

Florida Appeals Court Decisions: Week of September 18-22, 2023

September 16, 2023

U.S. Eleventh Circuit Court of Appeals

Weidner v. Comm'r of Soc Sec - prior decision, law of the case, mandate rule

League of Women Voters v. Fla Sec of State - election reform challenge, en banc denial

Townsend v. Berman - bankruptcy, disclosure violations, bust-out scheme, appellate commentary

Florida Supreme Court - Tallahassee

In re Fla R App P - amended rules

Zack v. State - capital case, postconviction relief

First District Court of Appeal - Tallahassee

Sapp v. State - postconviction relief

Mosely v. State - probation revocation

Gray v. State - scrivener's errors

Little v. State - mandamus, duty to rule, mootness

Hartwick v. Dixon - mandamus, duty to rule, mootness

Second District Court of Appeal - St. Petersburg

Perez v. State - sentencing

Teart v. State - habeas corpus

Daniels v. State - sentencing

Halling v. Garrison - insurance, extra-contractual damages

Third District Court of Appeal - Miami

Flamingo S Acquisitions v. Flamingo/S Beach I CA - nonbinding arbitration

Walls v. Roadway - lien, notice, summary judgment reasons

Factor Brokers v. J&C Enters - agreement to arbitrate, assignment

Mendez v. BOD of Palace CA - temporary injunction, remedial work

Achoy Assisted Living v. Agency for Health Care - findings of fact, evidence

Martin v. Buttner - subject matter jurisdiction

Hernandez v. City of Mia - second-tier certiorari, waiver

Raffay v. Longwood House CA - statute of limitations, ongoing nonperformance

SF v. State - indictment, essential element

State Farm v. Best Med - appellate attorney's fees

Monroe Cnty v. Jabour - second-tier certiorari, final order, agency's interpretation

Salazar v. Premier Air - transfer of action

Small v. State - habitual felony offender, ex post facto clause

King v. Riera - insufficient record

Parks v. State - probation violation

Fourth District Court of Appeal - West Palm Beach

FAU v. Harbor Branch - direct-support organizations, budget approval

Univ Prop & Caus Ins v. Navlen - expert testimony, exclusion

TIO Medical v. Liberty Mutual - PIP, out of state coverage

State v. Estate of Bruening - intestate, heirs

Stuart Roofing v. Thomas - FDUTPA, actual damages

Fifth District Court of Appeal - Daytona Beach

TG United v. AADD Properties - nonresidential eviction, rent, court registry, § 83.232(5)

Obermark v. Obermark - child support, modification, due process

Winters v. State - postconviction relief

Cooper v. State - ineffective assistance, appeal

State v. Victorino - certiorari, non-unanimous death sentence

Crowell v. State - habeas corpus

Sixth District Court of Appeal - Lakeland

Royal United Prop v. Royal - shareholder deadlock, certiorari relief

Hughes v. Angelo - construction of antenuptial agreement

Allen v. JMDH Real Estate of Orlando - inference stacking

Newell v. State - closing argument, jury instruction

Wright v. State - speedy trial

Haynes v. State - summary disposition

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