

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Bradley Geise and Sarah Geise v. Peter Fleck and Kari Fleck

Geise · No. 6D2024-1898 · Decided April 2, 2026

SUMMARY

The Florida Sixth District Court of Appeal affirmed a judgment for Peter and Kari Fleck in a dispute over whether their dock and boathouse unreasonably interfered with Bradley and Sarah Geise’s riparian rights on Lake Down. The court held that the trial court properly applied a reasonableness standard rather than equitably allocating specific areas of riparian rights over sovereign submerged lands. The court also discussed declaratory judgments, injunctive relief, riparian rights, sovereign submerged lands, and the public trust doctrine.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Pratt, J.; Stargel, J.; Mize, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	April 2, 2026
DOCKET	6D2024-1898
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an amended final judgment entered after a three-day bench trial in an action involving ejectment, trespass, declaratory judgment, and requested mandatory injunctive relief concerning alleged interference with riparian rights.
STANDARD OF REVIEW	For declaratory judgments and injunctive relief, factual findings are reviewed for competent, substantial evidence, legal conclusions are reviewed de novo, and the ultimate decision to grant or deny relief is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published; direct conflict certified
PARTIES	Bradley Geise, Sarah Geise v. Peter Fleck, Kari Fleck

TOPICS

- real estate
- declaratory judgment
- equitable relief
- appellate procedure
- standard of review

PRACTICE AREAS

real estate

property law

equitable remedies

appellate procedure

water rights

QUESTIONS PRESENTED

1. Whether *Hayes v. Bowman* required the trial court to equitably apportion, by metes and bounds, the parties' riparian rights over sovereign submerged land.
2. What legal test governs a dispute between adjacent riparian owners concerning use of a navigable lake with a publicly owned lakebed when neither party seeks to fill or drain sovereign submerged land and no applicable statute grants a right to equitable distribution.
3. Whether the Geises were entitled to declaratory and mandatory injunctive relief based on alleged interference with their rights to access and view the lake.
4. Whether the trial court abused its discretion in denying declaratory and injunctive relief.
5. Whether the decision should be certified as being in direct conflict with *Brown v. Thomas*.

HOLDINGS

1. Hayes's equitable-distribution test does not apply to a dispute between adjacent riparian owners using a lake comprised of sovereign submerged land when neither party seeks to fill or drain the submerged land and no statute grants a right to equitable distribution beyond the parties' private-property boundaries.
2. The applicable test is whether one riparian rights holder's use of the lake unreasonably interferes with another riparian rights holder's use.
3. The Flecks' dock and boathouse did not unreasonably interfere with the Geises' riparian rights to access and view Lake Down.
4. The trial court properly denied the Geises' request for declaratory relief.
5. The Geises were not entitled to a mandatory injunction requiring modification of the Flecks' dock and boathouse.

KEY QUOTATIONS

“To be clear, we hold that the Hayes equitable distribution test does not apply to facts presented in this case—namely, a case involving a riparian-rights-related dispute between two sets of adjacent landowners with riparian rights to use a lake comprised of sovereign submerged land but where neither party seeks to fill or drain sovereign submerged land underlying the lake and where no statute has been shown to grant either party a right to an equitable distribution of the lake’s sovereign submerged land beyond the boundary of their respective private properties.” (at 28)

“Therefore, based on our review of relevant Florida jurisprudence, we hold that the applicable test in this case is whether one riparian rights holder’s use of the lake—i.e., Appellees’ qualified riparian right to facilitate their access to and use of the lake via their dock/boathouse—” (at 34)

“Appellants have a right to a reasonably unobstructed access to and view of the lake—not a completely unobstructed access to and view of the lake.” (at 40-42)

“Accordingly, we affirm the trial court’s amended final judgment. The Florida Supreme Court’s decision in Hayes v. Bowman, 91 So. 2d 795 (Fla. 1957), is also important. However, it was misread and misapplied by the Second District in Brown v. Thomas, 419 So. 3d 711 (Fla. 2d DCA 2025). We therefore certify this decision to be in direct conflict with Brown.” (at 42)

FACTUAL BACKGROUND

The parties own adjacent waterfront properties bordering Lake Down. The Flecks' dock and connected boathouse extend over the lake beyond the boundaries of their private property; the lakebed is sovereign submerged land owned by the State of Florida and held in trust for the public. The Geises claimed that the structure interfered with their riparian rights to view and access the lake and sought a declaratory judgment and mandatory injunction requiring substantial modification of the structure. The trial court found that the Geises retained an excellent and unobstructed practical ability to view and access the lake and that the Flecks' structure did not unreasonably interfere with their riparian rights.

PROCEDURAL HISTORY

The Geises sued the Flecks in the Circuit Court for Orange County, alleging that the Flecks' dock and boathouse interfered with the Geises' riparian rights to access and view Lake Down. After a bench trial, the circuit court entered a final judgment for the Flecks, later entering an amended final judgment after a rehearing and clarification hearing. The Geises appealed, and the Sixth District affirmed, while certifying direct conflict with *Brown v. Thomas*.

DISPOSITION

affirmed

CASES CITED

- *Hayes v. Bowman*, 91 So. 2d 795 (Fla. 1957)
- *Brown v. Thomas*, 419 So. 3d 711 (Fla. 2d DCA 2025)
- *Martinez v. Scanlan*, 582 So. 2d 1167, 1170 (Fla. 1991)
- *Rosenhouse v. 1950 Spring Term Grand Jury, in & for Dade Cnty.*, 56 So. 2d 445, 447 (Fla. 1952)
- *Harris v. Gilzean*, 397 So. 3d 134, 136 (Fla. 6th DCA 2024)
- *St. Vincent’s Med. Ctr., Inc. v. Mem’l Healthcare Grp., Inc.*, 967 So. 2d 794, 799 (Fla. 2007)
- *N. Shore Bank v. Town of Surfside*, 72 So. 2d 659, 661-62 (Fla. 1954)
- *May v. Holley*, 59 So. 2d 636, 639 (Fla. 1952)
- *Fla. Ass’n of Realtors v. Orange County*, 350 So. 3d 115, 123 (Fla. 5th DCA 2022)
- *Canakaris v. Canakaris*, 382 So. 2d 1197, 1203 (Fla. 1980)
- *City of Newberry v. Alachua County*, 366 So. 3d 1176, 1178-79 (Fla. 1st DCA 2023)
- *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070, 1082 (Fla. 1st DCA 2022)
- *Brevard County v. Obloy*, 301 So. 3d 1114, 1118 (Fla. 5th DCA 2020)

- Park Crossing Homeowners Ass’n, Inc. v. Suarez, 415 So. 3d 676, 690 (Fla. 4th DCA 2025)
- Legakis v. Loumpos, 40 So. 3d 901, 903 (Fla. 2d DCA 2010)
- Shaw v. Tampa Elec. Co., 949 So. 2d 1066, 1069 (Fla. 2d DCA 2007)
- E. Fed. Corp. v. State Off. Supply Co., Inc., 646 So. 2d 737, 741 (Fla. 1st DCA 1994)
- Fla. Dep’t of Health v. Florigrown, LLC, 317 So. 3d 1101, 1110 (Fla. 2021)
- Cramp v. Bd. of Pub. Instruction of Orange Cnty., 118 So. 2d 541, 544 (Fla. 1960)
- Godwin v. Phifer, 41 So. 597, 602 (Fla. 1906)
- City of Parker v. Wilson, 416 So. 3d 354, 356 n.1 (Fla. 1st DCA 2025)
- Bd. of Trs. of the Int. Imp. Tr. Fund v. Sand Key Assocs., Ltd., 512 So. 2d 934, 936 (Fla. 1987)
- Walton County v. Stop Beach Renourishment, Inc., 998 So. 2d 1102, 1111-12 (Fla. 2008)
- Belvedere Dev. Corp. v. Dep’t of Transp., Div. of Admin., 476 So. 2d 649, 651 (Fla. 1985)
- Freed v. Miami Beach Pier Corp., 112 So. 841, 844-45 (Fla. 1927)
- Shore Vill. Prop. Owners’ Ass’n, Inc. v. State Dep’t of Envtl. Prot., 824 So. 2d 208, 211 (Fla. 4th DCA 2002)
- 5F, LLC v. Dresing, 142 So. 3d 936, 942, 946 (Fla. 2d DCA 2014)
- Williams v. Guthrie, 137 So. 682, 684-85 (Fla. 1931)
- Martin v. Busch, 112 So. 274, 283 (Fla. 1927)
- Pollard v. Hagan, 44 U.S. 212 (1845)
- Fla. Dep’t of Transp. v. Lauderdale Boat Yard, LLC, 336 So. 3d 28, 32 (Fla. 4th DCA 2022)
- Bd. of Trs. of the Int. Imp. Tr. Fund v. Fla. Pub. Utils. Co., 599 So. 2d 1356, 1357-58 (Fla. 1st DCA 1992)
- Krieter v. Chiles, 595 So. 2d 111, 111 (Fla. 3d DCA 1992)
- BB Inlet Prop., LLC v. 920 N. Stanley Partners, LLC, 293 So. 3d 538, 543 (Fla. 4th DCA 2020)
- Vill. of Tequesta v. Jupiter Inlet Corp., 371 So. 2d 663, 666 (Fla. 1979)
- Cason v. Fla. Power Co., 76 So. 535, 536 (Fla. 1917)
- Duval v. Thomas, 114 So. 2d 791 (Fla. 1959)
- Taylor v. Tampa Coal Co., 46 So. 2d 392 (Fla. 1950)
- Florio v. State ex rel. Epperson, 119 So. 2d 305, 310 (Fla. 2d DCA 1960)
- Conrad v. Whitney, 141 So. 2d 796, 798 (Fla. 2d DCA 1962)
- Stevens v. State, 226 So. 3d 787, 792 (Fla. 2017)
- Miccosukee Tribe of Indians v. Lewis Tein, P.L., 227 So. 3d 656, 661 (Fla. 3d DCA 2017)
- Cusick ex rel. Cusick v. City of Neptune Beach, 765 So. 2d 175, 177 (Fla. 1st DCA 2000)
- Pedroza v. State, 291 So. 3d 541, 547 (Fla. 2020)