



NEWS RELEASE

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Florida Church Battles County in Controversial Eminent Domain Case

FORT LAUDERDALE, FL; February 13, 2008: A far-reaching legal challenge to Broward County's controversial use of eminent domain was heard this week, and the case has drawn participation from the nation's most prominent watchdog legal organization for property rights, Pacific Legal Foundation (PLF).

The county is attempting to seize the property of the Christian Romany Church in Fort Lauderdale, for use as a drug treatment center. After a trial court approved the condemnation plan, the church appealed. On Tuesday of this week, Florida's Fourth District Court of Appeal heard oral arguments in the case.

Attorneys with PLF's Atlantic Center, based in Stuart, are siding with the 300-member church in an amicus brief submitted to the appellate court. PLF argues that the county is violating Florida law on eminent domain, which requires a strict showing that a proposed condemnation is absolutely necessary for a public use. "The county wants to take property from the Christian Romany Church that simply isn't needed for this drug treatment center," said PLF attorney Steven Geoffrey Gieseler. "So, by definition, the proposed condemnation flunks the 'necessity' test."

"Government seizure of property must be subjected to the most demanding judicial scrutiny—as with any bureaucratic action that infringes on a fundamental right," Gieseler continued. "Courts must be on watch for subterfuge, where the government takes property not actually needed for the announced purpose, and uses it instead for something else. In this case, the appellate court should ask: Why is the county taking more land than is needed for the drug center? What will the county be doing with that 'excess' property?"

(more)

The church argues that the county also did not sufficiently seek alternate locations or consider public safety factors. The church is also invoking federal and state religious freedom laws.

The case is *Christian Romany Church Ministries v. Broward County*. PLF's brief in opposition to the county's action is available from Mr. Gieseler or Mr. Crumpler.

About Pacific Legal Foundation

Pacific Legal Foundation (www.pacificlegal.org) is the oldest and most successful public interest legal organization dedicated to property rights, limited government, and a balanced approach to environmental protection. PLF's Atlantic Center, which litigates throughout Florida and the eastern half of the United States, is headquartered in Stuart, Florida.

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