

# Florida Appeals Court Decisions: Week of February 7 - 11, 2022

February 12, 2022

## U.S. Eleventh Circuit Court of Appeals

*Washington v. Howard* - qualified immunity, Fourth Amendment

*Powell v. Snook* - qualified immunity, excessive force

*Savage Services Corp v. US* - Oil Pollution Act, clean-up costs, admiralty law

## Florida Supreme Court - Tallahassee

*Joseph v. State* - capital case, direct appeal

*McKenzie v. State* - capital case, direct appeal

*In re R Bar Admissions* - amended rule

*In re Fla Fam L R* - amended rule

*Adv Op re Art III s 20* - Governor's request for advisory opinion denied

## First District Court of Appeal - Tallahassee

*Amison v. State* - double jeopardy

*Main St v. G'ship of Faircloth* - comparative fault, derivative liability, alcohol defense

*State v. Kunkemoeller* - sentencing

*Palafox v. Díaz* - administrative filings, sanctions motion, timing

*Palm Bch Sch Dist v. Smith* - workers' compensation

*Lofton v. Arthur* - child custody, timesharing

*McCormick v. Employees of Centurion* - belated appeal, civil proceedings

## Second District Court of Appeal - Lakeland

*Douglas v. State* - probation violation

*Hartshorn v. State* - sentencing

*IT v. KPL* - adoption, vacating

*Am Coastal v. S Bay Plantation CA* - insurance appraisal

*Balm Rd Inv v. Hills Cnty Cmmr's* -

*Coast Pump v. Mathis* - personal jurisdiction, waiver

*Rohret v. Zucco* - second-tier certiorari, land use, development

## Third District Court of Appeal - Miami

*State v. Jones* - sentencing

*Toledano v. Garcia* - general magistrate, unrefereed issue

*Ramos v. Halpern* - fees and costs, reversed per related reversal

*Boulos v. Rubio* - children's best interests

*BPI Sports v. Fla Supp* - contract dispute

*Giller v. Giller* - temporary injunction, failure to plead

*Lawrence v. Hazel Bartelds Trust* - confidential relationship, abuse

*Dickson v. Curtis* - domestic violence injunction

*Kiger v. Kiger* - marital settlement agreement

*de Oliveira v. Sim* - service of process

*Kravitz & Guerra v. Brannon* - temporary injunction

*JD v. DCF* - parental rights, termination

*Allied Prop v. Micor* - certiorari, discovery, privacy

## Fourth District Court of Appeal - West Palm Beach

*Alvarez v. Salazar* - vexation litigation fee award

*March v. DBPR* - licensing, continuance

*Scheible v. Brown* - proximate cause

*Schneiderman v. Baer* - dissolution, financial fraud

*Krickovich v. State* - officer immunity, prohibition

*Boca Raton CRA v. Crocker Downtown Dev* - fair market value

*ABA Interior v. The Owen Grp* - licensing, scope of work

*Lifaite v. Charles* - dissolution, equitable distribution

## Fifth District Court of Appeal - Daytona Beach

*Dennison v. Halifax Staffing* - Private White-blower's Act; private employer, definition

*State Farm v. DNA Center* - confession of error

*Outrigger Beach Club v. Bluegreen Vacations* - per curiam affirmance, dissent; Condominium Act  
*Cottingham Road v. 1662 Multifamily* - fraud, pleading, particularity, dismissal  
*Code Hunter v. Casa Marisol* - contract, clear language; mortgage, future advances, § 697.04  
*Faulstick v. State* - probation, revocation; self-defense  
*Rai v. Rai* - final judgment, enforcement, statute of limitations  
*Spencer v. Marshall* - special concurrence; vacate judgment, jurisdiction  
*Wall v. State* - seizure, inevitable discovery  
*Mentz v. Nosbisch* - lack of transcript  
*Otero v. State* - Anders appeal, probation, specific conditions  
*Hampton v. State* - *Spencer* warning, pro se  
*Johnson v. State* - *Spencer* bar, pro se  
*Pickett v. State* - *Spencer* warning, pro se

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