaeminentdomainreport.com/2013/06/articles/court-decisions/land-owners-complete-a-clean-sweep-at-the-us-supreme-court/%22%20%5Ct%20%22_self)*** - Brad Kuhn, C*alifornia Eminent Domain Report*.

***[A Few More Thoughts About Koontz](http://prawfsblawg.blogs.com/prawfsblawg/2013/06/takings-and-taxes-after-koontz.html%22%20%5Cl%20%22more%22%20%5Ct%20%22_self)*** - lawprof Eduardo Penalver,  *PrawfsBlawg*.

***[Koontz' Unintelligible Takings rule: Can Remedial Equivocation save the Court from a Doctrinal Quagmire?](http://prawfsblawg.blogs.com/prawfsblawg/2013/06/koontzs-unintelligible-takings-rule-can-remedial-equivocation-make-up-for-an-incoherent-substantive-.html%22%20%5Ct%20%22_self)*** - lawprof Rick Hills, *PrawfsBlawg*.

***[Koontz and Exactions: Don't Worry, Be Happy](http://legalplanet.wordpress.com/2013/06/27/koontz-and-exactions-dont-worry-be-happy/%22%20%5Ct%20%22_self)*** - lawprof Jonathan Zasloff, *Legal Planet*.

***[No Permit for You! - How Denying a Permit Could be a Taking](http://hilanduse.blogspot.com/2013/06/no-permit-for-you-how-denying-permit.html%22%20%5Ct%20%22_self)*** - Jesse Souki, *Hawaii Land Use Law and Policy*.

***[Surprise! Environmental Lawprof Dislikes Koontz](http://www.inversecondemnation.com/inversecondemnation/2013/06/surprise-environmental-lawprof-dislikes-koontz.html)*** – Robert Thomas Inversecondemnation.com

And these:

***Koontz Decision: No Big Deal or Blow to Sustainable Development? -*** Planetizen

<http://www.planetizen.com/node/63926>

***A Legal Blow to Sustainable Development***  - Prof. Echeverria, Vermont Law School

<http://www.nytimes.com/2013/06/27/opinion/a-legal-blow-to-sustainable-development.html?_r=1&>

***A Legal Blow to Cities That Want to Take Your Property*** - Cato Institute

<http://www.cato.org/blog/legal-blow-cities-want-take-property>

First decision post-*Koontz*:

***Town of Ponce Inlet v. Pacetta***, Ct. App. Fl. (July 5, 2013)

<http://www.5dca.org/Opinions/Opin2013/070113/5D12-1982.op.pdf>

Pending case:

**California Building Industry Association v. City of San Jose**

 Appeal pending, review granted – a case to watch in California Supreme Court

 <http://www.courts.ca.gov/opinions/documents/H038563.PDF>

 <http://www.inversecondemnation.com/files/final-pet-for-review.pdf>

Background cases:

***Nollan v. California Coastal Commission***

<http://www.law.cornell.edu/supct/html/historics/USSC_CR_0483_0825_ZS.html>

***Dolan v. Tigard***

<http://www.law.cornell.edu/supct/html/93-518.ZS.html>

***Lingle v. Chevron***

<http://www.law.cornell.edu/supct/html/04-163.ZS.html>

**Eastern Enterprises v. Apfel**

<http://www.law.cornell.edu/supct/html/97-42.ZO.html>

Commentary:

John Baker and Katherine Swenson, ***Koontz v. St. Johns River Water Management District: Trudging Through a Florida Wetland with Nine U.S. Supreme Court Justices*** (May 2013)

<http://www.greeneespel.com/files/pdf/ReprintZPLR052013.pdf>

[Ilya Somin](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=333339" \t "333339), ***[Two Steps Forward for the 'Poor Relation' of Constitutional Law: Koontz, Arkansas Game & Fish, and the Future of the Takings Clause](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2325529" \t "_top)***
Cato Supreme Court Review, pp. 215-243, 2012-2013 (Symposium on the 2012-13 Supreme Court Term), George Mason Law & Economics Research Paper No. 13-48

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2325529>

John D. Echeverria, ***[Koontz: The Very Worst Takings Decision Ever?](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2316406" \t "_top)***
Vermont Law School Research Paper No. 28-13

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2316406>

[Justin R. Pidot,](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1173128" \t "1173128)  ***[Fees, Expenditures, and the Takings Clause](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2298307" \t "_top)***
University of Denver Sturm College of Law
Date posted: July 26, 2013
Last revised: August 15, 2013
Working Paper Series

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2298307>

[John Ryskamp,](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=239905" \t "239905) ***[Koontz Pulls the 'Trigger' on the Affordable Care Act](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2287280" \t "_top)***
Independent
Date posted: July 1, 2013
Working Paper Series
<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2287280>

International Perspectives on Exactions

Rachelle Alterman ed., **Private Supply of Public Services: Evaluation of Real Estate Exactions, Linkage, and Alternative Land Policies** (1988)

(including a comparative analysis of exactions in a few countries).

Rachelle Alterman, “**The U.S. Regulatory Takings Debate Through an International Lens,”** The Urban Lawyer, 42-1/43-1 Fall/Wu-inter 2011, 331-355.

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2111158>

Rachelle Alterman**, Guest Editorial: Comparative Research at the Frontier of Planning Law: The Case of Compensation Rights for Land Use Regulations**
International Journal of Law in the Built Environment. Vol. 3 No. 2, 2011 pp. 100-112

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2116268>

Rachelle Alterman**, [Takings International: A Comparative Perspective on Land Use Regulations and Compensation Rights](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175149" \t "_top)**(Feb. 2. 2010)

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2175149>

<http://apps.americanbar.org/abastore/index.cfm?pid=5330205&section=main&fm=Product.AddToCart>

**A Case Study on Development Exaction for Collector Distributor**

**Road Construction in Bangkok**

<http://www.ucl.ac.uk/dpu-projects/drivers_urb_change/urb_economy/pdf_innov_financ_mech/HABITAT_BestPractice_Nopanant_Tapananont.pdf>

Rachelle Alterman**, ed., Private Supply of Public Services: Evaluation of Ral Estatre Exactions, Linkage, and Alternative Land Policies,** <http://alterman2.technion.ac.il/files/Books/English/1988-private-context.pdf>

[Kawaguchi, Yuichiro](http://eres.architexturez.net/documents?f%5Bauthor%5D=17314). **"[International Comparison of Exaction in Negotiating Development Case studies on UK, the Continents USA and Japan](http://eres.architexturez.net/doc/oai-eres.id-eres1997_163)."** In 4th European Real Estate Society Conference. ERES: Conference. Berlin, Germany, 1997.