

**IN THE CIRCUIT COURT OF THE  
SIXTEEN JUDICIAL CIRCUIT IN AND  
FOR MONROE COUNTY**

**THOMAS F. COLLINS, et al.,**

**Plaintiffs,**

**vs.**

**MONROE COUNTY,**

**Defendant,**

**vs.**

**STATE OF FLORIDA,**

**Third Party Defendant**

**CASE NO. CA-M-04-379**

**THIRD PARTY DEFENDANT'S ANSWER AND AFFIRMATIVE  
DEFENSES TO DEFENDANT'S THIRD PARTY COMPLAINT**

Third Party Defendant, the State of Florida, hereby answers the third party complaint of Monroe County as follows:

1. Admit.
2. Deny, the complaint speaks for itself.
3. Deny, the statute speaks for itself
4. Deny, the statute speaks for itself.
5. Deny, the statute speaks for itself.
6. Deny, the statute speaks for itself.
7. Deny, the statute speaks for itself.
8. Deny, the statute speaks for itself
9. Deny, the statute speaks for itself
10. Deny, the rule speaks for itself.
11. Deny.
12. Admit that the quoted language is part of the rule; Deny all other allegations as the statute speaks for itself.
13. Deny, the rules speak for themselves.

14. Deny, the rule speaks for itself
15. Deny.
16. Deny.
17. Deny, the rules speak for themselves.
18. Deny.
19. Adopt previous answers.
20. Deny.
21. Deny.
22. Adopt previous answers.
23. Deny.
24. Deny.
25. Deny.
26. Deny.
27. Deny.
28. Adopt previous answers.
29.
  - a) Deny
  - b) Deny.
30. Adopt previous answers.
31. Deny.
32. Deny.
33. Deny.
34. Deny.

#### **AFFIRMATIVE DEFENSES**

1. Third party plaintiff fails to state a cause of action for a declaratory judgment, equitable indemnification, and subrogation.

2. Sovereign immunity bars any cause of action for contribution, equitable indemnification, or subrogation against the State or any of its agencies.

3. The statute of limitations bars this third party complaint as well as the Plaintiffs' initial complaint alleging a taking.

4. There has been no taking of the Plaintiffs' property necessitating payment for which the County seeks reimbursement.

Respectfully submitted this 18th Day of July 2005.

CHARLES J. CRIST, Jr.  
ATTORNEY GENERAL

/s/

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was served by U.S.

Mail this 18th Day of July, 2005, on:

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/s/

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Attorney