No. _____

In the Supreme Court of the United States

JEFFREY LANCE HILL, SR., individually; Aggrieved Party and as Real Party in Interest of El Rancho No Tengo Inc., *Petitioner*

v.

LEANDRA G. JOHNSON, individually and officially, et al,

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

APPENDIX

Jeffrey Lance Hill, Sr.
Petitioner *pro se*
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Lake City, Florida 32025
Phone: 386-623-9000

APPENDIX CONTENTS

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12231

JEFFREY LANCE HILL, SR.,
individually; Aggrieved Party and as Real Party
in Interest of El Rancho No Tengo, Inc.,
Plaintiff-Appellant,

versus

LEANDRA G. JOHNSON,
individually & officially,
GREGORY S. PARKER,
individually & officially,
WILLIAM F. WILLIAMS, III,
individually & officially,
JOEL F. FOREMAN,
individually and as Columbia County attorney,

JENNIFER B. SPRINGFIELD, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida D.C.
Docket No. 3:20-cv-00895-TJC-PDB

Before JORDAN, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

Jeffrey Lance Hill, Sr. appeals the district court's dismissal of (1) four of Hill's claims because of judicial immunity, (2) five of Hill's claims under the res judicata doctrine, and (3) Hill's final claim for lack of subject matter jurisdiction. All of Hill's claims arise out of a nearly 20-year-old dispute with his local government concerning the maintenance of a reservoir on his property. This appeal is the latest in a long line of suits Hill has filed in state and federal court since this dispute began. After careful review, we affirm in part and remand in part.

I. Background

Hill brought this lawsuit in 2020 against the Honorable Leandra G. Johnson; the Honorable Gregory S. Parker; the Honorable William F. Williams, III (collectively the "judicial defendants"); two Florida attorneys, Joel F. Foreman and Jennifer B. Springfield; Suwannee River Water Management District ("the District"); Columbia County, Florida ("the County"); City of Lake City, Florida ("the City"); and Michael Smallridge (all collectively, "defendants"). Hill's allegations recount his long-running, litigation-filled dispute with various local-government entities since 2006.

According to Hill's latest complaint, in 2003 he and his family lived on approximately 800 acres of land in the County, which they operated as a farm via a corporation called El Rancho No Tengo, Inc. The land features a reservoir bounded by dikes. In 2003, the District discovered that an emergency spillway on the reservoir had failed, which resulted in significant flooding and erosion downstream, beyond Hill's property. The District informed Hill that he must obtain an environmental resource permit ("ERP") issued by the District to repair the breach, but Hill never sought an ERP.

In 2006, Hill attempted to repair the reservoir and dikes without an ERP. The District

sued Hill to stop him, alleging that Hill's activities rendered the reservoir structurally unsound and subject to failure. In 2007, Judge Johnson awarded the District an injunction that allowed the District to enter Hill's land and demand an ERP for his construction. Hill unsuccessfully appealed. In 2008, Judge Johnson awarded the District a $100,000.00 fine against Hill. Hill again unsuccessfully appealed. In 2010, Judge Parker, now overseeing Hill's case, authorized the District to drain the reservoir. Hill alleged that the drainage caused water to flow onto 120 acres of his land. Judge Parker also awarded $280,376.20[1] in fees and costs to the District. Judge Parker ordered the sheriff to place a levy on Hill's land to satisfy the judgment in the District's favor. The sheriff scheduled the sale of Hill's land for May 3, 2011, but Hill filed for bankruptcy immediately beforehand. Hill "obtained no relief in the bankruptcy court," and the District took possession of Hill's land as scheduled on May 3, 2011.

In August 2011, Hill and his wife filed a "land takings case in state court; case no.: 11-340CA."

[1] In various places, Hill also alleges this figure was $280,276.20 or $260,376.20. The precise figure is irrelevant to the outcome of this appeal.

During this litigation, Hill alleges that Springfield, who was an attorney in the case, moved to hold Hill in contempt of court. In 2016, the state court granted summary judgment for the District. Subsequently, Judge Parker "assigned 'all cases involving Plaintiff'" to Judge Williams. Hill alleged that Judge Williams, then "acting as a state circuit judge, denied Plaintiffs' motion to rehear [Judge] Parker's Order which granted judicial immunity to take land to the" District. Hill alleged that the "Parker/Williams decisions as to immunity have been reversed."

In 2017, the County sought a receiver for property which, according to Hill, "belonged to Plaintiff and [h]is son." During this litigation, Hill alleges that Foreman, who served as the County's attorney, filed a false document. Judge Williams, "acting as a state circuit judge in [the] County," granted the County's request, appointed Smallridge as the County's receiver, and directed Smallridge to assume control over the reservoir and make all necessary repairs. Judge Williams also entered an order allowing the County and the District to enter Hill's property. Thereafter, the City also entered Hill's land to work on the reservoir and surrounding dikes.

In 2019, Smallridge entered Hill's land and performed further work on a water line. Smallridge later returned with employees and installed another water pipe. Then in 2020, Hill alleges that the District entered his property again and drained the reservoir, "allowing the approximately 50 million gallons of water to drain onto Plaintiff's property."

Out of these underlying facts, Hill has initiated multiple federal lawsuits. As relevant to this appeal, in 2015, Hill filed suit against the District in the Middle District of Florida seeking a declaration that the District lacked authority to seek an injunction against him in the 2006 proceedings, that the state court lacked jurisdiction in the 2006 litigation, and that the District violated his federal statutory and constitutional rights. Hill also asked the district court to quiet title to his land. The district court dismissed the action with prejudice because the issues Hill raised in his complaint were "litigated to finality in state court" and barred by "the doctrines of *res judicata*, collateral estoppel, and *Rooker-Feldman*."[2]

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[2] *See Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923); *Dist. of Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462, 476–82 (1983).

In 2017, Hill filed another case in the Middle District of Florida against the judicial defendants, Foreman, Springfield, the District, the County, and the City. His allegations and claims in that lawsuit mirror his allegations and claims in this case. The district court dismissed Hill's complaint with prejudice, finding that "[a]s has been detailed in prior orders entered in Plaintiff's related cases, Plaintiff's Complaint fails to state any claim upon which relief can be granted in this Court." We affirmed. *See Hill v. Johnson*, 787 F. App'x 604, 605 (11th Cir. 2019).

In 2020, Hill filed this lawsuit. He asserted ten claims: (1) a takings claim against Judge Johnson; (2) an excessive-fines claim against Judge Johnson; (3) a takings and due-process claim against Judge Parker; (4) a due-process, takings, and jury-trial claim against Judge Williams; (5) a takings and due-process claim against Foreman; (6) an equal-protection claim against Springfield; (7) a takings claim against the District; (8) a takings claim against the County; (9) a takings claim against the City; and (10) a takings claim against Smallridge.

In 2022, Hill moved to supplement his pleadings. The defendants also moved to dismiss

Hill's complaint. The district court dismissed[3] Hill's complaint with prejudice and denied Hill's motion to file supplemental pleadings. The district court dismissed Counts I through IV based on judicial immunity, Counts V through IX based on *res judicata*, and Count X for lack of subject matter jurisdiction. Hill timely appealed.

II. Discussion

Hill appeals the applicability of judicial immunity and *res judicata* to his claims. Hill also argues that the district court had subject matter jurisdiction over his final claim. Finally, Hill appeals the district court's denial of his motion to file supplemental pleadings.

A. Hill's Counts I through IV are barred by judicial immunity

The district court dismissed Hill's first four claims based on judicial immunity. On appeal, Hill argues that the judicial defendants' actions in his previous state cases were void and did not confer judicial immunity on the judicial defendants.

[3] The district court previously dismissed with prejudice Hill's complaint. We vacated and remanded the decision in light of an intervening decision from this Court. *Hill v. Johnson*, No. 21-12271, 2022 WL 3155832 (11th Cir. Aug. 8, 2022); *see also Behr v. Campbell*, 8 F.4th 1206 (2021).

Specifically, Hill argues that the judicial defendants acted without jurisdiction and cannot be immune from takings claims.[4]

"We review *de novo* a district court's grant of judicial immunity." *Smith v. Shook*, 237 F.3d 1322, 1325 (11th Cir. 2001). State judges are typically entitled to judicial immunity in suits for money damages. *Stump v. Sparkman*, 435 U.S. 349, 355–56 (1978).

We apply a two-part test to determine whether a state judge is entitled to judicial immunity when sued under 42 U.S.C. § 1983 for money damages. *Simmons v. Conger*, 86 F.3d 1080, 1084 (11th Cir. 1996). First, we consider "whether the judge dealt with the plaintiff in a judicial capacity." *Id.* Determining "judicial capacity depends on whether: (1) the act complained of constituted a normal judicial function; (2) the events occurred in the judge's chambers or in open court; (3) the controversy involved a case pending before the

[4] Hill also argues that Judge Williams was not properly appointed as a circuit judge. Thus, according to Hill, Judge Williams lacks judicial immunity for any actions taken as a circuit judge. As we will explain below, this argument fails because Judge Williams was lawfully appointed to temporarily serve as a circuit judge.

judge; and (4) the confrontation arose immediately out of a visit to the judge in his judicial capacity." *Sibley v. Lando*, 437 F.3d 1067, 1070 (11th Cir. 2005). "If the judge was dealing with the plaintiff in his judicial capacity, . . . the second part of the test is whether the judge acted in the clear absence of all jurisdiction." *Simmons*, 86 F.3d at 1085 (quotations omitted); *see Stump*, 435 U.S. at 357. A judge acts in the clear absence of all jurisdiction if he lacked "subject matter jurisdiction over the matter forming the basis for . . . liability." *Dykes v. Hosemann*, 776 F.2d 942, 943 (11th Cir. 1985) (*en banc*).

Hill sued the judicial defendants for money damages. Accordingly, we turn to the two-pronged analysis to determine the applicability of judicial immunity. *See Simmons*, 86 F.3d at 1084–85.

First, the judicial defendants acted in their judicial capacity. Hill alleged that the judicial defendants injured him through the following actions: (1) granting a permanent injunction; (2) imposing a $100,000 penalty against Hill; (3) issuing orders to drain the reservoir and allow water to flow onto Hill's land; (4) imposing $280,376.20 in fees and costs against Hill; (5) holding Hill in contempt of court and jailing him; (6) issuing a foreclosure judgment to the District; (7) overruling Hill's

objections; (8) assigning Hill's cases to Judge Williams; (9) ruling that Hill's land was not unlawfully "taken"; (10) issuing an order allowing the County to take a portion of Hill's land; and (11) issuing other orders. These actions are quintessential judicial functions: granting injunctions, imposing penalties, and issuing orders. *See Sibley*, 437 F.3d at 1070.[5] And as Hill alleged, the judicial defendants undertook these alleged actions in cases pending before them. Accordingly, the judicial defendants meet the first prong for receiving judicial immunity. *See Simmons*, 86 F.3d at 1084.

Second, the judicial defendants did not act in the clear absence of all jurisdiction. Hill fails to allege that any of the judicial defendants lacked subject matter jurisdiction over his state-court cases. Indeed, Hill concedes that "circuit courts . . . possess the power to hear" his cases.[6] See Fla. Stat.

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[5] Hill also argues that "draining a pond and flooding fields[] isn't part a[n]d parcel of the judicial process, or functionally comparable to the work of judges." (quoting Hill v. Suwanee River Water Mgmt. Dist., 217 So. 3d 1100, 1102 (Fla. 1st DCA 2017)). That argument, however, fails against the judicial defendants who, in this case, engaged only in "the work of judges—making decisions, resolving

§ 26.012(2)(a), (g) (defining circuit courts' original jurisdiction to include "all actions at law not cognizable by the county courts" and "all actions involving the title and boundaries of real property"). Accordingly, the district court properly dismissed Hill's first four claims based on judicial immunity.[7] *See Simmons*, 86 F.3d at 1084–85; Dykes, 776 F.2d at 943.

B. Hill's Counts V through IX are barred by res judicata

The district court held that Hill's fifth through ninth claims were barred by the doctrine of res judicata. On appeal, Hill argues that the parties and causes of action are different in this case than

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disputes, adjudicating rights, processing cases, and the like." Hill, 217 So. 3d at 1102.

[6] Again, to the extent Hill argues that Judge Williams was not properly appointed to be a circuit judge, we will explain below why that argument fails

[7] In opposition to this conclusion, Hill argues that judicial immunity is unavailable for takings claims. We find no support for Hill's position. Although a judicial order may effect a taking, *see Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env't Prot.*, 560 U.S. 702, 714 (2010) (plurality opinion), plaintiffs still may not sue judges for money damages when the requirements for judicial immunity are met, see Simmons, 86 F.3d at 1084–85.

in his previous cases, and other courts have not adjudicated his takings claims. Defendants argue that Hill's 2017 federal suit precludes this suit. We agree with defendants.

"At all times the burden is on the party asserting res judicata (here, [defendants]) to show that the later-filed suit is barred." *In re Piper Aircraft Corp.*, 244 F.3d 1289, 1296 (11th Cir. 2001). We apply federal common law "to determine the preclusive effect of a prior federal court judgment." *Baloco v. Drummond Co., Inc.*, 767 F.3d 1229, 1246 (11th Cir. 2014). Under federal common law, a prior decision prevents plaintiffs from bringing related claims "when the prior decision (1) was rendered by a court of competent jurisdiction; (2) was final; (3) involved the same parties or their privies; and (4) involved the same causes of action." *Rodemaker v. City of Valdosta Bd. of Educ.*, 110 F.4th 1318, 1324 (11th Cir. 2024) (quotation omitted). As for the second element, dismissals with prejudice and dismissals for failure to state a claim are final judgments on the merits. *NAACP v. Hunt*, 891 F.2d 1555, 1560 (11th Cir. 1990); *Hart v. Yamaha-Parts Distribs., Inc.*, 787 F.2d 1468, 1470 (11th Cir. 1986). As for the fourth element, *res judicata* "extends not only to the precise legal theory presented in the

previous litigation, but to all legal theories and claims arising out of the same operative nucleus of fact." *Hart*, 787 F.2d at 1470 (quotation omitted). We review the district court's decision on privity for clear error, but we review the remaining elements de novo. *Rodemaker*, 110 F.4th at 1327.

All four elements of *res judicata* are present between this suit and Hill's 2017 federal suit. First, Hill filed the 2017 case in the Middle District of Florida, which was a court of competent jurisdiction concerning Hill's federal claims arising from a real property dispute within that district. *See* 28 U.S.C. §§ 1331 (establishing federal-question jurisdiction), 89(b) (defining the Middle District of Florida to include Columbia and Suwannee Counties). Second, the district court dismissed Hill's 2017 complaint with prejudice for failure to state a claim, which is a preclusive final judgment. *See Hunt*, 891 F.2d at 1560; *Hart*, 787 F.2d at 1470. Third, Hill names identical parties in Counts V through IX of this complaint as he did in his 2017 suit: the City, the County, Foreman, Springfield, and the District. Fourth, Hill's claims in Counts V through IX of this complaint involve the same causes of action as his 2017 claims: takings, excessive fines, and due process. In any event, both disputes "aris[e] out of

the same operative nucleus of fact"—Hill's fight with local governmental entities over construction at the reservoir. *Hart*, 787 F.2d at 1470 (quotations omitted). Because all four elements for *res judicata* are met, Hill's 2017 suit precludes his Counts V through IX in this suit. *See Rodemaker*, 110 F.4th at 1324.

C. The district court lacked subject matter jurisdiction over Hill's Count X

The district court held that it lacked subject matter jurisdiction over Count X, Hill's claim against Smallridge, because Smallridge was a receiver, and the court that appointed Smallridge as a receiver never granted Hill permission to sue Smallridge. On appeal, Hill argues that Judge Williams "was not a duly authorized judge" who could appoint a receiver.

We review a dismissal for lack of subject matter jurisdiction *de novo*. *Soul Quest Church of Mother Earth, Inc. v. Att'y Gen.*, 92 F.4th 953, 964 (11th Cir. 2023). When reviewing such a dismissal, we may not consider the merits of the claim; "we have jurisdiction . . . merely for the purpose of reviewing the district court's determination that it could not entertain the suit." *Id.*

In *Barton v. Barbour*, the Supreme Court

stated that "[i]t is a general rule that before suit is brought against a receiver[,] leave of the court by which he was appointed must be obtained." 104 U.S. 126, 127 (1881). This rule, known as the "*Barton* doctrine," is jurisdictional: "a court does not have 'jurisdiction, without leave of the court by which the receiver was appointed, to entertain a suit against him for a cause of action arising in the State in which he was appointed and in which the property in his possession is situated.'" *Chua v. Ekonomou*, 1 F.4th 948, 953 (11th Cir. 2021) (quoting *Barton*, 104 U.S. at 137); *see also Asset Recovery Grp., LLC v. Cabrera*, 233 So. 3d 1173, 1176 (Fla. 3d DCA 2017) ("The *Barton* doctrine has been recognized in Florida, and [it] applies equally whether a state court appointed receiver is sued in state court . . . [or] in federal court." (quotation and internal citations omitted)).

The *Barton* doctrine precludes Hill's claim against Smallridge. In August 2017, Judge Williams appointed Smallridge to be a receiver over the reservoir. The receivership authorized Smallridge to enter Hill's property and repair or alter the reservoir as necessary. Hill's allegations against Smallridge concern Smallridge's entry onto Hill's property and alteration of the reservoir, *i.e.*, Smallridge's powers as receiver. Hill fails to allege that he sought "leave

of the court by which [Smallridge] was appointed" as a receiver before Hill sued Smallridge based on Smallridge's actions as a receiver. *Barton*, 104 U.S. at 127. Accordingly, if Smallridge's appointment was proper, then Hill's failure to get permission from the court means that the district court lacked jurisdiction over Hill's claim against Smallridge. *See id.* at 137; *Chua*, 1 F.4th at 953.

Hill, however, argues that Judge Williams was not duly authorized to appoint Smallridge as a receiver. According to Hill, "Williams' territorial jurisdiction lies in Lafayette County, Florida," so Judge Williams is not "qualified" to exercise jurisdiction in Columbia County, Florida.

Hill is wrong. According to the Florida Constitution, the Chief Justice of the Supreme Court of Florida "shall be the chief administrative officer of the judicial system, and shall have the power to assign justices or judges . . . to temporary duty in any court for which the judge is qualified." Fla. Const. art. V, § 2(b). Florida law entitles the Chief Justice to designate "county court judge[s] . . . on a temporary basis to preside over circuit court cases." Fla. Stat. § 26.57. The designee judge "may be required to perform the duties of circuit judge in other counties of the circuit as time may permit and

as the need arises." Id. Florida Rule of General Practice and Judicial Administration 2.215(b)(4) then delegates the Chief Justice's assignment power to the chief judge of each judicial circuit court. *See Physicians Healthcare Plans, Inc. v. Pfeifler*, 846 So. 2d 1129, 1133 (Fla. 2003). Florida's third judicial circuit includes Columbia and Suwannee Counties. Fla. Stat. § 26.021(3).

Judge Williams could appoint Smallridge as a receiver in Columbia County because he had been lawfully appointed as a circuit judge in the third judicial circuit. Initially, Judge Williams was a Suwannee County judge. See Third Judicial Circuit of Florida, General Assignment of Judges No. 2017-055 July 1, 2017– September 4, 2017, at 3.[8] The chief judge of the third judicial circuit lawfully appointed Judge Williams to be a circuit judge of Florida's third judicial circuit. See id. at 4; Fla. Stat. § 26.57. This appointment authorized Judge Williams to exercise jurisdiction in Columbia County because Columbia County is also in the third judicial circuit. See Fla.

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[8] This order is available at https://thirdcircuitfl.org/wpcontent/uploads/AO-2017-055-GENERAL-ASSIGNMENT-OF-JUDGESJULY-1-2017-SEPTEMBER-4-2017.pdf [https://perma.cc/GX63-LJEN].

Stat. § 26.021(3). Accordingly, Judge Williams was qualified to appoint Smallridge as a receiver of Hill's property in Columbia County.[9] Thus, the district court lacked subject matter jurisdiction over Hill's claim against Smallridge, a lawfully appointed receiver, because Hill failed to get permission from the court before suing Smallridge. *See Chua*, 1 F.4th at 953.[10]

D. The district court properly denied Hill's motion to supplement his pleadings

The district court denied Hill's motion to supplement his complaint. On appeal, Hill argues that this denial allows defendants to continue to unjustly take his property. Hill's argument fails.

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[9] To the extent Hill conclusorily argues that Fla. Stat. § 367.165 did not authorize the County to place his land into receivership, we reject that argument as meritless. See Fla. Stat. § 367.165(2).

[10] Although the district court correctly concluded it lacked subject matter jurisdiction over Hill's claim against Smallridge, the district court erred by dismissing this claim with prejudice. *See Stalley ex rel. United States v. Orlando Reg'l Healthcare Sys., Inc.*, 524 F.3d 1229, 1232, 1234–35 (11th Cir. 2008). Accordingly, we will "remand in part so that the district court can reenter its dismissal order without prejudice." *Id.* at 1235.

"We review a district court's decision to deny leave to amend for abuse of discretion." *Woldeab v. DeKalb Cnty. Bd. of Educ.*, 885 F.3d 1289, 1291 (11th Cir. 2018). "Where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice." *Id.* (quotation omitted). "But a district court need not grant leave to amend when . . . a more carefully drafted complaint could not state a claim." *Id.* (quotation omitted).

The district court properly denied Hill leave to supplement his complaint. Hill's requested amendments add further allegations that Judge Williams has continued to act "completely absent jurisdiction," and the District has continued its unlawful taking of his property by draining the reservoir. As discussed, Hill has repeatedly tried to litigate these issues, and they are precluded. Thus, the district court properly denied Hill's motion because his amendments "could not state a claim." Woldeab, 885 F.3d at 1291 (quotation omitted).

III. Conclusion

For the foregoing reasons, we affirm in part the judgment of the district court dismissing with prejudice Hill's first nine claims. But because the

district court lacked subject matter jurisdiction over Hill's claim against Smallridge, that claim should have been dismissed without prejudice. Thus, we remand with instructions that the district court reenter its judgment accordingly.

AFFIRMED IN PART AND REMANDED IN PART.

Date Filed: 03/04/2025

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR., individually; Aggrieved Party and as Real Party in Interest of El Rancho No Tengo, Inc.,

Plaintiff,

v. Case No. 3:20-cv-895-TJC-PDB

LEANDRA G. JOHNSON, individually & officially, GREGORY S. PARKER, individually & officially, WILLIAM F. WILLIAMS, III, individually & officially, JOEL F. FOREMAN, individually and as Columbia County attorney, JENNIFER B. SPRINGFIELD, individually and officially, SUWANNEE RIVER WATER MANAGEMENT DISTRICT, COLUMBIA COUNTY, FLORIDA, CITY OF LAKE CITY, FLORIDA, and MICHAEL SMALLRIDGE, individually and as Receiver for

Columbia County,
Defendants.

ORDER

This case is again before the Court on pro se Plaintiff Jeffrey Lance Hill, Sr.'s Complaint. (Doc. 1). Defendants—various judges, individuals, and government entities—filed renewed[1] motions to dismiss Hill's complaint. (Docs. 58, 60–64). Defendant Jennifer B. Springfield also moved for injunctive relief to limit Hill's future filings. (Doc. 59). Hill responded in opposition to each motion except Springfield's Motion for Injunctive Relief. (Docs. 65–70).

I. MOTIONS TO DISMISS

The facts of this case have been described in numerous judicial orders and need not be repeated here. Hill has filed numerous lawsuits nearly identical to this one. See (Doc. 44 at 3). Hill consistently challenges the state court's decisions

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[1] Defendants previously moved to dismiss Hill's complaint, which the Court granted based on the Rooker-Feldman doctrine. (Doc. 44). The Eleventh Circuit reversed and remanded the case on appeal based, in part, on an interim Eleventh Circuit case, Behr v. Campbell, 8 F.4th 1206 (2021). (Docs. 54–55).

regarding his property, alleging the Defendants' actions constituted a taking of his property, the fines against him were excessive, and that he was denied his right to a jury trial, among other things. See (Doc. 1). Hill brings his claims under "Title 42 U.S.C. sections 1982, 1983, 1985 and common law" against the Honorable Leandra G. Johnson, the Honorable Gregory S. Parker, the Honorable William F. Williams, III, Joel F. Foreman, Jennifer B. Springfield, Suwannee River Water Management District (SRWMD), Columbia County, Florida, City of Lake City, Florida, and Michael Smallridge. Id. at 1–2. Hill's claims are as follows:

> **Count I:** "Violation of Rights Secured by the Takings Clause of Amendment V and Amendment XIV of the United States Constitution; (42 U.S.C. sec. 1983- Defendant Leandra G. Johnson)"
>
> **Count II:** "Right to be Secure From Excessive Fines; Amendment VIII (42 U.S.C. section 1983 - Defendant Leandra G. Johnson)"
>
> **Count III:** "Right to be Free from Taking of Property Without Just Compensation; Right to Due Process; Fifth and Fourteenth Amendments; 42 U.S.C. 1983- 42 U.S.C. 1985(3) - (Defendant Gregory S. Parker)"
>
> **Count IV:** "Right to be Secure in Property; Right to Due Process of Law; Fifth and

Fourteenth Amendments; Right to Trial by Jury; Seventh Amendment; 42 U.S.C. sec. 1983 - (Defendant William F. Williams, III)"

Count V: "Right to Just Compensation and Due Process of Law as Secured by the Fifth and Fourteenth Amendments ; 42 sec. 1983, Florida Statute 817.535 – (Defendant Joel F. Foreman, individually and as attorney for Columbia County, Florida)"

Count VI: "Right to Equal Protection of the Laws; Amendment Fourteen; 42 sec. 1985(3); (Defendant Jennifer B. Springfield)"

Count VII: "Violations of the Takings Clause; Title 42 U.S.C. sec. 1983; Fifth and Fourteenth Amendments – (Defendant Suwanee River Water Management District)"

Count VIII: "Violations of the Takings Clause and Due Process; Fifth and Fourteenth Amendments; Title 42 U.S.C. sec. 1983; (Defendant Columbia County, Florida)"

Count IX: "Violations of the Fifth and Fourteenth Amendments; Title 42 U.S.C. sec. 1983 – (Defendant City of Lake Ci ty, Florida)"

Count X: "Violations of the Fifth and Fourteenth Amendments to the United States Constitution; Title 42 U.S.C. sec. 1983 –

(Michael Smallridge – individually and a Receiver for Columbia County)."

Id. at 8–15. The Court will liberally construe Hill's pro se allegations. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). However, Hill's complaint is still due to be dismissed.

A. Judicial Immunity

Counts I, II, III, and IV are due to be dismissed based on judicial immunity. Counts I through IV are all brought under 42 U.S.C. § 1983 against Florida state court judges that ruled on Hill's state court cases at various times.

Under federal law,

> "[j]udges are entitled to absolute judicial immunity from damages for those acts taken while they are acting in their judicial capacity unless they acted in the 'clear absence of all jurisdiction.'" Bolin v. Story, 225 F.3d 1234, 1239 (11th Cir. 2000) (citations omitted). "This immunity applies even when the judge's acts are in error, malicious, or were in excess of his or her jurisdiction." Id. Whether a judge's actions were made while acting in his [or her] judicial capacity depends on whether: (1) the act complained of constituted a normal judicial function; (2) the events occurred in the judge's chambers or in open court; (3) the controversy involved a case pending before

> the judge; and (4) the confrontation arose immediately out of a visit to the judge in his [or her] judicial capacity. Scott v. Hayes, 719 F.2d 1562, 1565 (11th Cir. 1983).

Sibley v. Lando, 437 F.3d 1067, 1070 (11th Cir. 2005); see also Pierson v. Ray, 386 U.S. 547, 553–54 (1967) ("Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction . . . .").[2]

Hill's allegations, assumed as true and liberally construed, show that Judges Johnson, Parker, and Williams were all acting within their judicial capacities. See (Doc. 1 ¶ 19) ("Defendant Leandra G. Johnson (Johnson), awarded the Agency an injunction against the farm . . . . The farm appealed to the Florida First District Court of

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[2] Section 1983 contains a limited exception to the judicial immunity doctrine, providing: "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." Notwithstanding comity and federalism concerns, even liberally construing Hill's complaint, Hill has not plausibly alleged entitlement to injunctive relief because he has not shown a likelihood of success on the merits of his claims. See Bolin, 225 F.3d at 1240; Siegel v. LePore, 234 F.3d 1163, 1176 (11th Cir. 2000) (describing the elements of injunctive relief).

Appeal and that court per curiam affirmed without a written opinion."); id. ¶ 20 ("Defendant Johnson awarded the Agency a $100,000.00 fine against the farm. The farm appealed to the Florida First District Court of Appeal; that court per curiam affirmed without written opinion."); id. ¶ 23 ("Defendant Parker . . . rendered an order in [Hill's] case . . . ."); id. ¶ 24 ("Defendant Parker . . . awarded fees and costs . . . ."); id. ¶ 29 ("Defendant Williams, acting as a state circuit judge, denied Plaintiffs' motion to rehear Defendant Parker's Order . . . .").

In his response, Hill argues that Judges Johnson, Parker, and Williams were acting outside of the scope of their judicial capacity when:

- Judge Johnson granted an injunction to SRWMD because she was deprived of subject matter jurisdiction under Florida Statutes 403.813(1)(g) and (h). (Doc. 67 at 1). Hill also asserts that Judge Johnson was outside the scope of her judicial capacity when she awarded SRWMD $100,000 "because there is no law in Florida prescribing such an amount for the lack of a permit from [SRWMD]." Id. at 1–2.
- Judge Parker entered an order authorizing SRWMD to drain Hill's pond on his property, awarded SRWMD $280,376.20, and

transferred Hill's cases to Judge Williams. Id. at 2.

- Judge Williams entered orders in Hill's cases because Judge Williams is a judge in Suwannee County, Florida, not Columbia County, Florida. Id.[3]

These allegations, assumed as true, largely describe what Hill believes to be legal deficiencies in the judges' decisions, not facts supporting the conclusion that Judges Johnson, Parker, and Williams were acting "in the clear absence of all jurisdiction." Bolin, 225 F.3d at 1239 (citation omitted). Hill's argument that Judge Williams was acting outside his judicial capacity because Judge Williams served in a different county than assigned is similarly unmeritorious. See Judges of Polk Cnty.

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[3] Hill also perfunctorily alleges that Judge Williams' assistant signed an order "giving right to enter Plaintiff's private property to both Defendant County and Defendant Agency, without a hearing." (Doc. 1 ¶ 35). The Court judicially notices Judge Williams's June 14, 2017 Order that Hill references (which can be found on the publicly available docket), where it appears that Judge Williams signed the order (in addition to his judicial assistant). See FED. R. EVID. 201(b)–(d) (allowing a court to take judicial notice on its own at any stage of the proceeding any fact that "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned"); (Doc. 14 in Columbia County v. Hill, Case No. 17-132-CA (Fla. 3d Cir. Ct.)).

Ct. by Herring v. Ernst, 615 So. 2d 276, 277 (Fla. 2d DCA 1993) ("Logically, we conclude if a circuit judge may be assigned temporarily outside the circuit where he or she was elected, then a county judge may be temporarily assigned to serve outside the county where he or she was elected."); Physicians Healthcare Plans, Inc. v. Pfeifler, 846 So. 2d 1129, 1133 (Fla. 2003) ("Florida Rule of Judicial Administration 2.050(b)(4) [now Rule 2.215(b)(4)] delegates the chief justice's assignment power to the chief judges of the judicial circuits to 'assign any judge to temporary service for which the judge is qualified in any court in the same circuit.'"). Hill provides no other allegations regarding why this assignment was improper.[4] Therefore, Defendants

B. Res Judicata

Hill's case is another attempt to relitigate his state court cases, and as such Counts V–IX are

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[4] Hill directs the Court's attention to Hill v. Judges Johnson, Parker, and Williams are all entitled to judicial immunity. Suwannee River Water Mgmt. Dist., 217 So. 3d 1100 (Fla. 1st DCA 2017) wherein the First DCA—considering different issues than presented here—reversed the circuit court's grant of summary judgment based on quasi-judicial immunity grounds. See (Doc. 1 ¶ 29). Notably, however, the First DCA took no issue with Judge Williams' assignment to the case (although there is no indication that the issue was raised). See Hill, 217 So. 3d at 1100–03.

barred by the doctrine of res judicata. See Hill v. Johnson, 787 Fed. App'x 604, 607–08 (11th Cir. 2019)[5] (holding that Hill "was simply quarrelling with the outcome and attempting to relitigate his claims"). "Res judicata bars the filing of claims which were raised or could have been raised in an earlier proceeding." Ragsdale v. Rubbermaid, Inc., 193 F.3d 1235, 1238 (11th Cir. 1999). "Under Eleventh Circuit precedent, a claim will be barred by prior litigation if all four of the following elements are present: (1) there is a final judgment on the merits; (2) the decision was rendered by a court of competent jurisdiction; (3) the parties, or those in privity with them, are identical in both suits; and (4) the same cause of action is involved in both cases." Id. A dismissal under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim is a judgment on the merits. N.A.A.C.P. v. Hunt, 891 F.2d 1555, 1560 (11th Cir. 1990) (citing Federated Dept. Stores, Inc. v. Moitie, 452 U.S. 394, 399 n.3 (1981)).

In 2015, Hill sued SRWMD in federal court alleging violations of Hill's First, Fifth, Eight, and

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[5] The Court does not rely on unpublished opinions as binding precedent; however, they may be cited when the Court finds them persuasive on a particular point. See McNamara v. GEICO, 30 F.4th 1055, 1060–61 (11th Cir. 2022).

Fourteenth Amendment rights.[6] (Doc. 1 in Hill v. Suwannee River Water Mgmt. Dist., 3:15-cv-1445-TJC-JK (M.D. Fla.)). Hill requested just compensation for his property and argued that the civil penalty imposed against him was unconstitutional. Id. This Court dismissed Hill's claims with prejudice, reasoning that the claims were barred by res judicata, collateral estoppel, and Rooker-Feldman. (Doc. 11 in 3:15-cv-1445). In 2017, Hill filed suit again, this time also including Defendants Joel F. Foreman, Jennifer Springfield, Columbia County, and Lake City. (Doc. 1 in Hill v. Johnson, 3:17- cv-1342-BJD-JK (M.D. Fla.)). In the 2017 case, Hill also brought claims under the Fifth, Eighth, and Fourteenth Amendments alleging the same or substantially same facts as the current complaint. Id. Judge Adams dismissed the case with prejudice. (Doc. 14 in 3:17-cv-1342); Hill v. Johnson, No. 3:17-cv- 1342-J-25-JRK, 2018 WL 10705406, at *2 (M.D. Fla. May 21, 2018), aff'd, 787 F. App'x 604 (11th Cir. 2019). The Eleventh Circuit affirmed Judge Adam's dismissal (although it offered a

[6] In 2015 and 2016, this Court also dismissed two of Hill's appeals from bankruptcy court proceedings. See (Doc. 15 in Hill v. Suwannee River Water Mgmt. Dist., 3:15-cv-1013-TJC (M.D. Fla.) and Doc. 15 in Hill v. Suwannee River Water Mgmt. Dist., 3:15-cv-1475-TJC (M.D. Fla) (dismissing the appeal, but also affirming the bankruptcy decision on the merits)).

slightly different reasoning), and stated "we conclude that dismissal under Rule 12(b)(6) was nonetheless appropriate." Hill, 787 Fed. App'x at 607–08.

Both the 2015 and 2017 cases included judgments on the merits, rendered by courts of competent jurisdiction, included the same parties, and involved the same causes of action. Hill's Counts V–IX[7] are due to be dismissed based on res judicata.

C. Defendant Smallridge

Hill's claim against Defendant Michael Smallridge is not barred by res judicata because this is the first case where Hill has named Smallridge as a Defendant; however, Hill has still failed to state a cognizable claim against Smallridge.[8] Hill repeatedly alleges that Smallridge was acting "as Receiver for Defendant County."[9] (Doc. 1 ¶¶ 10, 82,

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[7] Counts I–IV are likely also barred by res judicata because Judges Johnson, Parker, and Williams were also a part of Hill's 2017 suit.

[8] Hill has alleged enough to establish standing at this stage. Warth v. Seldin, 422 U.S. 490, 501 (1975) ("For purposes of ruling on a motion to dismiss for want of standing, both the trial and reviewing courts must accept as true all material allegations of the complaint, and must construe the complaint in favorof the complaining party.").

[9] Hill alleges his claim against Smallridge in both Smallridge's individual and official capacities; however, Hill provides only

83). However, Hill has failed to allege that he requested leave of the court that appointed Smallridge to file suit against Smallridge. Both Florida courts and the Eleventh Circuit have recognized the Barton doctrine which requires that "before suit is brought against a receiver[,] leave of the court by which he was appointed must be obtained." Barton v. Barbour, 104 U.S. 126, 127 (1881); see Asset Recovery Grp., LLC v. Cabrera, 233 So. 3d 1173, 1176 (Fla. 3d DCA 2017) ("The Barton doctrine has been recognized in Florida and applies equally whether a state court appointed receiver is sued in state court or in federal court.") (citations and alterations omitted); cf. Carter v. Rodgers, 220 F.3d 1249, 1252 (11th Cir. 2000) (adopting Barton doctrine and extending to bankruptcy trustees). Hill does not allege that the receivership has ended.[10] Cf. Chua v. Ekonomou, 1 F.4th 948, 953 (11th Cir. 2021) (holding that the Barton doctrine does not extend to receivers after the receivership has ended). The Court does not have subject matter jurisdiction over Hill's claim against Smallridge. See Lawrence v. Goldberg, 573 F.3d 1265, 1269 (11th Cir. 2009)

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conclusory allegations regarding his individual capacity claim against Smallridge.

[10] Smallridge states in his motion to dismiss that the receivership is continuing. (Doc. 62 at 9).

(affirming district court's dismissal for lack of subject matter jurisdiction based on the Barton doctrine).

Smallridge is also protected by judicial immunity. Hill alleges that Smallridge was appointed receiver by the state court. See (Doc. 1 ¶ 10). "As a court-appointed receiver, [the receiver] receives 'judicial immunity for acts within the scope of [his] authority.'" Chua, 1 F.4th at 955 (quoting Prop. Mgmt. & Invs., Inc. v. Lewis, 752 F.2d 599, 602 (11th Cir. 1985)). "That immunity applies even if his acts were 'in error, malicious, or . . . in excess of [the appointing court's] jurisdiction.'" Id. (alteration in original) (quoting Bolin, 225 F.3d at 1239).

Hill does not allege that Smallridge acted outside the scope of his authority. Hill alleges Smallridge "act[ed] under color of law," "enter[ed] onto private property owned by Plaintiff," "removed an existing functional pipe disabling the farm irrigation system and installed his plug on Plaintiff's private property." (Doc. 1 ¶ 82). Hill also alleges that Smallridge "[dug] a ditch and install[ed] more than 125 feet of his pipe on Plaintiff's real property." Id. ¶ 83. These allegations alone do not evidence that Smallridge was acting outside the scope of his authority, and Hill provides no other allegations showing such. See (Doc. 35 in Columbia County v. Hill, Case No. 17-132-CA (Fla. 3d Cir. Ct.)

(appointing receiver and defining scope of receivership which includes entering, taking possession, and making all necessary repairs to the land and the community water system on the land)). Hill's claims against Smallridge are due to be dismissed.

II. MOTION TO AMEND

Hill also filed a Request for Leave to File Supplemental Pleadings. (Doc. 57). Defendants did not respond. Hill is seeking to amend his complaint after an appeal to add claims against Defendants based on new events that occurred after his complaint was filed. Id. at 2. Federal Rule of Civil Procedure 15(a)(2) directs that "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." "Although [l]eave to amend shall be freely given when justice so requires, a motion to amend may be denied on numerous grounds such as undue delay, undue prejudice to the defendants, and futility of the amendment." Haynes v. McCalla Raymer, LLC, 793 F.3d 1246, 1250 (11th Cir. 2015) (alteration in original) (quoting Maynard v. Bd. of Regents of Div. of Univs. of Fla. Dep't of Educ. ex rel. Univ. of S. Fla., 342 F.3d 1281, 1287 (11th Cir. 2003)).

Amendment at this juncture is futile and would cause undue delay and prejudice. Hill has had

many opportunities to plead his case against Defendants, see (Doc. 44 at 3–4 (collecting cases)), and Hill's "new events" raise many of the same issues that are already presented in the complaint—including whether Judge Williams violated Hill's Due Process and Seventh Amendment rights and whether SRWMD continues to violate the Takings Clause (Doc. 57 at 2–3)—such that amendment is futile. By allowing amendment, the Court, and Defendants (many of which are public entities) would be subject to the burden of additional litigation. See Hill, 2018 WL 10705406, at *2 ("Plaintiff's multiple cases based upon the same facts have not only strained the Court's limited resources, but also forced Defendant to incur significant expenses in responding to the Complaints as well as Plaintiff's other improper filings.").

III. INJUNCTION

Hill is intent on relitigating these same issues. The Court has warned Hill that there is no basis for "any further cases arising from these facts" and that it would "strongly consider awarding sanctions if [Hill] continues to file such pleadings." (Doc. 14 in 3:15-cv-1013); (Doc. 44). Since that warning, Hill has continued to file cases based on these same facts. Lesser sanctions have been imposed and have not deterred him. See (Docs. 27,

42–43 in 3:17-cv-1342). The Court again finds that nothing short of a pre-filing injunction will be effective and that an injunction to permanently enjoin Hill from filing in this District without first seeking leave of the court is warranted.

As stated in its prior order:

> "Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." Procup v. Strickland, 792 F.2d 1069, 1073 (11th Cir. 1986). Accordingly, courts "maintain[] 'considerable discretion' to restrict the filings of a vexatious litigant." Cuyler v. Presnell, No. 6:11-cv- 623-ORL-22DAB, 2011 WL 5525372, at *1 (M.D. Fla. Nov. 14, 2011) (quoting Traylor v. City of Atlanta, 805 F.2d 1420 (11th Cir. 1986)). An injunction that aims to minimize abusive, vexatious litigation cannot be a total bar to court access. Id. (citing Martin-Trigona v. Shaw, 986 F.2d 1384, 1387 (11th Cir. 1993)). Otherwise, there are few limits on the actions that courts may take to protect against such litigation. Abram-Adams v. Citigroup, Inc., No. 12-80848-CIV, 2013 WL 451906, at *2 (S.D. Fla. Feb. 6, 2013) (citing Martin-

Trigona, 986 F.2d at 1387).[11]

(Doc. 44 at 7). Defendant Springfield requests that the Court enjoin Hill from "filing pleadings in federal court without first obtaining leave from the Court." (Doc. 59 at 8). Springfield has shown a substantial likelihood of success on the merits, and irreparable harm from having to continually defend these suits which outweighs any harm to Hill. See (Doc. 44); Laosebikan v. Coca-Cola Co., 415 F. App'x 211, 215 (11th Cir. 2011) (applying and describing the permanent injunction standard and affirming the district court's injunction imposing a prefiling approval requirement on a vexatious litigant). As stated previously:

> From here forward, Mr. Hill must seek leave of Court before filing any lawsuit in this district to ensure he does not make another

[11] More broadly, the All Writs Act "provides that '[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law,' 28 U.S.C. § 1651, [and] affords the Court 'the power to enjoin litigants who are abusing the court system by harassing their opponents.'" Abram-Adams, 2013 WL 451906, at *2 (quoting Laosebikan v. Coca-Cola Co., 415 Fed. App'x 211, 215 (11th Cir. 2011)). Options for enjoining vexatious litigants might include seeking leave of court prior to filing, limiting the number of pages allowed for filings, or requiring a signed affidavit regarding attempts to retain an attorney, among other

> attempt to re-litigate claims that have already been adjudicated. If it proves necessary in the future, the Court will consider expanding the injunction to include other courts. See, e.g., Riccard v. Prudential Ins. Co., 307 F.3d 1277, 1295 n.15, 1298 (11th Cir. 2002) (approving of injunction preventing suit by plaintiff or anyone acting on his behalf in any forum without first obtaining leave to file).

(Doc. 44 at 8).

Accordingly, it is hereby

ORDERED:

1. Defendants' Renewed Motions to Dismiss (Docs. 58, 60–64) are **GRANTED**.

2. Plaintiff's Request for Leave to File Supplemental Pleadings (Doc. 57) is **DENIED**.

3. Defendant Jennifer B. Springfield's Renewed Motion for Injunctive Relief to Limit Plaintiff's Future Filings (Doc. 59) is **GRANTED to the extent described below**.

4. Plaintiff Jeffrey Lance Hill, Sr., is hereby permanently **ENJOINED** from initiating any action or other matter in the United States District Court for the Middle District of Florida without obtaining prior approval from this Court. The Court will adopt

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measures. See, e.g., Procup, 792 F.2d at 1073.

the pre-screening procedure established in Cuyler v. Presnell, No. 6:11-cv-623-Orl-22DAB, 2011 WL 5525372, at *2–*3 (M.D. Fla. Nov. 14, 2011) (see Docs. 11, 20 in 6:11-cv-623), and in Gullett-El v. Corrigan, No. 3:17-cv-881-J-32JBT, 2017 WL 10861313, at *5–6 (M.D. Fla. Sept. 20, 2017), as follows:

> Procedure in the Middle District of Florida: Henceforth, any complaint or other pleading Jeffrey Lance Hill, Sr., presents to the Clerk's Office in the Middle District of Florida for filing shall be specially handled in the following manner. Rather than filing the complaint or pleading and opening a new case, the Clerk's Office shall forward it to the duty Magistrate Judge in the respective Division for review and screening. See Copeland v. Green, 949 F.2d 390, 391 (11th Cir. 1991) (upholding pre-filing screening requirements). The Magistrate Judge will determine whether the complaint or pleading has arguable merit— that is, a material basis in law and fact. No abusive, frivolous, scandalous, or otherwise impertinent complaint or pleading shall be permitted. If the action is arguably meritorious, the Magistrate Judge shall issue an order so stating and shall direct the Clerk of Court to file the complaint or pleading for normal assignment. Such order shall be docketed along with the complaint or pleading in the new civil case. If, however, the Magistrate

Judge's preliminary review determines that the tendered filing has no arguable merit, the Magistrate Judge shall enter an order so finding, in which event the complaint or pleading will not be filed with the Court. Instead, the Clerk's Office shall return the original tendered document to Plaintiff after making a copy for the Court.

In addition to docketing this Order in the instant case, the Clerk shall open a miscellaneous case and shall file the Order in that case as well. Hereafter, any order determining that a complaint or pleading tendered by Plaintiff has no arguable merit shall also be filed in the miscellaneous case, along with a copy of the complaint or pleading in question, both of which shall be forwarded to the United States Attorney.

Upon a finding that a tendered complaint or pleading lacks arguable merit, Plaintiff shall be subject to a monetary sanction in the amount of $1,000.00 per case and/or such other sanctions as the Court deems appropriate. Any money judgment arising from such sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Plaintiff to procure the seizure and sale of personal assets to satisfy the judgment.[12]

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[12] See, e.g., In re Roy Day Litig., 976 F. Supp. 1455, 1459 (M.D.

5. The measures imposed by this Order are in no way intended to restrict other judges' authority to impose additional sanctions as necessary.

6. On or before **June 27, 2023**, the United States Marshal shall personally serve Jeffrey Lance Hill, Sr., with a copy of this Order and shall promptly thereafter file a return of such service.

7. This case is **DISMISSED with prejudice**. All pending motions and deadlines are terminated. The Clerk should close the file.

DONE AND ORDERED in Jacksonville, Florida the 9th day of June, 2023.

"s/" Timothy J. Corrigan
TIMOTHY J. CORRIGAN

Fla. 1995) ("Rule 11, Federal Rules of Civil Procedure, permits the Court to enter monetary or other sanctions against a party for filing or pursuing frivolous actions. Frivolous actions include both those brought for an improper purpose, such as vexation, and those without basis in either law or fact. In the event a Magistrate's preliminary review results in a finding that Day's action is frivolous, that action will not be filed with the Court but instead will be returned to Day. Upon such a finding, Day will be subject to sanction in an amount not less than $1,000.00 per case. Of course, any money judgment arising from those sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Day to procure the seizure and sale of his personal assets to satisfy the judgment.").

United States District Judges

Ckm
Copies:
All Jacksonville District and Magistrate Judges
Clerk of Court, Middle District of Florida
Chief Deputy Clerk of Court – Operations, Middle District of Florida
Jacksonville Division Manager
Counsel of record
Pro se Plaintiff
United States Marshal
United States Attorney's Office Middle District of Florida (Frank Talbot)

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12271
Non-Argument Calendar

JEFFREY LANCE HILL, SR.,
individually; Aggrieved Party and as Real Party
in Interest of El Rancho No Tengo, Inc.,
Plaintiff-Appellant,

versus

LEANDRA G. JOHNSON,
individually & officially,
GREGORY S. PARKER,
individually & officially,
WILLIAM F. WILLIAMS, III,
individually & officially,
JOEL F. FOREMAN,
individually and as Columbia County attorney,

JENNIFER B. SPRINGFIELD,
Individually and officially, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:20-cv-00895-TJC-PDB

Before JORDAN, NEWSOM, and BRANCH, Circuit Judges.

PER CURIAM:

Jeffrey Hill, proceeding pro se, appeals the district court's dismissal with prejudice of his pro se civil rights complaint as barred by the *Rooker-Feldman*[1] doctrine. Additionally, Hill appeals the

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[1] The Rooker-Feldman doctrine derives from Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923), and *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). Collectively, "[t]hose cases held that state court litigants do not have a right of appeal in the lower federal courts; they cannot come to federal district courts complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district

district court's entry of an injunction prohibiting him from filing any suit in the Middle District of Florida without first obtaining leave of the court. Because the district court did not review each of Hill's individual claims to determine whether the *Rooker-Feldman* doctrine barred each claim as required, we vacate the district court's decision and the related injunction and remand for further proceedings. This suit is one of a series of suits that Hill has filed against three Florida judges ("the judicial defendants"), two Florida attorneys, the Suwannee River Water Management District ("the District"), Columbia County, Florida, Columbia County's receiver, and the City of Lake City, Florida, related to several prior Florida state court judgments entered against his farm. As we summarized in a prior case,

> [I]n 2006, the District brought a lawsuit in Florida state court against Hill's Farm, El Rancho No Tengo, Inc., alleging that the farm had repaired a pipe on the property without obtaining the proper permits. The District

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court review and rejection of those judgments." *Behr v. Campbell*, 8 F.4th 1206, 1209–10 (11th Cir. 2021) (quotations omitted).

> prevailed in that action, and over the years several civil judgments have been entered against the farm, imposing civil penalties and authorizing the District to allow water to flow onto Hill's land. . . . Hill has unsuccessfully attempted to obtain relief in matters related to those judgments in two state court cases, two bankruptcy cases, and various federal and state appeal processes.

Hill v. Johnson, 787 F. App'x 604, 605 (11th Cir. 2019) (unpublished).

In the underlying complaint, Hill asserted ten claims under 42 U.S.C. §§ 1982, 1983, and 1985, and the Fifth, Seventh, Eighth, and Fourteenth Amendments of the United States Constitution. The defendants moved to dismiss the case, arguing among other grounds, that Hill's claims were barred by the Rooker-Feldman doctrine. After summarizing the procedural history of Hill's various legal proceedings, the district court concluded that the instant "case is also barred by the Rooker-Feldman doctrine," and granted the defendants' motions to dismiss.[2]

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[2] Additionally, the district court found that Hill had "failed to comply with multiple directives from the Court to stop re-

However, the district court did not have the benefit of our decision in *Behr v. Campbell*, 8 F.4th 1206 (11th Cir. 2021), which issued three months after the district court's ruling in this case. Behr clarified the proper application of the *Rooker-Feldman* doctrine, including that the doctrine requires a claim-by-claim approach to determine "whether resolution of each individual claim requires review and rejection of a state court judgment." *Id.* at 1213. The district court did not conduct such a targeted approach when holding that Hill's case was barred under *Rooker-Feldman*. Therefore, we vacate the dismissal and remand the case to the district court. On remand, the district court may opt to conduct the *Behr* analysis to determine if the *Rooker-Feldman* doctrine bars each of Hill's claims.[3] Alternatively, The district court may consider the other defenses asserted in the defendants' motions to dismiss, including res judicata, collateral estoppel, and immunity grounds. Furthermore, because one of the

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litigating previously decided claims," and it enjoined Hill from filing any lawsuit in the Middle District of Florida without first obtaining leave of the court.

[3] We express no opinion on whether the Rooker-Feldman doctrine bars any of Hill's claims.

asserted in the defendants' motions to dismiss, including res judicata, collateral estoppel, and immunity grounds. Furthermore, because one of the factors the district court considered in issuing the pre-filing injunction was that the defendants "succeed[ed] on the merits," we vacate the injunction. The district court may in its discretion determine on remand whether a pre-filing injunction is warranted.

VACATED AND REMANDED.

Date Filed: 08/08/2022

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR., etc.,

Plaintiff,

v. Case No. 3:20-cv-895-TJC-PDB

LEANDRA G. JOHNSON, etc., et al.,

Defendants.

ORDER AND INJUNCTION

In the past two decades, pro se Plaintiff Jeffrey Lance Hill, Sr. has filed numerous lawsuits in this district and in Florida's Third Judicial Circuit pertaining to a grievance from fifteen years ago. (See Docs. 6, 9, 25). This case is Mr. Hill's most recent attempt to re-litigate those issues. Like Mr. Hill's prior cases, this case must be dismissed, and Mr. Hill will be prohibited from filing similar lawsuits in this Court in the future.

I. PROCEDURAL BACKGROUND

Several motions are pending before the Court:

Suwannee River Water Management District's[1] Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 4) and Motion for Injunctive Relief to Limit Plaintiff's Future Filings (Doc. 5); Mr. Hill's Motion for Default Judgment (Doc. 20); Defendant Jennifer B. Springfield's Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 22) and Motion for Injunctive Relief to Limit Plaintiff's Future Filings (Doc. 24); Defendants the Honorable Leandra G. Johnson, the Honorable Gregory S. Parker, and the Honorable William F. Williams, III's Motion to Dismiss Complaint With Prejudice (Doc. 28); Defendant Columbia County's Motion to Dismiss (Doc. 33); and Defendants Joel F. Foreman, City of Lake City, and Michael Smallridge's Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 34).

The District responded in opposition to the motion for default judgment (Doc. 23). Mr. Hill responded in opposition to the District's motion to dismiss (Doc. 29), to Ms. Springfield's motion to dismiss (Doc. 30), to Judge Johnson, Judge Parker,

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[1] The Court refers to Suwannee River Water Management District as "the District" in this Order.

and Judge Williams's motion to dismiss (Doc. 32), to Lake City, Mr. Foreman, and Mr. Smallridge's motion to dismiss (Doc. 38), and to Columbia County's motion to dismiss (Doc. 39). The Court granted Defendants' Joint Motion to Stay Discovery and Hold in Abeyance Case Management Conference and Reporting Requirements (Doc. 35) on October 30, 2020. (Doc. 37). This case has been stayed since that time, pending resolution of the dispositive motions. Mr. Hill recently filed a Motion to Vacate Stay (Doc. 41), to which Columbia County, the District, and Judges Johnson, Parker, and Williams responded in opposition (Docs. 41, 42, 43).

Mr. Hill has filed numerous lawsuits nearly identical to this one. In 2006, Mr. Hill filed a lawsuit in Florida's Third Judicial Circuit in and for Columbia County about what he viewed as improper government action related to his farm. Suwannee River Water Mgmt. Dist. v. El Rancho No Tengo, Inc., No. 06- 203-CA. The decision dismissing that case was affirmed by the Florida First District Court of Appeal. El Rancho No Tengo, Inc. v. Suwannee River Water Mgmt. Dist., 6 So. 3d 56 (Table), No. 1D08-2568, 2009 WL 401605 (Fla. 1st DCA Feb. 19, 2009). Since then, Mr. Hill has repeatedly sought to challenge those decisions with lawsuits in this Court. See Hill v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1445-J-34JRK; Hill v. Johnson, et

al., No. 3:17-cv-1342-HLAJRK. Mr. Hill also filed related lawsuits in the Bankruptcy Court, some of which he appealed to this Court. See Hill, et al. v. Suwannee River Water Mgmt. Dist., No. 3:15-bk-01290-PMG; Hill, et al. v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1475-J-32; Hill v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1013- J-32. In 2016, Mr. Hill made a failed attempt to remove a state court action to federal court. Hill, et al. v. Suwannee River Water Mgmt. Dist., No. 3:16-cv-169- J-32MCR.

Mr. Hill's prior cases were based on facts with no material difference from the facts alleged in this case. As in his other actions, Mr. Hill purports to bring his claims under 42 U.S.C. §§ 1982, 1983, and 1985, as well as "common law." (Doc. 1 at 1). Mr. Hill alleges land takings related to an 800-acre farm in Columbia County, Florida, and violations of the Fifth, Seventh, Eighth, and Fourteenth Amendments. (See Doc. 1). Mr. Hill has not in any way shown that this lawsuit materially differs from his prior lawsuits.

II. DISCUSSION

As a preliminary matter, in his Motion for Default Judgment, Mr. Hill claims that the District was served on August 18, 2020 and therefore should have answered by September 8, 2020. (Doc. 20 at 1). This is incorrect. The District was served on August

21, 2020 and responded in a timely manner. (See Docs. 16, 23). Thus, Mr. Hill's Motion for Default Judgment (Doc. 20) is denied.

All nine Defendants assert similar bases for dismissal: (1) that Mr. Hill fails to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6); (2) that Mr. Hill's claims are barred by the Rooker- Feldman doctrine; (3) that Mr. Hill's claims are barred by res judicata and collateral estoppel; (4) that Eleventh Amendment immunity applies; and (5) that Mr. Hill's claims are barred by the statute of limitations. (See Docs. 4, 22, 28, 33, 34). Columbia County additionally argues that the Complaint should be dismissed as a shotgun pleading, in which it is unclear which factual allegations correspond to each claim for relief. (See Doc. 33 at 3–4).

The Court need not reach the merits of each of these defenses. The Court already adjudicated a nearly identical case from Mr. Hill in 2016 and stated:

> Plaintiff has filed several actions in this Court arising out of the same underlying facts and seeking essentially the same relief; that is, to revisit the validity of state court liens, judgments, and litigation beginning in 2006. See, e.g., Hill v. Suwannee River Water Mgmt. Dist., No. 3:12-cv-860-TJC (affirming

U.S. Bankruptcy Court's dismissal of Hill's Chapter 12 case, and explaining "Despite appellant's request, this Court has no authority to review the state court decisions which underlie the bankruptcy court's ruling" (Doc. 22 at 2), where Hill identified as issues on appeal from U.S. Bankruptcy Court that "The Bankruptcy Court erred in its refusal to explore the validity of the State Court judgment"; "The State Circuit Court had no jurisdiction . . . in Case No: 06-203 CA, therefore judgment is void ab initio"; and "There is a conflict of authority between State Circuit Case No: 06-203 CA and State Circuit Court Case No. 89-22 CA . . . ." (Doc. 7 at 6)). aff'd, No. 14-10609 (11th Cir. Nov. 19, 2014); Hill v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1475-TJC (identifying in statement of issues, "Since the bankruptcy court's abstinence relies on the validity of the State court's judgments in case # 2006-203 CA, whether the state court and the Suwannee River Water Management District had competent jurisdiction and authority to begin the action." (Doc. 4 at 5)); Hill v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1445-J-32JRK ("The objective of this action [for declaratory judgment and quiet title] is to

> obtain an unprecedented determination of legal authority of the District to begin legal action against the farm and Hill, also to obtain a legal determination of the validity of the state court's adjudication in case nos. 06-203 CA and 13-666 CA." (Doc. 1 at 1)).

Hill v. Suwannee River Water Mgmt. Dist., No. 3:15-cv-1013-J-32 (Feb. 29, 2016) (Doc. 14 at 1–2 n.1). Additionally, the Court warned Mr. Hill that there was no basis for "any further cases arising from these facts" and cautioned that it would "strongly consider awarding sanctions if Plaintiff continue[d] to file such pleadings." Id. at 2.

Still, Mr. Hill filed another lawsuit based on the same facts in 2017. See Hill v. Johnson, et al., No. 3:17-cv-1342-J-25-JRK. The Honorable Henry Lee Adams, Jr. dismissed that case sua sponte on January 4, 2018, citing to the Court's prior Order. Id. (Doc. 14). Judge Adams also made a finding of bad faith, "that Plaintiff brought [the] case for an improper purpose and vexatiously multiplied the proceedings," and ruled that Rule 11 sanctions were appropriate. Id. (Docs. 27, 42). The Eleventh Circuit affirmed Judge Adams's decision, emphasizing that Mr. Hill's claims were barred by the Rooker-Feldman doctrine and that he "was simply quarrelling with the outcome and attempting to

relitigate his claims." Hill v. Johnson, 787 Fed. App'x 604, 607, 608 (11th Cir. 2019).[2]

This case is also barred by the Rooker-Feldman doctrine. As a result, Defendants' motions to dismiss (Docs. 4, 22, 28, 33, 34) are granted. Now, faced with Mr. Hill's fourth lawsuit on the same facts, the Court must decide whether to grant the District's and Ms. Springfield's requests to enjoin Mr. Hill from filing in this Court without first seeking leave of court for permission.

"Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." Procup v. Strickland, 792 F.2d 1069, 1073 (11th Cir. 1986). Accordingly, courts "maintain[] 'considerable discretion' to restrict the filings of a vexatious litigant." Cuyler v. Presnell, No. 6:11-cv-623- ORL-22DAB, 2011 WL 5525372, at *1 (M.D. Fla. Nov. 14, 2011) (quoting Traylor v. City of Atlanta, 805 F.2d

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[2] The Eleventh Circuit explained that the Rooker-Feldman doctrine "precludes federal district courts from reviewing 'cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.'" Hill, 787 Fed. App'x at 607 (quoting Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005)).

1420 (11th Cir. 1986)). An injunction that aims to minimize abusive, vexatious litigation cannot be a total bar to court access. Id. (citing Martin-Trigona v. Shaw, 986 F.2d 1384, 1387 (11th Cir. 1993)). Otherwise, there are few limits on the actions that courts may take to protect against such litigation. Abram-Adams v. Citigroup, Inc., No. 12-80848- CIV, 2013 WL 451906, at *2 (S.D. Fla. Feb. 6, 2013) (citing Martin-Trigona, 986 F.2d at 1387).[3]

Mr. Hill has failed to comply with multiple directives from the Court to stop re-litigating previously decided claims. The Court has considered other less restrictive alternatives but finds that nothing short of a pre-filing injunction will be effective. Mr. Hill's pattern of conduct merits the injunction sought by the District and Ms. Springfield, who have met the

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[3] More broadly, the All Writs Act "provides that '[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law,' 28 U.S.C. § 1651, [and] affords the Court 'the power to enjoin litigants who are abusing the court system by harassing their opponents.'" Abram-Adams, 2013 WL 451906, at *2 (quoting Laosebikan v. Coca-Cola Co., 415 Fed. App'x 211, 215 (11th Cir. 2011)). Options for enjoining vexatious litigants might include seeking leave of court prior to filing, limiting the number of pages allowed for filings, or requiring a signed affidavit regarding attempts to retain an attorney, among other measures. See, e.g., Procup, 792 F.2d at 1073.

four requirements for an injunction: they succeed on the merits, they stand to suffer irreparable injury from Mr. Hill's incessant and redundant filings that outweighs any damage to Mr. Hill, and the injunction is not adverse to the public interest. See Laosebikan v. Coca-Cola Co., 415 Fed. App'x 211, 214 (11th Cir. 2011) (enumerating injunction requirements). From here forward, Mr. Hill must seek leave of Court before filing any lawsuit in this district to ensure he does not make another attempt to re-litigate claims that have already been adjudicated. If it proves necessary in the future, the Court will consider expanding the injunction to include other courts. See, e.g., Riccard v. Prudential Ins. Co., 307 F.3d 1277, 1295 n.15, 1298 (11th Cir. 2002) (approving of injunction preventing suit by plaintiff or anyone acting on his behalf in any forum without first obtaining leave to file).

III. CONCLUSION

Accordingly, it is hereby

ORDERED:

1. Defendant Suwannee River Water Management District's Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 4) is **GRANTED.**

2. Defendant Suwannee River Water Management District's Motion for Injunctive Relief to Limit Plaintiff's Future Filings (Doc. 5) is **GRANTED.**

3. Plaintiff Jeffrey Lance Hill, Sr.'s Motion for Default Judgment (Doc. 20) is **DENIED**.

4. Defendant Jennifer B. Springfield's Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 22) is **GRANTED**.

5. Defendant Jennifer B. Springfield's Motion for Injunctive Relief to Limit Plaintiff's Future Filings (Doc. 24) is **GRANTED**.

6. Defendants the Honorable Leandra G. Johnson, the Honorable Gregory S. Parker, and the Honorable William F. Williams, III's Motion to Dismiss Complaint With Prejudice (Doc. 28) is **GRANTED**.

7. Defendant Columbia County's Motion to Dismiss (Doc. 33) is **GRANTED**.

8. Defendants Joel F. Foreman, City of Lake City, and Michael Smallridge's Motion to Dismiss Plaintiff's Complaint With Prejudice (Doc. 34) is **GRANTED**.

9. Plaintiff Jeffrey Lance Hill, Sr.'s Motion to Vacate Stay (Doc. 40) is **DENIED as moot**.

10. Plaintiff Jeffrey Lance Hill, Sr. is hereby permanently **ENJOINED** from initiating any action or other matter in the United States District Court for the Middle District of Florida without obtaining prior approval from this Court. The Court will adopt the pre-screening procedure established in Cuyler v. Presnell, No. 6:11-cv-623-Orl-22DAB, 2011 WL

5525372, at *2–*3 (M.D. Fla. Nov. 14, 2011) (see Docs. 11, 20), and in Gullett-El v. Corrigan, No. 3:17-cv-881- J-32JBT, 2017 WL 10861313, at *5–*6 (M.D. Fla. Sept. 20, 2017), as follows:

> **Procedure in the Middle District of Florida**: Henceforth, any complaint or other pleading Jeffrey Lance Hill, Sr. presents to the Clerk's Office in the Middle District of Florida for filing shall be specially handled in the following manner. Rather than filing the complaint or pleading and opening a new case, the Clerk's Office shall forward it to the duty Magistrate Judge in the respective Division for review and screening. See Copeland v. Green, 949 F.2d 390, 391 (11th Cir. 1991) (upholding pre-filing screening requirements). The Magistrate Judge will determine whether the complaint or pleading has arguable merit—that is, a material basis in law and fact. No abusive, frivolous, scandalous, or otherwise impertinent complaint or pleading shall be permitted. If the action is arguably meritorious, the Magistrate Judge shall issue an order so stating and shall direct the Clerk of Court to file the complaint or pleading for normal assignment. Such order shall be docketed along with the complaint or pleading in the new civil case. If, however, the Magistrate Judge's preliminary review determines that the tendered filing has no arguable merit, the Magistrate Judge shall enter an order so

finding, in which event the complaint or pleading will not be filed with the Court. Instead, the Clerk's Office shall return the original tendered document to Plaintiff after making a copy for the Court.

In addition to docketing this Order in the instant case, the Clerk shall open a miscellaneous case and shall file the Order in that case, as well. Hereafter, any order determining that a complaint or pleading tendered by Plaintiff has no arguable merit shall also be filed in the miscellaneous case, along with a copy of the complaint or pleading in question, both of which shall be forwarded to the United States Attorney.

Upon a finding that a tendered complaint or pleading lacks arguable merit, Plaintiff shall be subject to a monetary sanction in the amount of $1,000.00 per case and/or such other sanctions as the Court deems appropriate. Any money judgment arising from such sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Plaintiff to procure the seizure and sale of personal assets to satisfy the judgment.[4]

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[4] See, e.g., In re Roy Day Litig., 976 F. Supp. 1455, 1459 (M.D. Fla. 1995) ("Rule 11, Federal Rules of Civil Procedure, permits the Court to enter monetary or other sanctions against a party for filing or pursuing frivolous actions. Frivolous actions

11. The measures imposed by this Order are in no way intended to restrict other judges' authority to impose additional sanctions as necessary.

12. On or before **June 18, 2021**, the United States Marshal shall personally serve Jeffrey Lance Hill, Sr. with a copy of this Order and shall promptly thereafter file a return of such service.

13. This case is **DISMISSED** with prejudice. All pending motions and deadlines are terminated. The Clerk should close the file.

DONE AND ORDERED in Jacksonville, Florida the 21st day of May,2021.

"s/" Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judges

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include both those brought for an improper purpose, such as vexation, and those without basis in either law or fact. In the event a Magistrate's preliminary review results in a finding that Day's action is frivolous, that action will not be filed with the Court but instead will be returned to Day. Upon such a finding, Day will be subject to sanction in an amount not less than $1,000.00 per case. Of course, any money judgment arising from those sanctions is subject to enforcement by the United States Attorney, who may institute collection actions against Day to procure the seizure and sale of his personal assets to satisfy the judgment.").

tnm
Copies:

All Jacksonville District and Magistrate Judges
Clerk of Court, Middle District of Florida
Chief Deputy Clerk of Court – Operations, Middle District of Florida
Jacksonville Division Manager
Counsel of record
Pro se Plaintiff
United States Marshal

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12231

JEFFREY LANCE HILL, SR.,
individually; Aggrieved Party and as Real Party
in Interest of El Rancho No Tengo, Inc.,
Plaintiff-Appellant,

versus

LEANDRA G. JOHNSON,
individually & officially,
GREGORY S. PARKER,
individually & officially,
WILLIAM F. WILLIAMS, III,
individually & officially,
JOEL F. FOREMAN,
individually and as Columbia County attorney,
JENNIFER B. SPRINGFIELD, et al.,

Defendants-Appellees,

Appeal from the United States District Court
For the Middle District of Florida
D.C. Docket No. 3:20-cv-00895-TJC-PDB

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

Before Jordan, Branch, and Luck, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT IN AND FOR COLUMBIA COUNTY, FLORIDA

SUWANNEE RIVER WATER MANAGEMENT DISTRICT,

Plaintiff,

v. CASE NO.: 2006-203CA

EL RANCHO NO TENGO, INC.,

Defendant.
_____/

FINAL ORDER IMPOSING CIVIL PENALTIES AND RETAINING JURISDICTION

This matter came before the Court on Wednesday, April 16, 2008, during an evidentiary hearing to consider Plaintiff Suwannee River Water Management District's ("District") claim against Defendant El Rancho No Tengo, Inc., for civil penalties. The District was represented at the hearing by attorneys Jennifer B. Springfield and Thomas W. Brown and the Defendant was represented by attorneys Robert Moeller and Paul V. Smith. The Court heard testimony from Jon M. Dinges who is also the District's corporate

representative. The Court also heard arguments from counsel for both parties. Upon the Court's ruling in Plaintiff's favor, counsel for Defendant made an *ore tenus* motion requesting that a stay of execution also be entered.

FINDINGS OF FACT

1. The findings of fact made by the Court in its "Final Order Granting Permanent Injunctive Relief, Denying Defendant's Motion for Dismissal, Dismissing Count III of Amended Complaint, and Retaining Jurisdiction over Count IV of Amended Complaint" are incorporated herein by reference.
2. The Court finds that the actions and conduct of Defendant's principals, as described in the findings referenced in paragraph no. 1 above, are flagrant, willful, and without excuse. These actions by Defendant considered by the Court in this Order cover the period of time from December 7, 2005 through September 5, 2007, a period of 637 days.
3. Based upon lack of notice and violation of due process rights, Defendant objected at the hearing to all evidence offered by the District of any actions taken by Defendant after the date on which the District's motion for penalties was filed (September 5, 2007). These objections were sustained by the Court.

Consequently, no period of time other than December 7, 2005 through September 5, 2007, has been considered in this Order.

4. The imposition of a civil penalty in this case is necessary and appropriate in order to deter the Defendant and its principals from further violations of chapter 373, Florida Statutes.

CONCLUSIONS OF LAW

1. The Court's conclusions of law in it's "Final Order Granting Permanent Injunctive Relief, Denying Defendant's Motion for Dismissal, Dismissing Count III of Amended Complaint, and Retaining Jurisdiction over Count IV of Amended Complaint" are incorporated herein by reference.
2. Pursuant to subsection 373.129(5), Florida Statutes, the District is authorized to seek civil penalties in excess of $5,000,000 in this case, for which Defendant may be liable pursuant to subsection 373.430(2), Florida Statutes.
3. The Legislature has declared its intent in subsection 373.430(6), Florida Statutes, that "civil penalties imposed by the court be of such amount as to ensure immediate and continued compliance with this section."
4. Given the findings of fact above and in the "Final Order Granting Permanent Injunctive

Relief, Denying Defendant's Motion for Dismissal, Dismissing Count III of Amended Complaint, and Retaining Jurisdiction over Count IV of Amended Complaint," payment by Defendant of a civil penalty in the amount of $100,000 is fair and reasonable.

ACCORDINGLY, it is

ORDERED and ADJUDGED as follows:

a. The Plaintiff, Suwannee River Water Management District, shall have and recover from Defendant, El Rancho No Tengo, Inc., the sum of One-Hundred Thousand Dollars and Zero Cents ($100,00.00), for which let execution issue.

b. This Court retains jurisdiction in order to determine attorney's fees and costs (the remaining issues of Court IV of the Amended Complaint) and such other matters as may be necessary and proper.

DONE and ORDERED in Chambers at the Columbia County Courthouse, Lake City, Florida on April 16, 2008, and reduced to writing this 25th day of April, 2008.

"s/" Leandra G. Johnson
LEANDRA G. JOHNSON, Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order Imposing Civil

Penalties and Retaining Jurisdiction was furnished to **ROBERT MOELLER, ESQ.,** P.O. Box 1419, Cross City, FL 32628; **JENNIFER B. SPRINGFIELD, ESQ.,** 605 N.E. 1st Street Suite G, Gainesville, FL 32601; **THOMAS BROWN, ESQ.,** P.O. Box 1029, Lake City, FL 32056; and **PAUL V. SMITH, ESQ.,** P.O. Box 1792, Lake City, FL 32056 by U.S. Mail this 25th day of April, 2008.

"s/" Diane Hiers
DIANE HIERS, JUDICIAL ASSISTANT

DISTRICT COURT OF APPEAL, FIRST DISTRICT
301 S. Martin Luther King, Jr. Blvd.
Tallahassee, Florida 32399-1850
Telephone No. (850) 488-6151

April 2, 2009

CASE NO.: 1D08-2568
L.T. No.: 2006-203-CA

RE: EL RANCHO NO TENGO, INC.	v.	SUWANNEE RIVER WATER MANAGEMENT DISTRICT
Appellant/Petitioner(s),		Appellee/Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion filed March 4, 2009, for rehearing or written opinion is denied.

Appellant's motion filed March 4, 2009, for rehearing en banc is denied.

I HEREBY CERTIFY that the forgoing is (a true copy of) the original court order.

Served:

Robert Moeller Jennifer B. Springfield Paul V. Smith Matthew C. Mitchell Thomas W. Brown

jm

"s/" Jon. S. Wheeler
JON S. WHEELER, CLERK

G-3

SUPREME COURT OF FLORIDA

WEDNESDAY, May 27, 2009
CASE NO.: SC09-867
Lower Tribunal No(s).: 1D07-4185
2006-203-CA

RE: EL RANCHO NO TENGO, INC. vs. SUWANNEE RIVER WATER MANAGEMENT DISTRICT

Petitioner(s) Respondent(s)

It appearing to the Court that it is without jurisdiction, the Petition for Review is hereby dismissed. See Jenkins v. State, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing will be entertained by the Court.

A True Copy
Test:
"s/" *Thomas D. Hall*
Thomas D. Hall
Clerk, Supreme Court

kb

Served:
HON. JON. WHEELER, CLERK
ROBERT MOELLER
JEFFREY L. HILL
THOMAS W. BROWN
JENNIFER BURDICK SPRINGFIELD
HON. LEANDRA G. JOHNSON, JUDGE
HON. P. DEWITT CASON, CLERK

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY LANCE HILL, SR., individually;
Aggrieved Party and as Real Party in Interest
of El Rancho No Tengo, Inc., Plaintiffs,

v.

LEANDRA G. JOHNSON, individually &
officially,
GREGORY S. PARKER, individually & officially,
WILLIAM F. WILLIAMS, III, individually &
officially,
JOEL F. FOREMAN, individually and as Columbia
County attorney,
JENNIFER B. SPRINGFIELD, individually and
officially,
SUWANNEE RIVER WATER MANAGEMENT
DISTRICT,
COLUMBIA COUNTY, FLORIDA,
CITY OF LAKE CITY, FLORIDA and
MICHAEL SMALLRIDGE, individually and as
Receiver for Columbia Country, Florida;
Defendants.

COMPLAINT and DEMAND FOR JURY TRIAL

Plaintiff Jeffrey Lance Hill, Sr., pro se, brings this action pursuant to Title 42 U.S.C. sections 1982, 1983, 1985 and common law. Plaintiff files and serves this civil and constitutional rights complaint, individually, as aggrieved party and as real party in interest of El Rancho No Tengo, Inc., seeking damages to remedy violations of His rights secured by the Takings Clause of the Fifth Amendment, His rights to Due Process and Equal Protection secured by the Fourteenth Amendment, His right to trial by Jury secured by the Seventh Amendment and His right to be free from excessive fines secured by the Eighth Amendment to the United States Constitution. Real property has been taken from Plaintiff for public use without compensation. Plaintiff states as follows;

THE PARTIES

1. Plaintiff is a citizen of the United States, is over 18 years of age, resides in Columbia County, Florida since year 1955; is an aggrieved party and is a real party in interest of El Rancho No Tengo, Inc., a Florida Corporation which was never publicly traded, with all its shares owned by the Hill family.

2. Defendant Leandra G. Johnson resides in Columbia County, Florida and is employed by the state of Florida at 135 North Hernando Avenue, Lake City, Florida 32055.

3. Defendant Gregory S. Parker resides in Taylor County, Florida and is employed by the state of Florida at 108 North Jefferson Street, Perry, Florida 32348.

4. Defendant William F. Williams, III, resides in Suwannee County, Florida and is employed by the state of Florida at 200 South Ohio Avenue, Live Oak, Florida 32064.

5. Defendant Joel F. Foreman resides in Columbia Country, Florida and is employed privately and as attorney for Columbia County, Florida at 207 South Marion Avenue, Lake City, Florida 32025.

6. Defendant Jennifer B. Springfield resides in Alachua County, Florida and is or was an attorney employed at 806 NW 16th Avenue, Gainesville, Florida 32601.

7. Defendant Suwannee River Water Management District is an agency of the state of Florida, took actions in Columbia County, Florida and its headquarters is in Suwannee County, Florida at 9225 CR 49, Live Oak, Florida 32060.

8. Defendant Columbia County, Florida is a part of the State of Florida and has its physical address 135 North Hernando Avenue, Lake City, Florida 32055.

9. Defendant City of Lake City, Florida is a municipality and has as its physical address 205 North Marion Avenue, Lake City, Florida 32055.

10. Defendant Michael Smallridge resides in the state of Florida, has been appointed receiver of real and personal property in Columbia County, Florida, at the request of Defendant Joel F. Foreman, by Defendant William F. Williams, III, and docs business at 3336 Grand Blvd., Suite 102, Holiday, Florida 34690 and 5911 Trouble Creek Road, New Port Richey, Florida 34652.

JURISDICTION AND VENUE

11. Jurisdiction of this court is invoked pursuant to Title 28 U.S.C. sections 1331, 1343; Title 42 U.S.C. sections 1982, 1983, 1985, and based upon the continuing violations Plaintiffs' rights under the United States Constitution Amendments V, VII, VIII, XIV and questions of federal constitutional law. Additionally, this Court has jurisdiction pursuant to the United States Supreme Court's holding in *Stop the Beach Renourishment v. Fla. Dept. of Environmental Protection*, 560 U.S. 702 (2002), in which the highest court held: "The Takings Clause bars the State from taking property without paying for it, no matter which branch is the instrument of the taking." This holding is cited in *Hill v. Suwannee River Water Management District*, 217 So. 3d 1100 (Fla 1st DCA, 2016). Jurisdiction also exists under the Declaratory Judgment Act, 28 U.S.C. sections 2201 and 2202.

12. Venue is appropriate in this judicial district under Title 28 U.S.C. sections 1391(b) because the causes of action that give rise to this complaint occurred and continue to occur in this judicial district of United States Court.

13. This court possesses proper subject matter and personal jurisdiction over the parties.

14. Supplemental jurisdiction over the claims in this matter is fit and proper pursuant to Title 28 U.S.C. sections 1367(a) and common law. The pertinent common law particularly being the Supreme decision in the *Stop* case as cited in the state decision in the *Hill* case and the recent Supreme Court's decision in *Knick v. Township of Scott.*

ALLEGATIONS OF FACT

16. Plaintiff's parents purchased approximately 800 acres in Columbia County, Florida in year 1949. Plaintiff has resided upon and earned His living upon this land his entire life. In 1971, Plaintiffs' parents placed approximately ½ of the 800 acres in the name of El Rancho No Tengo, Inc., (hereinafter 'the farm').

17. In year 1989, Suwannee River Water Management District (hereinafter 'the agency') filed a complaint in state court (case no.: 89-22CA), against Leonard P. Hill, Sr., Plaintiff, (the Hills), and the farm, demanding that the Hills obtain a permit from the Agency to maintain on of the dikes

on the Hills. Farm. The Hills prevailed because the court found that maintenance of a structure is not regulated by the Agency and requires no permit.

18. In May, 2006, the Agency filed another complaint in state court (case no.: 06-203CA), demanding that the farm obtain a permit from the agency to replace an 18 inch pipe in a dike on the farm. Jon M. Dinges and John Hastings, employees of the Agency, told Plaintiff that the application for the permit would cost about $300,000.00. The Agency prevailed and subsequently the state judges granted entry upon the land, an injunction, a fine of $100,000.00 and fees of $280,276.20 to the agency. The 18" pipe was originally installed by the Hills in year 1966. The Hills replaced the pipe in 1987 with no consequences. Plaintiff replaced the pipe in 2006 and Plaintiff was not named in the Agency's 2006 complaint. As of the day of this filing, the pipe installed by Plaintiff is functioning properly.

19. On August 7, 2007, Defendant Leandra G. Johnson (Johnson), awarded the Agency an injunction against the farm, giving the Agency right to enter and demand a permit for replacing a pipe. The farm appealed to the Florida First District Court of Appeal and that court per curiam affirmed without a written opinion. The farm requested that court write an opinion and rehear and that court refused. The farm appealed to the Florida Supreme

Court and that Court refused review, stating "it appears without jurisdiction".

20. On April 25, 2008, Defendant Johnson awarded the Agency a $100,000.00 fine against the farm. The farm appealed to the Florida First District Court to Appeal; that court per curiam affirmed without written opinion. The farm requested rehearing and written opinion and that court refused. The farm appealed to the Florida Supreme Court and that court refused review; stating "it appears without jurisdiction". Shortly after awarding the Agency the $100,000.00, Johnson sua sponte recused herself without either party requesting recusal.

21. On November19, 2008, ineffectively represented by an attorney, the farm filed a voluntary petition under Chapter 12 of the bankruptcy Code, case no.:3:08-bk-7279, seeking relief from the Agency's monetary claims. The Agency filed claim number 4 for an amount of $340,479.53 in the bankruptcy court. The farm obtained no relief from the bankruptcy court as the case was dismissed without determination of the validity of the Agency's claim.

22. On October 13, 2009, Defendant Leandra G. Johnson (Johnson), sua sponte disqualified herself and assigned case no.: 06-203CA to Defendant Gregory S. Parker (Parker).

23. On March 15, 2010, Defendant Parker, pursuant to Defendant Johnson's opinion, rendered an order

in case no.: 06-203CA, authorizing the Agency to drain the pond and allow water to continuously flow downstream onto the 120 acres owned by Plaintiff in Section 4, Columbia County, Florida. Because of the continual flooding, Plaintiff filed a complaint in the state court on August 1, 2011 (case no.: 11-340CA). For several years, the agency pled, as defense of the taking by flooding, litigation privilege and judicial immunity, stating that the agency is responding to a court order; the Parker order of March 15, 2010. Parker granted judicial immunity to the Agency to take Plaintiffs' land. Plaintiff appealed this Parker order (case no.: 1D16-3343) to the Florida First District Court of Appeal; that order reversed this Parker order; citing the Supreme law in *Stop*.

24. On May 3, 2010, Defendant Parker, pursuant to Defendant Johnson's opinion, awarded fees and costs to the Agency in the amount of $280,376.20.

25. On September 16, 2010, Defendant Parker issued two writs of execution directing the sheriff to levy on the farm to satisfy the Agency's claims. The sheriff scheduled a sale of the farm to be held on May 3, 2011. Immediately before the sale occurred, Plaintiff filed bankruptcy under Chapter 12, Title 11, U.S.C. (case no.: 3:11-bk-3247) seeking relief from the Agency's monetary claims. Plaintiff obtained no relief in the bankruptcy court. Pursuant

to Defendant Parker's orders, the sheriff issued a deed to Plaintiff's land to the Agency on May 3, 2011.

26. On August 1, 2011, Plaintiff and His wife filed the land takings case in state court; case no.: 11-340CA. Plaintiff has received no relief or compensation of any kind in this action although the Agency requested and obtained summary judgment by its own pleading that the land taking is an undisputed fact. The state court found the taking an undisputed fact on February 10, 2016.

27. On September 12, 2011, Defendant Jennifer B. Springfield (Springfield) testified to the Bankruptcy court that she had met with Defendant Parker in August, 2011, and Defendant Parker instructed her to file motions in his court to jail Plaintiff, although Title 11 U.S.C. section 362 forbids such actions. Springfield did file the action in Parker's court on August 8, 2011. On September 12, 2011, the bankruptcy court ruled that a fact hearing would be held within 30 days or more, one hour reserved, regarding Parker and Springfield violating the automatic stay provided by Bankruptcy law. Plaintiff is still waiting for said hearing in the bankruptcy court.

28. On April 27, 2016, Defendant Parker assigned "all cases involving Plaintiff" to Defendant William F. Williams, III, (Williams).

29. On June 24, 2016, Defendant Williams, acting as a state circuit judge, denied Plaintiffs' motion to rehear Defendant Parker's Order which granted judicial immunity to take land to the Agency. Plaintiff timely appealed to the Florida First District Court of Appeal, the Parker/Williams decisions as to immunity have been reversed.

30. On February 13, 2017, the Agency approved a cash payment of $55,740.00 to Defendants City of Lake City (City) and Columbia County, Florida (County) to involve City and County in this controversy.

31. On April 7, 2017, County filed a lawsuit against Plaintiff's son, requesting the state circuit court grant certain real property (property which belonged to Plaintiff and His son) to a receiver for County. Defendant Williams signed papers granting County's request (acting as a state circuit judge in Columbia County).

32. On April 18, 2017, the Florida First District Court of Appeal reversed and remanded the Parker/Williams decision; holding "The District's actions here, draining a pond and flooding fields, isn't part and parcel to the judicial process, or functionally comparable to the work of judges" and "the Takings Clause bars the State from taking private property without paying for it, no matter which branch is the instrument of the taking."

33. On June 12, 2017, Defendant Joel F. Foreman, (Foreman), as an individual, served a summons on Plaintiff, in case no.: 17-132CA, although Plaintiff is not named in this case. In this action, Foreman then filed a false document stating that Plaintiff's son has been served.

34. On June 13, 2017, Defendant County, by and through its attorney, filed a motion in case no.: 17-132CA requesting the state circuit court grant right to enter Plaintiff's property. Plaintiff is named in paragraph five of County's motion, Plaintiff is not names as a party in the action and did not receive any notice of hearing in this matter.

35. On June 14, 2017, Defendant Williams' judicial assistance, Joyce Cameron, signed an 'order' giving right to enter Plaintiff's private property to both Defendant County and Defendant Agency, without a hearing. The Agency is named as a Defendant in case no.: 17-132CA and did not request right to enter. Defendant Williams is a county judge in Suwannee County, Florida. Williams is not a lawfully authorized state circuit court judge in Columbia County, Florida and has rendered more than fifty 'orders' against Plaintiff and in favor of the Agency while presiding as a state court circuit judge in Columbia County, Florida. Florida operates under a tier court system in which circuit courts only possess the power to hear this case.

36. Enticed by the Agency's offer of $55,740.00 and numerous phone calls from Agency staff member Steve Minnis, on June 14, 2017, Defendant City entered Plaintiff's private property with their employees and heavy equipment, dug more than sixty feet onto Plaintiff's private property in section 3, Township 4 South, Range 17 East, Columbia County, Florida, to access a water line, then cut the water pipe and installed a valve and hooked their pipe into Plaintiff's pipe. This action was taken by Defendant city without easement, survey, engineered plan, notice, compensation or knowledge of Plaintiff. As of the filing of this complaint, Defendant City continues to use Plaintiff's private property to provide water for themselves, Defendant Agency, Defendant Couty, and County's Receiver, without any compensation to Plaintiff.

37. On February 12, 2019, Defendant Michael Smallridge (Smallridge), individually or as receiver for Defendant County, entered upon private property owned by Plaintiff in the SE ¼ of NW ¼ of section 3, Columbia County, Florida, (tax parcel no.: RO7592-029); Smallridge then dug a ditch twenty eight feet in length and three feet deep, cut out and removed twenty feet of water pipe belonging to Plaintiff and placed a plug on Plaintiff's property. Property taxes continue, billed to Plaintiff. This

parcel of land is far separate from the land claimed by the Agency.

38. On February 15, 2019, Smallridge returned with two of his employees, dug a ditch more than 125 feet in length in a separate area (but still in the tax parcel) from the property which was taken on the previous occasion, and installed a water pipe more than 125 feet long. This was done without easement, survey, engineered plan, compensation or notice to Plaintiff. As of the filing of this complaint, Defendants Smallridge, County and City are using Plaintiff's property for their financial gain and service to the public.

39. On May 6, 2019, Defendant William F. Willliams (Williams), acting as a state circuit judge for Columbia County, Florida, without hearing, produced, signed and had Columbia County Sheriff's office serve an 'order' to show cause upon Plaintiff. The 'order' states that it is ordered and adjudged that Plaintiff shall appear before the court on the 23rd day of May, 2019 at 2:00 p.m., and show cause why He should not be held in contempt of this court.... DONE and ORDERED this 6th day of May, 2019 at Live Oak, Florida. Live Oak, Florida is in Suwannee County, Florida. Plaintiff did appear at the courthouse in Live Oak, Florida at 2:00 p.m. on May 23, 2019, at which time Plaintiff was told by the Suwannee County Sheriff, at the Courthouse door,

that Defendant Williams was not present at that time in the courthouse in Live Oak, Florida.

40. On February 4, 2020, Defendant Agency entered Plaintiff's real property in section 3, Township 4 South, Range 17 Each, Columbia County, Florida (property the Agency claims to own via judge's opinion) and drained the pond again, allow the approximately 50 million gallons of water to drain onto Plaintiff's property in section 4, Township 4 South, Range 17 East, Columbia County, Florida. This action was taken again without notice, engineered plan, survey, or compensation to Plaintiff. The draining and flooding actions by the Agency have repeatedly occurred since 2008. Certainly land in section 4 is a separate parcel from land in section 3.

COUNT I

VIOLATION OF RIGHTS SECURE BY THE TAKINGS CLAUSE OF AMENDMENT V AND AMENDMENT XIV OF THE UNITED STATES CONSTITUTION; Title 42 U.S.C. sec. 1983 – (DEFENDANT LEANDRA G. JOHNSON)

41. Plaintiff(s) hereby incorporate by reference each of the allegations set forth in the preceding paragraphs as if fully realleged herein.

42. On August 7, 2007, Defendant Johnson, acting under color of law, granted a permanent injunction to the agency in state court case no.: 06-203CA.

Johnson, disregarding Florida law (F.S. 403.813(g) & (h)), by granting the injunction against El Rancho No Tengo, Inc. (the farm). Plaintiff was and is the Real Party in Interest of the corporation which holds part of the real property involved in this controversy. Defendant Johnson owed Plaintiff a duty under the Takings Clause of the U.S. Constitution, Amendment XIV of the U.S. Constitution, the Florida Constitution, Article I, section 2, and Article X, section 6 to protect the private property of Plaintiff. Johnson intentionally and deliberately breached her duty to Plaintiff.

43. Johnson's action of awarding said injunction takes real property from Plaintiff without compensation and had the effect of depriving Plaintiff of Constitutionally protected rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution. Plaintiff has not been paid for the real property taken. The Fifth Amendment provides, in relevant part, "No person shall ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

44. As a direct and proximate consequence of Johnson's acts, Plaintiff has suffered loss of His real and personal property and is entitled to compensatory damages for His property and other

injury to His person. Defendant Johnson did violate Plaintiff(s)' rights to be free from the State taking private property without paying for is as secured by the Fourteenth Amendment to the United States Constitution.

COUNT II

RIGHT TO BE SECURE FROM EXCESSIVE FINES; AMENDMENT VIII; Title 42 U.S.C. sec. 1983 – (DEFENDANT LEANDRA G. JOHNSON)

45. Plaintiff(s) reallege and incorporate the allegations set forth in the preceding paragraphs as if fully set forth hereat.

46. On April 25, 2008, Defendant Johnson, acting under color of law, awarded agency $100,000.00 (case no.: 06-203CA) for a civil penalty against the farm. The penalty is both unusual and excessive. The farm was not a publicly traded company and its sole owners are the Plaintiff, His wife and children. Plaintiff was not named in case no." 06-203CA. Plaintiff was a is the aggrieved party and real party in interest of the farm. Johnson's action of imposing such penalty constitutes legislation from the bench and violates Plaintiff's Constitutionally protected rights provided by Amendment VIII of the U.S. Constitution. Amendment VIII provides; "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

47. This unlawful action was done with the specific intent to deprive Plaintiff of his constitutional rights to be secure in his property. The fine of $100,000.00 is unconstitutional because, in Florida's laws, there are no penalty guidelines in place so as to ensure consistency in penalties imposed. Defendant Johnson did not consider the serious effects and burden such a fine would have on the real party in interest and the Plaintiff's family. It is unknown to Plaintiff how Defendant Johnson arrived at such an amount.

48. As a direct and proximate consequence of this unlawful act, Plaintiff has suffered and continues to suffer loss of his real property, its use, and is entitled to compensatory damages for the property and loss of its use.

COUNT III

RIGHT TO BE FREE FROM TAKING OF PROPERTY WITHOUT JUST COMPENSATION; RIGHT TO DUE PROCESS; FIFTH AND FOURTEENTH AMENDMENTS; Title 42 U.S.C. sec. 1983 – Title 42 U.S.C. 1985(3)– (DEFENDANT GREGORY S. PARKER)

49. Plaintiff(s) reallege and incorporate the allegations set forth in the preceding paragraphs as if fully set forth hereat.

50. Defendant Parker (Parker), acting under color of law, violated Plaintiff's Fifth Amendment rights by

rendering orders in favor of the Agency; such as, on March 15, 2010, Parker issued an order authorizing the Agency to drain the pond and allow water to continuously flow downstream onto Plaintiff's real property. This order is not part and parcel to the judicial process and is not the work of judges. Further, Parker granted $260,376.20 to the Agency for fees and costs on May 3, 2010. Parker told the Plaintiff that he could not attend the fees and costs hearing without a lawyer. The violation is ongoing, because Agency took the farm from the Hill family in section 3 and continues flooding Plaintiff's farmland in section 4.

51. On August 7, 2011, Defendant Parker did conspire with Defendant Springfield to hold Plaintiff in contempt of Parker's court and place Plaintiff in jail. This action deprived Plaintiff of His right to equal protection as secured by the Fourteenth Amendment and Title 11 U.S.C. section 362(a). Also, by this action, Parker violated Title 42 U.S.C. section 1985(3). This action was taken willfully, wantonly, maliciously, and deliberately to deprive Plaintiff of his constitutional and statutory rights.

52. Also, on November 4, 2014, Parker issues a judgment of foreclosure to the Agency and on July 21, 2015, Parker issues an order overruling objections filed by Plaintiff and his two sons. Additionally, on February 10, 2016, Parker granted

judicial immunity to the Agency for taking Plaintiff's land. The above Parker judgments/orders constitute real property taking in violation of the Fifth and Fourteenth Amendments to the United States Constitution. The above Parker judgments/order are not within his judicial capacity.

53. Defendant Parker issues an order 'assigning' all cases involving Hill (Plaintiff in this action) to Suwannee County Judge William F. Williams, III. Parker knew that Williams was not a state circuit court judge in Florida. County judges in Florida do not have jurisdiction over the cases Parker 'assigned' to Williams on April 27, 2016. Parker's unlawful actions were done with the specific intent to deprive Plaintiff of his right to be secure in his property and his right to due process as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution. Parker's unlawful actions also violate Florida's Constitution, Article I, section 2, 9, 21 & 22; Article V, sections 5, 6 & 20; and Article X, section 6.

54. As a direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of His real and personal property, loss of its use, and is entitled to compensatory damages for those losses.

COUNT IV

RIGHT TO BE SECURE IN PROPERTY; RIGHT TO DUE PROCESS OF LAW; FIFTH AND FOURTEENTH AMENDMENTS; RIGHT TO TRIAL BY JURY; SEVENTH AMENDMENT; Title 42 U.S.C. sec. 1983– (DEFENDANT WILLIAM F. WILLIAMS, III)

55. Plaintiff(s) reallege and incorporate the allegations set forth in the preceding paragraphs as if fully set forth hereat.

56. Defendant William F. Williams, III, (Williams), violated Plaintiff's Fifth Amendment rights to be free from the taking of His property without compensation when he presented himself as a state court circuit judge in Columbia County, Florida and signed an opinion stating there was no taking of Plaintiff's land by the Agency. Williams took this action under color of law. The Agency had previously admitted the taking is an undisputed fact to obtain summary judgment in case no.: 11-340CA.

57. Williams, acting under color of law, denied Plaintiff's right to trial by jury to determine the value of the real and personal property taken as guaranteed by the Seventh Amendment to the United States Constitution when he held a trial without a jury in Columbia County, Florida in his effort to change the undisputed fact that the Agency took property from Plaintiff without compensation. Plaintiff continues to pay the property tax as

assessed by Columbia County taxing authorities on the real property taken by Defendant Agency.

58. Williams, acting under color of law, denied Plaintiff's right to due process of law secured by the Fifth and Fourteenth Amendments by presenting himself as a stated circuit court judge and signed more than fifty orders/judgements in favor of Defendant Agency. Also, Williams violated Plaintiff's right to just compensation secured by the Fifth and Fourteenth Amendments when he signed an order in case no.: 17-132CA, allowing Defendant County to take real property owned by Plaintiff in the SE ¼ of the NW ¼ of section 3, Township 4 South, Columbia County, Florida (tax parcel no.: R)7592-029). Williams refused to allow Plaintiff to appear in the proceeding in case no. 17-132CA, violating Plaintiff's rights as secured by the Fifth and Fourteenth Amendments to the United States Constitution which guarantee property will not be taken without due process of law. Due process includes notice and hearing, a jury to determine facts, and a duly authorized judge in state court. Williams intentionally and deliberately deprived Plaintiff of these rights.

59. Defendant Williams violated Plaintiff's right to be free from false arrest as secured by the Fifth and Fourteenth Amendments to the U.S. Constitution. Williams actions in this matter also violate the

provisions in Florida Statutes 26.012, 26.57, 34.01 and 47.011.

60. As direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of His real and personal property, loss of its use, and is entitled to compensatory damages for those losses.

COUNT V

RIGHT TO JUST COMPENSATION AND DUE PROCESS OF LAW AS SECURED BY THE FIFTH AND FOURTEENTH AMENDMENT; Title 42 U.S.C. sec. 1983, Florida Statute 817.535 – (DEFENDANT JOEL F. FOREMAN, individually and as attorney for Columbia County, Florida)

61. Defendant Joel F. Foreman, (Foreman), acting under color of law, filed a false document in state court case 17-132CA on June 14, 2017 to facilitate taking of real and personal property by Defendant County from Plaintiff. Also, Foreman individually served Plaintiff a summons in case no." 17-132CA. These actions violated Plaintiff's rights secured by the Fifth and Fourteenth Amendments to the Constitution of the United States.

62. Filing a false document is a felony under Florida Statute 817.535 when its filing is for the purpose to take property. Also, Foreman filed a motion for order Plaintiff to show cause containing numerous false and defamatory statements. Foreman took these

actions intentionally and deliberately to deprive Plaintiff of his constitutional and statutory rights.

63. As direct and proximate result of these unlawful acts, Plaintiff has suffered and continues to suffer loss of His real and personal property, loss of its use, and is entitled to compensatory damages for those losses.

COUNT VI

RIGHT TO EQUAL PROTECTION OF THE LAWS; AMENDMENT FOURTEEN; Title 42 U.S.C. sec. 1985(3) – (DEFENDANTS JENNIFER B. SPRINGFIELD)

64. Plaintiff(s) reallege and incorporate the allegations set forth in the preceding paragraphs as if fully set forth hereat.

65. Defendant Springfield violated Plaintiff's right to equal protection under the laws as secured by Amendment Fourteen to the United States Constitution when she filed for a hearing in state court (in Defendant Parker's court) on August 8, 2011, to hold Plaintiff in contempt. Springfield acted under color of law. At that time, Plaintiff was protected by the automatic stay provided in Title 11 U.S.C. sec. 362(a). Springfield acted with malice and reckless indifference.

66. Defendants Springfield and Parker did conspire together to hold Plaintiff in contempt and place Plaintiff in jail; in violation of the Equal Protection

Clause, Title 42 U.S.C. section 1985(3) and Title 11 U.S.C. section 362(a). This action was taken willfully, maliciously, and deliberately to deprive Plaintiff of his constitutional and statutory rights.

67. As a direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of his real and personal property, loss of its use, and is entitled to compensatory damages for those losses.

COUNT VII

VIOLATIONS OF THE TAKINGS CLAUSE; Title 42 U.S.C. sec. 1983; FIFTH AND FOUTEENTH AMENDMENTS – (DEFENDANTS SUWANNEE RIVER WATER MANGEMENT DISTRICT)

68. Plaintiff(s) reallege and incorporate the allegations set forth in the preceding paragraphs as if fully set forth hereat.

69. Defendant Agency, acting under color of law, did violate Plaintiff(s)' rights as secured by the Takings Clause when it demanded the farm obtain a permit from them to replace an existing pipe. When the Agency demanded the Plaintiff(s) spend $300,000.00 to apply for the permit, it violated the common law set forth by the Supreme Court of the United States. This action also violated the provisions of Florida Statute 403.813 (g) & (h).

70. Defendant Agency, under color of law, did violate Plaintiff(s)' rights as secured by the Takings Clause

and the Fourteenth Amendment when it foreclosed and took the real property.

71. Defendant the Agency, acting under the color of law, does violate Plaintiff(s)' rights as secured by the Fifth and Fourteenth Amendments when it drains the pond onto Plaintiff's real property. This action is recurring, intentional, negligent, and done without benefit of engineered plan or survey to determine the impact downstream.

72. The actions taken by the Agency also violate the provisions of the Florida Constitution, Article X, section 6. As a direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of His real and personal property, loss of its use and is entitled to compensatory damages. Before Defendants' unlawful actions, Plaintiff's farm income was 45 to 230 thousand dollars annually, since Defendant's actions, Plaintiff's farm income is below zero.

COUNT VIII

VIOLATIONS OF THE TAKINGS CLAUSE AND DUE PROCESS; FIFTH AND FOUTEENTH AMENDMENTS; Title 42 U.S.C. sec. 1983 – (DEFENDANT COLUMBIA COUNTY, FLORIDA)

73. Plaintiff realleges and incorporates the allegations set forth in the preceding paragraphs as if fully set forth hereat.

74. Defendant County did violate Plaintiff's rights as secured by the Fifth Amendment by filing a petition in state circuit court to appoint a receiver to take real and personal property from Plaintiff. Defendant County acted under color of law and recklessly while taking this action.

75. Defendant continues to violate Plaintiff's rights as secured by the Fourteenth Amendment by creating a receivership and allowing their Receiver to continue to use Plaintiff's real and personal property for financial gain and distribution of water.

76. As direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of his real and personal property, loss of its use, and is entitled to compensatory damages for those losses.

COUNT IX

VIOLATIONS OF THE FIFTH AND FOUTEENTH AMENDMENTS; Title 42 U.S.C. sec. 1983 – (DEFENDANT CITY OF LAKE CITY, FLORIDA)

77. Plaintiff realleges and incorporates the allegations set forth in the preceding paragraphs as if fully set forth hereat.

78. Defendant City deprived Plaintiff of his right secured by the Takins Clause by entering Plaintiff's real property with its employees and heavy equipment, without a survey, easement, engineered

plan, or notice to Plaintiff, and digging a ditch, severing a water line and installing their valve.

79. Defendant City deprived Plaintiff of his rights as secured by the Fourteenth Amendment to the Constitution of the United States by entering Plaintiff's private property with its employees and heavy equipment, without a survey, engineered plan, due process, notice or compensation to Plaintiff and digging a ditch, severing a water line, installing their valve, connecting their water pipe to Plaintiff's real and personal property and continuing to use Plaintiff's private property. In these actions, City was intentional and deliberate in taking private property without paying for it.

80. As a direct and proximate consequence of these unlawful acts, Plaintiff has suffered and continues to suffer loss of his real and personal property and is entitled to compensatory damages for those losses.

COUNT X

VIOLATIONS OF THE FIFTH AND FOUTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION; Title 42 U.S.C. sec. 1983 – (MICHAEL SMALLRIDGE, individually and as Receiver for Columbia County)

81. Plaintiff realleges and incorporates the allegations set forth in the preceding paragraphs as though fully set forth hereat.

82. Defendant Smallridge, acting under color of law, individually and as Receiver for Defendant County, has violated Plaintiff's rights as secured by the Takings Clause by entering onto private property owned by Plaintiff, without a survey, engineered plan, easement or consent and dug ditches, removed an existing functional pipe disabling the farm irrigation system and installed his plug on Plaintiff's private property. Smallridge acted with malice and reckless indifference.

83. Defendant Smallridge, acting individually and as Receiver for Defendant County, under color of law, did violate Plaintiff's rights as secured by the Fourteenth Amendment to the United States Constitution by entering Plaintiff's private real property, digging a ditch and installing more than 125 feet of his pipe on Plaintiff's real property. While digging to install his own pipe, Smallridge cut, disconnected and destroyed Plaintiff's functional irrigation pipe.

84. As a directed and proximate consequence of these unlawful acts, Plaintiff has suffered and continued to suffer loss of real and personal property and is entitled to compensatory damages for these losses. Plaintiff has incurred injuries to protected interests that are concrete and particularized.

Plaintiff demands trial by jury.

RELIEF SOUGHT

WHEREFORE, Plaintiff prays as follows:

1. For an order directing Defendants to pay Plaintiff for the real property taken;
2. For an order directing Defendants to pay Plaintiff for loss of use;
3. For an order awarding compensatory damages in whatever amount in excess of fifteen thousand dollars that the Plaintiff is entitled;
4. For an order placing Plaintiff in a position that he would have been in had there been no violation of His civil and constitutional rights;
5. For punitive/exemplary damages against Defendants, in an amount, exclusive of costs and interest, that Plaintiff is found to be entitled by jury and/or the court;
6. Any and all other remedies provided by law; such as treble damages because Agency filed a false claim in bankruptcy court;
7. Such other and further relief as the jury and/or court deems just and proper.

Dated: 8-7-2020 Respectfully submitted,

"s/" Jeffrey Hill

Jeffrey Lance Hill, Sr., Plaintiff, pro se
908 SE Country Club Road
Lake City, Florida 32025
Phone: 386-623-9000

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT, IN AND FOR COLUMBIA COUNTY, FLORIDA

SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a statutory special district created pursuant to Ch. 373, Fla.Stat.,

Plaintiff,

- v - CASE NO.: 2013-666CA

EL RANCHO NO TENGO, INC., a Florida corporation, and JEFFREY L. HILL, SR.,

Defendants.
_____/

CERTIFICATE OF TITLE

The undersigned clerk of the court certified that he or she executed and filed a certificate of sale in this action on March 25, 2015, for the property described herein and that the time allowed for filing objections to the sale has run and all objections to

the sale which were filed have been overruled by order of the court.

The following property in Columbia County, Florida:

TOWNSHIP 4 SOUTH, RANGE 17 EAST

SECTION 3: W½ of NW¼;
LESS AND EXCEPT right of way per Official Records Book 170, page 110; ALSO LESS all of Oak Hill Estates Replat (Plat Book 3, page 52) and Oak Hill Estated Replat Addition No. 1 (Plat Book 3, Page 92); ALSO LESS lands described in Official Records Book 203, page 292; Official Records Book 403, page 257 (corrected in Official Records Book 436, page 767); Official Records Book 760, page 429; Official Records Book 575, page 162 (ratified in Official Records Book 770, page 2259); Official Records Book 751, page 2108 (ratified in Official Records Book 770, page 2133 and Official Records Book 770, page 2255); Official Records Book 270, page 393; Official Records Book 918, page 2050; Official Records Book 940, page 805; Official Records Book 998, page 2032; and Official Records Book 1000, page 1325 of the Public Records of Columbia County, Florida (Parcel I.D. No. 03-4S-17-07487-000)

TOGETHER WITH an Easement for Ingress and Egress, as reserved in Official Records Book 998, page 2032, Public Records of Columbia County, Florida.

AND ALSO:

SECCTION 3: W½ of SW¼;

LESS AND EXCEPT the E½ of NE¼ of NW¼ of SW¼

LESS AND EXCEPT Right of Way per Official Records Book 170, page 110; ALSO LESS lands in Official Records Book 590, page 376; Official Records Book 889, page 1171; Official Records Book 892, page 1036; Official Records Book 1100, page 1466; ALSO LESS AND EXCEPT Lots 1 through 22 of Haight Ashbury (Plat Book 7, page 185); ALSO LESS AND EXCEPT lands in Official Records Book 1148, page 2502; Official Records Book 1171, page 341; and LESS lands deeded to Jock Phelps in Official Records Book 1151, page 1197 (No Legal Attached) of the Public Records of Columbia County, Florida. (Parcel I.D. No. 03-4S-17-07486-001)

TOGETHER WITH an Easement for Ingress and Egress reserved over the North 60 feet of lands described in Official Records Book 889, page 1171; Official Records Book 892, page 1036; and Official Records Book 1100, page

1466 of the Public Records of Columbia County, Florida.

was sold to the Plaintiff, SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a statutory special district created pursuant to Ch. 373, Fla.Stat.

WITNESS my hand and the seal of the court on 7/23, 2015.

P. DeWitt Cason
As Clerk of the Court

"s/" *R. Scippio*
As Deputy Clerk

Clerk to provide copies to:

George T. Reeves
P.O. Drawer 652
Madison, Florida 32341

El Rancho No Tengo, Inc.
Jeffrey L. Hill, Sr.
908 SE County Club Rd.
Lake City, Florida 32025

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT IN AND FOR COLUMBIA COUNTY, FLORIDA

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT, a
statutory special district created
pursuant to Ch. 373, Fla.Stat.,
9225CR 49
Live Oak, Florida 32060

Plaintiff,

v. CASE NO.: 2013-666 CA

EL RANCHO NO TENGO, INC.,
a Florida corporation,
908 SE Country Club Road
Lake City, Florida 32025
and
JEFFREY L. HILL, SR.,
individually,
908 SE Country Club Road
Lake City, Florida 32025,

Defendant.
_____/

FINAL SUMMARY JUDGMENT OF FORECLOSURE

THIS CAUSE having come before the Court for hearing on October 23, 2014 on the Amended Motion for Summary Judgment filed by the Plaintiff, SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a statutory special district created pursuant to Ch. 373, Fla.Stat., 9225CR 49 Live Oak, Florida 32060, (the "DISTRICT"), and having considered the argument of counsel for the DISTRICT, George T. Reeves, Esq., and the Defendant, JEFFREY L. HILL, SR., 908 SE Country Club Road, Lake City, Florida 32025 (hereinafter "HILL") who were both present at the hearing, on the summary judgment evidence presented.

IT IS ADJUDGED that:

1. This court has jurisdiction of the subject matter of this action and personal jurisdiction over the DISTRICT, HILL and the Defendant, EL RANCHO NO TENGO, INC., a Florida corporation, 908 SE Country Club Road, Lake City, Florida 32025 (the "RANCH") (the RANCH and HILL shall be referred to collectively as the "DEFENDANTS").

2. Previously, the following money judgments have been entered against the RANCH and in favor of the DISTRICT.

A. A final money judgment in the amount of $100,00.00 date August 25, 2008. A certified copy of this final money judgment and an affidavit of the address of the DISTRICT were simultaneously recorded on June 10, 2008 in the public records of Columbia County, Florida at O.R. Book 1152, Pages 115-121.

B. A final money judgment in the amount of $280,376.20 dates May 3, 2010. A certified copy of this final money judgment and an affidavit of the address of the DISTRICT were simultaneously recorded on June 10, 2008 in the public records of Columbia County, Florida at O.R. Book 1196, Pages 1742-1757.

(Both of the above money judgments will be referred to herein as the "JUDGMENTS")

3. On the JUDGMENTS, the DISTRICT is due $380,376.20 as the face amount of the JUDGMENTS, $105,541.61 as interest to the date of this Judgment, $1,905.00, for filing fees in the above styled action, now taxed, making a total sum of $487,822.81 (hereinafter the "Total Sum"), which shall bear interest at the rate of 4.75% a year.

4. Pursuant to §55.10, Florida Statutes, the DISTRICT holds a lien for the Total Sum on the

following described property in Columbia County, Florida.

TOWNSHIP 4 SOUTH, RANGE 17 EAST

SECTION 3: W½ of NW¼;

LESS AND EXCEPT right of way per Official Records Book 170, page 110; ALSO LESS all of Oak Hill Estates Replat (Plat Book 3, page 52) and Oak Hill Estated Replat Addition No. 1 (Plat Book 3, Page 92); ALSO LESS lands described in Official Records Book 203, page 292; Official Records Book 403, page 257 (corrected in Official Records Book 436, page 767); Official Records Book 760, page 429; Official Records Book 575, page 162 (ratified in Official Records Book 770, page 2259); Official Records Book 751, page 2108 (ratified in Official Records Book 770, page 2133 and Official Records Book 770, page 2255); Official Records Book 270, page 393; Official Records Book 918, page 2050; Official Records Book 940, page 805; Official Records Book 998, page 2032; and Official Records Book 1000, page 1325 of the Public Records of Columbia County, Florida (Parcel I.D. No. 03-4S-17-07487-000)

TOGETHER WITH an Easement for Ingress and Egress, as reserved in Official Records

Book 998, page 2032, Public Records of Columbia County, Florida.

AND ALSO:

SECCTION 3: W½ of SW¼;

LESS AND EXCEPT the E½ of NE¼ of NW¼ of SW¼

LESS AND EXCEPT Right of Way per Official Records Book 170, page 110; ALSO LESS lands in Official Records Book 590, page 376; Official Records Book 889, page 1171; Official Records Book 892, page 1036; Official Records Book 1100, page 1466; ALSO LESS AND EXCEPT Lots 1 through 22 of Haight Ashbury (Plat Book 7, page 185); ALSO LESS AND EXCEPT lands in Official Records Book 1148, page 2502; Official Records Book 1171, page 341; and LESS lands deeded to Jock Phelps in Official Records Book 1151, page 1197 (No Legal Attached) of the Public Records of Columbia County, Florida. (Parcel I.D. No. 03-4S-17-07486-001)

TOGETHER WITH an Easement for Ingress and Egress reserved over the North 60 feet of lands described in Official Records Book 889, page 1171; Official Records Book 892, page 1036; and Official Records Book 1100, page 1466 of the Public Records of Columbia County, Florida.

Together with all structure, improvements, fixtures and appurtenances on said property (hereinafter the "PROPERTY"). The DISTRICT's lien on the PROPERTY is superior to any claim or estate of the DEFENDANTS and all persons, corporations, or other entities claiming by, through, or under the DEFENDANTS or any of them. Should the PROPERTY be sold at public sale as set out herein, the PROPERTY will be sold free and clear of any claim or estate of DEFENDANTS and all persons, corporations, or other entities claiming by, through, or under DEFENDANTS or any of them.

5. If the Total Sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this Judgment are not paid, the Clerk of this Court shall sell the PROPERTY at public sale on December 10, 2014, at 11:00 a.m. (or as soon thereafter as possible, provided that said sale must be commenced prior to 2:00 p.m.) to the highest bidder for cash, except as prescribed in paragraph 6, in Courtroom 1 of the courthouse in Lake City, Columbia County, Florida, in accordance with §§ 45.031-45.035, Florida Statutes. The Clerk shall not conduct the sale in the absence of the DISTRICT's representative. The Sheriff (or his deputy) shall be present at all times during the sale to keep the peace.

6. The DISTRICT shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if the DISTRICT is not the purchaser of the PROPERTY, provided, however, that the purchaser of the PROPERTY shall be responsible for the documentary stamps payable on the Certificate of Title. If the DISTRICT is the purchaser of the bid in full, with the Total Sum, plus interest and costs accruing subsequent to this Judgment. The term "subsequent costs of this action" shall include, but not necessarily be limited to, the costs of publishing the Notice of Sale and the Clerk's service charge imposed in § 45.035, Florida Statutes, for services in making, recording, and certifying the sale and title.

7. Pursuant to § 45.031(3), Florida Statutes, at the time of the sale, the successful high bidder shall post with the Clerk a deposit equal to five percent (5%) of the final bid. The deposit shall be applied to the sale price at the time of payment. Should the DISTRICT be the successful high bidder, the DISTRICT shall post a deposit equal to five percent (5%) of the amount of the bid that exceeds the DISTRICT's credit referenced in paragraph 6, if any. The remainder of the final bid shall be paid in the Clerk, by cashier's check of other certified funds, by no later than 5:00 p.m. on the next business day

after the day of the public sale referenced in paragraph 5.

8. Immediately after the public sale referenced in paragraph 5, and upon receiving the deposit referenced in paragraph 7, if any, the Clerk shall file a Certificate of Sale and serve a copy of it on each party. On filing the Certificate of Sale, the right of redemption as provided by § 45.0315, Florida Statutes, shall be terminated and the DEFENDANTS and all persons claiming under or against the DEFENDANTS since filing of this notice lis pendens shall be foreclosed of all estate or claim in the PROPERTY.

9. If no objections to the sale are filed within 10 days after filing the Certificate of Sale, the Clerk shall, immediately thereafter, file a Certificate of Title and serve a copy of it on each party.

10. On filing the Certificate of Title, the Clerk shall immediately distribute the proceeds of the sale, if any, so far as they are sufficient, by paying: first, all of the DISTRICT's costs; second, documentary stamps affixed to the Certificate of Title; third, the Total Sum due to the DISTRICT, less the items already paid to the DISTRICT set out herein, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of the Court. Upon making the above disbursement, the

Clerk shall immediately file and serve a Certificate of Disbursement as provided in § 45.031(7), Florida Statutes.

11. On filing the Certificate of Title, and receiving the amounts necessary to cover the costs for recording and documentary stamps affixed to the Certificate of Title, the Clerk shall immediately record the Certificate of Title in the public records of the county.

12. On filing the Certificate of Title, the purchaser at the sale shall be let into possession of the PROPERTY.

13. The DISTRICT is authorized, in the DISTRICT's sole discretion, to have the Clerk issue the Certificate of Sale and/or the Certificate of Title to any entity as may be directed by the DISTRICT or its representative. The designation of a different entity to be named in the Certificate of Sale and/or Certificate of Title shall not affect the party status of the DISTRICT nor affect its standing to seek a writ of possession.

14. Upon request and without further order of the Court, the Clerk shall issue a Writ of Possession, in the form set out in Fla.R.Civ.P. Form 1.915, which shall direct the Sheriff to put the person or entity named in the Certificate of Title in possession of the PROPERTY.

15. Pursuant to § 45.031, Florida Statutes, the following notices are given:

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUORDINATE LIENHOLDER CLAIMING A RIGHT TO THE FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAILE TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

16. Pursuant to the Americans with Disabilities Act, the following notice is given:

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NOT COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT MS. CARRINA COOPER, 173 NE HERNANDO AVENUE, ROOM 408, LAKE CITY,

FLORIDA 32055; (386) 758-2163; ADAmail@jud3.flcourts.org AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

17. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession, orders enforcing this judgment and orders determining the amounts left owing under the JUDGMENTS.

DONE AND ORDERED in chambers on November 3rd, 2014.

"s/" Gregory S. Parker
Circuit Judge

Copies to:

George T. Reeves
Post Office Drawer 652
Madison, Florida 32341
Email: tomreeves@Earthlink.net

Jeffrey L. Hill, Sr.
908 S.E. Country Club Road
Lake City, Florida 32025

Book 76 Page 293

This Deed, made the 15th day of December A.D. 1950 by Emory P. Butler and wife, Mary E. Butler of the county of Columbia, state of Florida, hereinafter called the grantors, to

L.P. Hill and wife, Virginia Hill, whose post office address is Lake City, Florida, hereinafter called the grantees.

Witnesseth, That the said grantors, in consideration of Ten Dollars, the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said grantees and their heirs and assigns in fee simple, the lands situate in Columbia County, State of Florida, described as follows:

Township 4 South – Range 17 East

Section 3: NE ¼ of NW ¼, W ½ of NW ¼ and SW ¼

Section 4: S ½ of NW ¼ and S ½

Section 5: E ½ of SE ¼ and SE ¼ of NE ¼, except 10 acres in Northwest corner

Containing in the aggregate 790 acres, more or less

SUBJECT to existing oil lease to Sun Oil Company,

To Have and to Hold the same together with the hereditaments and appurtenances, unto the said grantees and their heirs and assigns in fee simple.

And the said grantors for themselves and their heirs and legal representatives, covenant with said grantees, their heirs and legal representatives and assigns: The said grantors are indefeasibly seized of said land in fee simple; as aforesaid that it shall be lawful for said grantees, their heirs, legal representatives, and assigns, at all times peaceably and quietly to enter upon land is free from all encumbrances; that said grantors, their heirs and legal representatives, will make such further assurances to perfect the fee simple title to said land in grantees, their heirs, legal representatives and assigns, as may reasonably be required; and that said grantors do hereby fully warrant the title to said land and will defend the same against lawful claims of all persons whomsoever, claiming by, through or under the said grantors.

Witness the hands and seals of said grantors the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

"s/" *Clearence R. Brown*
Clearence R. Brown

"s/" *Emory P. Butler*
Emory P. Butler

"s/" *Myra R. Harris*
Myra R. Harris

"s/" *Mary E. Butler*
Mary E. Butler

Title XXIX Chapter 403

PUBLIC HEALTH ENVIRONMENTAL CONTROL

403.813 Permits issued at district centers; exceptions. –

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(a) The installation of overhead transmission lines, having support structures that are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation

of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock located in an area that is not designated as Outstanding Florida Waters;

2. Is constructed on or held in place by pilings or is a floating dock constructed so as not to involve filling or dredging other than that necessary to install the pilings;

3. May not substantially impede the flow of water or create a navigational hazard;

4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption as

measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case one exempt dock may be allowed per parcel or lot.

This paragraph does not prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

(c) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state, and the maintenance to design specifications of such ramps. The material to be removed shall be placed on a self-contained, upland spoil site

which will prevent the escape of the spoil material into the waters of the state.

(d) The replacement or repair of existing docks and piers, except that fill material may not be used and the replacement or repaired dock or pier must be within 5 feet of the same location and no larger in size than the existing dock or pier, and no additional aquatic resources may be adversely and permanently impacted by such replacement or repair. This does not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

(e) The restoration of seawalls at their previous locations or upland of, or within 18 inches waterward of, their previous locations. This may not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the

public records of the county, when the spoil material is to be removed and placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. 379.2431(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are used to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. For maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least

30 days before dredging and provide documentation of original design specifications or configurations when such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed before April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material

removed during such maintenance dredging; however, a charge may not be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

(g) The maintenance of existing insect control structures, dikes, and irrigation and drainage ditches, provided that spoil material is placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters of the state. In the case of insect control structures, if the cost of using a self-contained, upland spoil site is so excessive, as determined by the Department of Health, pursuant to s. 403.088(1), that it will inhibit proposed insect control, then-existing spoil sites or dikes may be used, upon notification to the department. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is

used as a potable water supply, is designated as shellfish harvesting waters, or functions as a habitat for commercially or recreationally important shellfish or finfish. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

(h) The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert may not be changed. However, the material used for the culvert may be different from the original.

(i) The construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways when such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.

(j) The construction and maintenance of swales.

(k) The installation of aids to navigation and buoys associated with such aids, provided the devices are marked pursuant to s. 327.40.

(l) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided that no more dredging or filling of submerged lands is performed other than that which is necessary to replace or repair pilings and that the structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge. Debris from the original bridge may not be allowed to remain in the waters of the state.

(m) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters in the state, except in Class I and Class II waters and aquatic preserves, provided no dredging or filling is necessary.

(n) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state.

(o) The construction of private seawalls in wetlands or other surface waters when such construction is between and adjoins at both ends existing seawalls; follows a continuous and uniform seawall construction line with the existing seawalls; is not more than 150 feet in length; and does not violate existing water quality standards, impede navigation, or affect flood control. However, in estuaries and lagoons the construction of vertical seawalls is limited to the circumstances and purposes stated in s. 373.414(5)(b)1.-4. This paragraph does not affect the permitting requirements of chapter 161, and department rules must clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(p) The restoration of existing insect control impoundment dikes which are less than 100 feet in length. Such impoundments shall be connected to tidally influenced waters for 6 months each year beginning September 1 and ending February 28 if feasible or operated in accordance with an impoundment management plan approved by the department. A dike restoration may involve no more dredging than is necessary to restore the dike to its original design specifications.

For the purposes of this paragraph, restoration does not include maintenance of impoundment dikes of operating insect control impoundments.

(q) The construction, operation, or maintenance of stormwater management facilities which are designed to serve single-family residential projects, including duplexes, triplexes, and quadruplexes, if they are less than 10 acres total land and have less than 2 acres of impervious surface and if the facilities:

1. Comply with all regulations or ordinances applicable to stormwater management and adopted by a city or county;

2. Are not part of a larger common plan of development or sale; and

3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does

not authorize discharge to a facility without the facility owner's prior written consent.

(r) The removal of aquatic plants, the removal of tussocks, the associated replanting of indigenous aquatic plants, and the associated removal from lakes of organic detrital material when such planting or removal is performed and authorized by permit or exemption granted under s. 369.20 or s. 369.25, provided that:

1. Organic detrital material that exists on the surface of natural mineral substrate shall be allowed to be removed to a depth of 3 feet or to the natural mineral substrate, whichever is less;

2. All material removed pursuant to this paragraph shall be placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters in the state except when spoil material is permitted to be used to create wildlife islands in freshwater bodies of the state when a governmental entity is permitted pursuant to s. 369.20 to create such

islands as a part of a restoration or enhancement project;

3. All activities are performed in a manner consistent with state water quality standards; and

4. Activities under this exemption are not conducted in wetland areas, as defined in s. 373.019(27), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.

The department may not adopt implementing rules for this paragraph, notwithstanding any other provision of law.

(s) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

1. Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;

2. Are wholly contained within a boat slip previously permitted under

ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;

3. Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in s. 253.141;

4. Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses

are least dense adjacent to the dock or bulkhead; and

5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local

governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute

permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. Local governments may not impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel platforms as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

(t) The repair, stabilization, or paving of existing county maintained roads and the repair or replacement of bridges that are part of the roadway, within the Northwest Florida Water Management District and the Suwannee River Water Management District, provided:

1. The road and associated bridge were in existence and in use as a public road or bridge, and were maintained by the county as a public road or bridge on or before January 1, 2002;
2. The construction activity does not realign the road or expand the number of existing traffic lanes of the existing road; however, the work may include the provision of safety shoulders, clearance of vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed by generally accepted engineering standards;
3. The construction activity does not expand the existing width of an existing vehicular bridge in excess of that reasonably necessary to properly connect the bridge with the road being repaired, stabilized, paved, or repaved to safely accommodate the traffic expected on the road, which may include expanding the width of the bridge to match the existing connected road. Debris from the original bridge

may not be allowed to remain in waters of the state, including wetlands;

4. Best management practices for erosion control shall be employed as necessary to prevent water quality violations;

5. Roadside swales or other effective means of stormwater treatment must be incorporated as part of the project;

6. No more dredging or filling of wetlands or water of the state is performed than that which is reasonably necessary to repair, stabilize, pave, or repave the road or to repair or replace the bridge, in accordance with generally accepted engineering standards; and

7. Notice of intent to use the exemption is provided to the department, if the work is to be performed within the Northwest Florida Water Management District, or to the Suwannee River Water Management District, if the work is to be performed within the Suwannee River Water Management District, 30 days before performing any work under the exemption.

Within 30 days after this act becomes a law, the department shall initiate rulemaking to adopt a no fee general permit for the repair, stabilization, or paving of existing roads that are maintained by the county and the repair or replacement of bridges that are part of the roadway where such activities do not cause significant adverse impacts to occur individually or cumulatively. The general permit shall apply statewide and, with no additional rulemaking required, apply to qualified projects reviewed by the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District under the division of responsibilities contained in the operating agreements applicable to part IV of chapter 373. Upon adoption, this general permit shall, pursuant to subsection (2), supersede and replace the exemption in this paragraph.

(u) Notwithstanding any provision to the contrary in this subsection, a permit or other authorization under chapter 253, chapter 369, chapter 373, or this chapter is not required for an individual residential property owner for the removal of organic detrital material from

freshwater rivers or lakes that have a natural sand or rocky substrate and that are not aquatic preserves or for the associated removal and replanting of aquatic vegetation for the purpose of environmental enhancement, providing that:

1. No activities under this exemption are conducted in wetland areas, as defined in s. 373.019(27), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys.
2. No filling or peat mining is allowed.
3. No removal of native wetland trees, including, but not limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.
4. When removing organic detrital material, no portion of the underlying natural mineral substrate or rocky substrate is removed.
5. Removed organic detrital material and plant material is placed on an upland spoil site which will not cause water quality violations.
6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any

water quality violations outside the immediate work area.

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may not exceed 50 percent of the property owner's frontage or 50 feet, whichever is less, and may be a sufficient length waterward to create a corridor to allow access for a boat or swimmer to reach open water. Replanting must be at a minimum density of 2 feet on center and be completed within 90 days after removal of existing aquatic vegetation, except that under dewatered conditions replanting must be completed within 90 days after reflooding. The area to be replanted must extend waterward from the ordinary high water line to a point where normal water depth would be 3 feet or the preexisting vegetation line,

whichever is less. Individuals are required to make a reasonable effort to maintain planting density for a period of 6 months after replanting is complete, and the plants, including naturally recruited native aquatic plants, must be allowed to expand and fill in the revegetation area. Native aquatic plants to be used for revegetation must be salvaged from the enhancement project site or obtained from an aquatic plant nursery regulated by the Department of Agriculture and Consumer Services. Plants that are not native to the state may not be used for replanting.

8. No activity occurs any farther than 100 feet waterward of the ordinary high water line, and all activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners.

9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a

preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

10. The department is provided written certification of compliance with the terms and conditions of this paragraph within 30 days after completion of any activity occurring under this exemption.

(v) Notwithstanding any other provision in this chapter, chapter 373, or chapter 161, a permit or other authorization is not required for the following exploratory activities associated with beach restoration and nourishment projects and inlet management activities:

1. The collection of geotechnical, geophysical, and cultural resource data, including surveys, mapping, acoustic soundings, benthic and other biologic sampling, and coring.

2. Oceanographic instrument deployment, including temporary installation on the seabed of coastal and oceanographic data collection equipment.

3. Incidental excavation associated with any of the activities listed under subparagraph 1. or subparagraph 2.

(2) The provisions of subsection (1) are superseded by general permits established pursuant to ss. 373.118 and 403.814 which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (1) shall remain or shall be reestablished in full force and effect.

(3) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for maintenance dredging conducted under this section by the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina or by inland navigation districts if the dredging to be performed is no more than is necessary to restore previously dredged areas to original design specifications or configurations, previously undisturbed natural areas are not significantly impacted, and the work conducted does not violate the protections for manatees under s. 379.2431(2)(d). In addition:

(a) A mixing zone for turbidity is granted within a 150-meter radius from the point of dredging while dredging is ongoing, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities.

(b) The discharge of the return water from the site used for the disposal of dredged material shall be allowed only if such discharge does not result in a violation of water quality standards in the receiving waters. The return-water discharge into receiving waters shall be granted a mixing zone for turbidity within a 150-meter radius from the point of discharge into the receiving waters during and immediately after the dredging, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities. Ditches, pipes, and similar types of linear conveyances may not be considered receiving waters for the purposes of this paragraph.

(c) The state may not exact a charge for material that this subsection allows a public port or an inland navigation district to remove. In addition, consent to use any

sovereignty submerged lands pursuant to this section is hereby granted.

(d) The use of flocculants at the site used for disposal of the dredged material is allowed if the use, including supporting documentation, is coordinated in advance with the department and the department has determined that the use is not harmful to water resources.

(e) The spoil material from maintenance dredging may be deposited in a self-contained, upland disposal site. The site is not required to be permitted if:

1. The site exists as of January 1, 2011;
2. A professional engineer certifies that the site has been designed in accordance with generally accepted engineering standards for such disposal sites;
3. The site has adequate capacity to receive and retain the dredged material; and
4. The site has operating and maintenance procedures established that allow for discharge of return flow of water and to prevent the escape of the spoil material into the waters of the state.

(f) The department must be notified at least 30 days before the commencement of maintenance dredging. The notice shall include, if applicable, the professional engineer certification required by paragraph (e).

(g) This subsection does not prohibit maintenance dredging of areas where the loss of original design function and constructed configuration has been caused by a storm event, provided that the dredging is performed as soon as practical after the storm event. Maintenance dredging that commences within 3 years after the storm event shall be presumed to satisfy this provision. If more than 3 years are needed to commence the maintenance dredging after the storm event, a request for a specific time extension to perform the maintenance dredging shall be submitted to the department, prior to the end of the 3-year period, accompanied by a statement, including supporting documentation, demonstrating that contractors are not available or that additional time is needed to obtain authorization for the maintenance dredging from the United States Army Corps of Engineers.