

**ANSWERS TO THE 2026 QUIZ ON RECENT  
FLORIDA REAL PROPERTY CASES**

1. A MUNICIPAL ORDINANCE REQUIRING PERMITS FOR HOUSE PARTIES SO LARGE IN SCALE THAT THEY IMPACT SAFETY, TRAFFIC, PARKING OR THE RIGHT TO NEIGHBOR'S DECENT QUALITY OF LIFE VIOLATES FIRST AMENDMENT AND DUE PROCESS RIGHTS

**FALSE**

*Hochstein v. City of Miami Beach*  
2024 WL 4966598 (S.D. Fla. 2024)

2. A MORTGAGE ON HOMESTEAD PROPERTY MUST BE WITNESSED BY TWO SUBSCRIBING INDIVIDUALS

**FALSE**

*13110 Investments, LLC v. Dumerville, 413 So.3d 906 (Fla. 4th DCA 2025)*

3. IN AN AREA PRONE TO FLOODING, *JOHNSON V. DAVIS* DOES NOT REQUIRE SELLERS TO FULLY DISCLOSE THE SPECIFIC FLOOD HISTORY OF THE PROPERTY BEING SOLD

**FALSE**

*Smith v. Lynch 403 So. 3d 433 (Fla. 2d DCA 2024)*

4. A CHINESE CITIZEN WHO IS DOMICILED IN FLORIDA IS PROHIBITED FROM PURCHASING OR OWNING CERTAIN REAL PROPERTY IN FLORIDA.

**FALSE**

*Shen v. Commissioner, Florida Department of Agriculture and Consumer Services, et al,*  
*158 F.4th 1227 (11th Cir. 2025)*

5. WHERE A CIVIL COMPLAINT ALLEGES DAMAGES TO PLAINTIFF'S PROPERTY WERE CAUSED DURING CONSTRUCTION OF DEFENDANT'S HOME, A LIS PENDENS MAY BE PROPERLY RECORDED

**FALSE**

*Trujillo v. Garcia 50 Fla. L. Weekly D16 (Fla. 3d DCA 2024)*

6. AN AMERICANS WITH DISABILITIES ACT (ADA) CLAIM CAN BE BROUGHT AGAINST A LANDLORD OF A RESIDENTIAL PROPERTY

**FALSE**

*Marc v. Hartwig 2025 WL 3136222 (S.D. Fla. Nov. 10, 2025)*

7. SUMMARY JUDGMENT IS NOT APPROPRIATE WHERE PARTIES TO A FR/BAR CONTRACT DISAGREE AS TO WHETHER THE “EFFECTIVE DATE” WAS WHEN SELLER INITIALED KEY PAGES OR WHEN SELLER SIGNED FULL CONTRACT

**TRUE**

*CNJ Realty Associates, LLC v. Gennadiy Yankiv and Elvira Yankiv, 50 Fla. L. Weekly D117 (Fla. 2d DCA 2025)*

8. THE MARKETABLE RECORD TITLE ACT CAN ELIMINATE A LONG-HELD AND CONTINUOUSLY USED LICENSE TO ACCESS ADJOINING PROPERTY

**TRUE**

*Perrin v. Department of Transportation, 421 So. 3d 755 (Fla. 2025)*

9. OWNERS OF LAND SUBJECT TO A PATENT DEED OFFER OF PUBLIC DEDICATION MAY REVOKE THE OFFER 20 YEARS AFTER LOCAL GOVERNMENT BUILDS A BOARDWALK ON THE LAND, SO LONG AS THE OFFER HAS NOT BEEN “PUBLICLY ACCEPTED”

**FALSE**

*CBHIV LLC v. Walton County, 405 So.3d 536 (Fla. 1st DCA 2025)*

10. AN EASEMENT CANNOT DEPRIVE THE SERVIENT PROPERTY OWNER OF THE REASONABLE USE OF ITS LAND

**TRUE**

*AK Land Title, LLC v. Hurd, 50 Fla. L. Weekly D1780 (Fla. 1st DCA 2025)*

11. HOA BOARD NEED NOT PROVE IRREPARABLE HARM IN ORDER TO ENJOIN A STRUCTURE DISALLOWED IN THE COMMUNITY’S DECLARATION

**TRUE**

*Fowler v. Burnham 50 Fla. L. Weekly D427 (Fla. 1st DCA 2025)*

12. EVEN WHERE THE INJURED PARTY IN A NUISANCE CASE SUFFERS NO PHYSICAL DAMAGES, HE/SHE CAN RECOVER DAMAGES FOR PERSONAL DISCOMFORT, INCONVENIENCE & ANNOYANCE.

**TRUE**

*Shaw v. Calles*, 50 Fla. L. Weekly D1099a (Fla. 3d DCA 2025)

13. PLAINTIFF IN AN INTERPLEADER ESCROW DISPUTE IS ENTITLED TO FEES EVEN ABSENT FACTS DEMONSTRATING AN ACTUAL DISPUTE OVER THE ESCROWED FUNDS

**FALSE**

*The Firm Law Group Inc. v. Cordero, et al.*, No. 3D25-0292 (Fla. 3d DCA Jan. 21, 2026)

14. TRUST BENEFICIARIES HAVE STANDING TO BRING A TAKINGS CASE WHEN PROPERTY IS TITLE IN A TRUST

**FALSE**

*Scarpaci v. United States*, 178 Fed.Cl. 536 (2025)

15. HUSBAND'S POA DEED ON BEHALF OF WIFE QUIT-CLAIMING PROPERTY TO HUSBAND AND ANOTHER IS INSUFFICIENT TO WAIVE WIFE'S HOMESTEAD WITHOUT EXPLICIT LANGUAGE TO THAT EFFECT

**TRUE**

*James E. Rogers v. Guardianship Program of Dade County, Inc.*, 50 Fla. L. Weekly D616 (Fla. 3d DCA 2025)

16. AN ORDINANCE PROHIBITING SHORT TERM RENTALS IN CERTAIN DISTRICTS VIOLATES THE EQUAL PROTECTION CLAUSE OF THE FLORIDA CONSTITUTION.

**FALSE**

*Nichols v. City of Miami Beach*, 2025 WL 2787674 (S.D. Fla. 2025)