

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

City of Tampa v. Liberty Hospitality Management, LLC

No. 2D2025-0069 (Fla. 2d DCA May 22, 2026) · No. 2D2025-0069 · Decided May 22, 2026

SUMMARY

The Florida Second District Court of Appeal dismissed the City of Tampa's appeal from a partial final judgment concerning Liberty Hospitality Management, LLC's rezoning-related claims. The court held that Count III was legally and factually interrelated with two remaining counts, so the judgment was not appealable under Florida Rule of Appellate Procedure 9.110(k) and dismissal was required for lack of jurisdiction.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Silberman, J.; Morris, J.; Sleet, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	May 22, 2026
DOCKET	2D2025-0069
DISPOSITION	dismissed
PROCEDURAL POSTURE	The City appealed a partial final judgment granting Liberty summary judgment on Count III of its amended complaint and declaring the City Council's rezoning decisions void. The appeal was dismissed for lack of appellate jurisdiction because Count III was legally and factually interrelated with Counts I and II, which remained pending.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and the appealability of the partial final judgment.
PRECEDENTIAL VALUE	Published opinion; precedential under Florida law unless otherwise limited by subsequent authority.
PARTIES	City of Tampa v. Liberty Hospitality Management, LLC

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- zoning
- municipal law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the partial final judgment resolving Count III was appealable under Florida Rule of Appellate Procedure 9.110(k) when Counts I and II arising from the same rezoning dispute remained pending.
2. Whether the court had jurisdiction to reach the merits of the City's challenge to the judgment declaring the City Council's rezoning decisions void.

HOLDINGS

1. A partial final judgment that resolves a claim interrelated with other claims remaining pending is not appealable under Florida Rule of Appellate Procedure 9.110(k), unless it disposes of the entire case as to a party. Because the three counts arose from the same rezoning determinations and Count III impacted the remaining counts, the appeal had to be dismissed for lack of jurisdiction.
2. The parties cannot stipulate to subject-matter jurisdiction where none exists.

KEY QUOTATIONS

“appellate courts have an independent responsibility in every case to determine whether we have jurisdiction.” (at 3)

“The test to determine whether counts of a multicount complaint are interrelated, so as to preclude a piecemeal appeal, is whether the counts arise from a set of common facts or a single transaction, not whether different legal theories or additional facts are involved in separate counts.” (at 4)

“The three counts in the amended complaint stem from the City's allegedly improper rezoning determinations, and the circuit court's ruling on Count III is interrelated with and impacts the remaining two counts.” (at 4)

FACTUAL BACKGROUND

Liberty purchased property on Harbour Island after Tampa approved rezoning for bank and office use. Liberty later sought approval to build a hotel and to modify the Harbour Island Development of Regional Impact, but the City Council denied those applications after a public, quasi-judicial hearing. Liberty pursued certiorari review and related damages and declaratory claims, including a claim asserting that the City Council's rezoning actions were void.

PROCEDURAL HISTORY

Liberty challenged Tampa City Council rezoning decisions in a 2022 certiorari proceeding and brought a separate 2023 action seeking damages under section 70.001, Florida Statutes, and declaratory relief. After the circuit court dismissed the certiorari petition for lack of subject matter jurisdiction, Liberty added Count III to the 2023 action and obtained summary judgment on that count based on the earlier dismissal order. The City appealed the resulting partial final judgment. While related proceedings were pending, this court granted the City's petition for writ of mandamus and directed the circuit court to exercise certiorari jurisdiction over the rezoning decisions.

DISPOSITION

dismissed

CASES CITED

- City of Tampa v. Liberty Hosp. Mgmt., LLC, 51 Fla. L. Weekly D419 (Fla. 2d DCA Mar. 6, 2026)
- DRJ Atl., LLC v. Babadi, 392 So. 3d 1114, 1117 (Fla. 5th DCA 2024)
- Polk County v. Sofka, 702 So. 2d 1243, 1245 (Fla. 1997)
- Cunningham v. Standard Guar. Ins. Co., 630 So. 2d 179, 181 (Fla. 1994)
- Page v. Deutsche Bank Tr. Co. Ams., 308 So. 3d 953, 960 (Fla. 2020)
- S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97, 99 (Fla. 1974)
- Marinich v. Special Edition Custom Homes, LLC, 1 So. 3d 1197, 1198-1200 (Fla. 2d DCA 2009)
- Mass. Life Ins. Co. v. Crapo, 918 So. 2d 393, 394 (Fla. 1st DCA 2006)
- Proino Breakfast Club, II, Inc. v. OGI Cap., Inc., 331 So. 3d 846, 850 (Fla. 2d DCA 2021)
- Gulf Power Co. v. Harper, 940 So. 2d 535, 536-37 (Fla. 1st DCA 2006)

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