THE VOICE

The Government Lawyer Section of The Florida Bar

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INSIDE...

CHAIR'S MESSAGE

GOVERNMENT LAWYER SECTION, THE FLORIDA BAR

Sustainability is such a buzz word these days. But what is sustainability? The dictionary defines it as the ability to maintain something over time. In the legal profession, however, sustainability may represent more than a definition. It may also reflect a sense of balance: the understanding that a lawyer's career, family obligations, and commitment to service must coexist over the long term without one overwhelming the others.

Recently, I attended a listening session hosted by The Florida Bar President Roslyn "Sia" Baker-Barnes focused on sustainability within the legal profession. The discussion explored the many seasons that arise during the life of a lawyer. One theme repeatedly surfaced: caregiving. Lawyers spoke candidly about periods when professional responsibilities must be balanced with caring for children, aging parents, or other family members. These seasons often arise during some of the most demanding stages of a lawyer's career.

National research reflects that caregiving responsibilities increasingly shape the professional lives of lawyers and other professionals. The American Bar Association has recognized that caregiving obligations frequently intersect with some of the most demanding years of legal practice and can contribute to attrition, burnout, and stalled advancement for many attorneys.[1] At the same time, broader research by the National Alliance for Caregiving and AARP reports that nearly one in five adults in the United States provides ongoing care for a family member while maintaining employment.[2] For lawyers, whose professional obligations often include court deadlines, client responsibilities, and long working hours, the challenge of navigating these dual roles can be particularly acute.

In speaking with colleagues across the profession over the past year, I have come to understand that these experiences are not unusual. Rather, they are far more common than many of us openly discuss. Many lawyers find themselves navigating caregiving responsibilities during the very years when professional demands are at their greatest. Whether caring for children, supporting aging relatives, or responding to unforeseen family needs, these obligations often require attorneys to reevaluate how they allocate their time, energy, and professional commitments.

For lawyers, these challenges may be compounded by another dimension of the profession that is often less discussed: the emotional weight of the work itself. Attorneys engage with difficult facts and human conflict, including violence, loss, and trauma. Research has increasingly recognized the impact of secondary or vicarious trauma among legal professionals who are regularly exposed to the experiences of others through their work.[3] When this professional exposure to trauma intersects with the responsibilities of caregiving at home, the demands on a lawyer's emotional and mental resources can be considerable. For that reason, conversations about sustainability within the legal profession are not merely theoretical. They are quintessential and reflect a lived and increasingly common reality for many of us.

But why is this my message as Chair? Because this is the season of life I am currently in. I share these observations not only as a member of this pro-

fession, but also from personal experience. I am currently navigating caregiving in several forms simultaneously. I am a full-time single mother raising my children while also helping care for my grandfather during what are likely the final months of his life. At the same time, I am assisting in supporting my own parents as they navigate the realities that come with caring for an aging family member. These responsibilities are deeply meaningful, but they also illustrate the complexity many lawyers face when professional obligations intersect with family caregiving. These complexities can require lawyers who want to excel at everything by our very nature to have to choose among seemingly equally important priorities, and that is a hard decision to have to make. Nonetheless, the hard decisions must be made in order to remain sustainable in practice and as a person, and this is the awareness I seek to raise as Chair.

Beyond this if sustainability is a question for individual lawyers, it is also a question for our professional communities.

This past year has been a meaningful one for the Government Lawyer Section. We have continued to prioritize accessible professional development by offering several free continuing legal education programs for our members. We also look forward to recognizing excellence within our community through our upcoming Section awards. In addition, we are proud to celebrate the revival of this very publication, *The Voice*, which once again serves as a platform for sharing ideas, experiences, and developments affecting government lawyers across Florida.

From an organizational perspective, the Section remains financially strong. At the same time, we are actively exploring ways to diversify our revenue streams in order to support the long-term sustainability of the Section and its programs. Thoughtful stewardship of our resources will help ensure that we can continue to provide meaningful opportunities and support for government lawyers throughout the state.

Sustainability also involves reflecting on the future of the Section itself. On **April 29, the Government Lawyer Section will hold its first long-range planning meeting** in many years as we consider how the Section can continue to evolve and serve government attorneys across Florida. Long-range planning is itself an exercise in sustainability. It invites us to pause, reflect, and thoughtfully consider how we can strengthen the Section for the years ahead, to plan for the future, and ensure we create a better tomorrow today.

As we look to that meeting, sustainability also means looking forward in leadership. Planning for the future of the Section necessarily includes preparing for the next chapter of its stewardship. That future will soon be guided by our Chair-Elect, Liz Stinson. Liz brings thoughtful leadership, dedication to public service, and a deep commitment to the mission of the Government Lawyer Section.

Finally, we also will celebrate our Section's sustainability this year! I hope many of you will **join us on June 5 in Tallahassee as we celebrate an important milestone: the 30th anniversary of the Government Lawyer Section** (refer to page 8 in *The Voice*), as the official representative of government attorneys within The Florida Bar. As part of that celebration, we invite members to share their own milestones as well. Whether marking years of service, professional accomplishments, or personal achievements, these moments reflect the many ways government lawyers contribute both to their communities and to the profession we share.

Thank you for your continued commitment to public service and to one another. If I can ever be of service, please feel free to contact me directly.

In service,

Maria Pecoraro-McCorkle
407-222-0463

References

[1]American Bar Association, Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice (2019).

[2]National Alliance for Caregiving & AARP, Caregiving in the United States (2020).

[3]American Bar Association Commission on Lawyer Assistance Programs & Hazelden Betty Ford Foundation, The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 10 Journal of Addiction Medicine 46 (2016).

FEAR IN THE NAME OF PERFECTION

By: Fatema Jaffer

As lawyers, we often carry an endless desire for perfection. We overthink, overanalyze, and over-proofread, driven by the need to ensure our work reflects what we know we are capable of. At its best, perfectionism serves an important purpose. It sharpens our attention to detail, strengthens our preparation, and—especially for those of us in the courtroom—ensures that structure and readiness are on full display as we stand beside our clients.

Beneath this pursuit of perfection, however, lies something less comfortable: fear. Fear of making mistakes. Fear of appearing imperfect. And, ultimately, fear of change itself.

When does our commitment to perfection begin to limit us? What happens when our desire to avoid mistakes prevents us from trying something new? Are we choosing comfort over growth? These are questions every Type-A, perfectionist government lawyer must confront if they genuinely want to create change—whether in their own practice, a client's life, or broader government policy.

As a public defender, the pressure to pursue perfection and avoid mistakes is constant. If I overlook even one of the 47 videos submitted into evidence or fail to pursue a promising line of inquiry, my ability to advise my client or prepare for trial may suffer—and my client will bear the consequences. In many ways, this fear is appropriate. It's why I watch those 47 videos *at least* three times before trial (four on a good day). But that same fear can also prevent me from taking calculated risks that could ultimately lead to better outcomes for my clients.

As a new attorney, I am constantly learning more than how the law shows up in my practice. I am also trying to navigate and learn what isn't so obvious: the courtroom's culture. What is considered "normal" practice in the courtroom does not always feel normal to me. That disconnect triggers my fear of mistakes, particularly during plea negotiations. A plea offer that is culturally accepted as reasonable may strike me as excessive. Giving a child twelve months of probation for accidentally hitting someone sounds absurd to me—and arguably to any reasonable person.

Yet when twelve months of probation is the standard starting point, pushing back too aggressively risks being labeled "difficult to work with." That label can harm future negotiations that may benefit my clients. The fear of making this mistake and acquiring an unfavorable perception can keep me from challenging what has been normalized, leading me to accept a plea as presented rather than risk making a mistake by pushing back.

The truth my perfectionism may not want to accept is that there is an art to making mistakes. For new attorneys, challenging the norm is an area where risk can—and should—be taken. Whether negotiating plea deals or drafting briefs and policies an organization has not yet considered, there is an advantage to being new. Because, despite what we often tell ourselves, no one expects a new attorney to be perfect.

New lawyers can ask questions that reveal where there is room to challenge norms and take thoughtful risks. Further, the likelihood of a newer attorney being assigned a case or assignment that could result in irreparable harm is lower. By practicing risk-taking in areas where the consequences are still manageable, we become more comfortable with the possibility of making mistakes. In doing so, we loosen the grip of perfectionism and allow ourselves to grow.

Breaking perfectionist tendencies early in our legal careers helps prevent us from becoming entrenched in normalized tendencies that have built

up over the years to become habits. The longer we practice, the harder disruption becomes. Comfort increases, stakes feel higher, and the willingness to question "how things are done" often fades. This fear is not confined to the courtroom. It also appears in how lawyers adapt—or resist adapting—to change more broadly. Sometimes, change is as simple as learning new tools to work more efficiently. Other times, it requires adjusting to shifting laws, policies, or cultural expectations.

In each instance, fear of appearing imperfect can hold us back. For a lawyer with more years of experience, admitting a need to learn from a younger colleague can feel deeply uncomfortable.

HOW DOES SOMEONE EXPECTED TO "KNOW IT ALL" SAY, "I STILL HAVE MORE TO LEARN—CAN YOU HELP ME?"

Refusing to acknowledge what we do not know only keeps change at a distance. The cost of admitting imperfection to colleagues is far lower than the cost of making avoidable mistakes at our clients' expense—or of delaying much-needed institutional reform. Discomfort is not failure; it is often the space where innovation and improved practice begin.

Regardless of how much of a perfectionist we are, mistakes are inevitable. What matters is learning to distinguish between mistakes within our control and those beyond it. That distinction is essential to balancing diligence with a genuine commitment to change. When government lawyers act primarily out of fear rather than purpose, we risk doing a disservice not only to ourselves, but to the clients whose lives we directly affect.

The fear of mistakes, wrapped into the fear of appearing imperfect and *human*, coexist to produce our perfectionism. As Marianne Williamson writes in *Our Deepest Fear*, fear often disguises itself as self-limitation. For government lawyers, that disguise can be particularly convincing. Each time we choose silence over advocacy, comfort over challenge, or perfection over progress, that fear wins.

Until we challenge it—until we allow ourselves to make thoughtful mistakes—we cannot reach the potential necessary to create the change our clients, our profession, and our legal system deserve.

Fatema Jaffer *is an assistant public defender with the Ninth Judicial Circuit for Orange County, Florida Children's Defense Division. After graduating from Harvard Law School in 2024, she participated in an education law and policy legal fellowship in Washington D.C. She was admitted to the Florida Bar in 2025.*

Our Deepest Fear

By Marianne Williamson

Our deepest fear is not that we are inadequate.
Our deepest fear is that we are powerful beyond measure.
It is our light, not our darkness
That most frightens us.

We ask ourselves
Who am I to be brilliant, gorgeous, talented, fabulous?
Actually, who are you *not* to be?
You are a child of God.

Your playing small
Does not serve the world.

There's nothing enlightened about shrinking
So that other people won't feel insecure around you.

We are all meant to shine,
As children do.
We were born to make manifest
The glory of God that is within us.

It's not just in some of us;
It's in everyone.

And as we let our own light shine,
We unconsciously give other people permission to do the same.
As we're liberated from our own fear,
Our presence automatically liberates others.

2025 DISTINGUISHED PUBLIC SERVICE AWARD WINNER

The Distinguished Public Service Award recognizes dedicated government lawyers whose contributions to the profession and the community deserve special recognition. The 2025 winner of this award is Cynthia "Cindy" Guerra!

Cindy knew from her very first day as a law student intern with the Miami Public Defender the 11 Judicial Circuit Public Defender Office was the place she was meant to be. It was the way the Assistant Public Defenders interacted with the courts, the clients, and the public. It had an energy she wanted to be a part of. That day she approached her Cuban American supervising APD and said, tell me what I need to do to get hired. That was the start of a lifetime career in public service.

Cindy left the PD for a short time to raise her two children, then came back to public service with the Florida Office of Attorney General's Children's Legal Services Division. She represented the Florida Department of Children and Family Services, protecting hundreds of children. After trying numerous cases she was promoted to Deputy Attorney General for South Florida under Attorney General Bill McCollum.

Cindy then joined the Palm Beach Clerk of Court, where her law practice shifted to systems and operations. After a decade mastering the court systems and managing AI integration, Public Defender Carlos Martinez invited Cindy to come back home to the 11th Judicial Circuit Public Defender. In her current role as Executive Chief Assistant Public Defender for Operations and Assistant General Counsel, Cindy manages the PD11 operations, including contracts, systems, staffing, facilities, and improvements. She makes sure the nationally recognized team of staff and attorneys at the PD11 has the best tools at their disposal so they can continue doing the important work for people who cannot afford to have a voice in the justice system. She is proud to be a part of their successes.

"It was a privilege and an honor to present Cindy with this recognition from our Section at the Council of Sections meeting at last year's Florida Bar Convention. Cindy's leadership, innovation, and lifelong commitment to public service embody the highest ideals of our profession."

— Maria Pecoraro-McCorkle, Chair, Government Lawer Section.

PUBLIC SERVICE SPOTLIGHT:

IANA DEL BENJAMIN, NAVY JAG EXCEPTIONAL FAMILY MEMBER PROGRAM (EFMP) AND LEGAL ASSISTANCE ATTORNEY

Iana Del Benjamin leads the Exceptional Family Member Program for the Navy Judge Advocate General (JAG) Legal Services Office Southeast. She represents the 17,000 Navy service members with children with disabilities in mediation and litigation to ensure their children have access to education and services. Ms. Benjamin is also a professor of ethics at Edward Waters University and author of "I AM WELL: Mantras for young hearts and minds." Before joining Navy JAG, Ms. Benjamin practiced immigration and family law. She moved from the Republic of Trinidad and Tobago to New York for college, then to Florida for law school, graduating from Florida Coastal School of Law in 2013.

Ms. Benjamin was sworn in to the Supreme Court Bar in open court on November 12, 2025. Government shutdown notwithstanding, the ceremony was an impressionable experience. Ms. Benjamin shares her experience:

On the morning of Nov. 12, I had the privilege and honor of being motioned to be admitted to the highest court in our land.

Being admitted to the U.S. Supreme Court Bar means an attorney has met specific qualifications, including being in good standing with a state's highest court for at least three years, to be eligible to practice before the Supreme Court. This admission allows a lawyer to file petitions, represent clients in arguments and take on cases at the federal level, though many do not argue cases but have the "privilege of the Bar."

No electronic devices, particularly video recording devices were allowed to protect the solemnity and the decorum of the proceedings and due to the government shutdown we could not even linger in the amazingly decorated halls.

The swearing in ceremony was brief, beautiful and poignant.

We began promptly at 10 a.m. when the motion for persons to be admitted to the US Supreme Court Bar was called up by Chief Justice John Roberts.

When I raised my right hand and said the following oath I felt the power of tradition, the awesome responsibility and the deep honor and respect to be admitted to the highest court in the land: "I solemnly swear that as an attorney and counselor that I will conduct myself uprightly and according to law and that I would support the constitution of the United States of America."

Oral arguments followed in the cases *Fernandez v. United States* and *Rutherford v. United States*. Members of the United States Supreme Court Bar have preference to attend oral arguments, access to the Supreme Court Library, and have the honor of presenting oral argument and shaping American jurisprudence. Congratulations to Iana Del Benjamin on her achievement!

LEGACY AND LEADERSHIP SYMPOSIUM - SAVE THE DATE!

Celebrate 30 years with us!

We are thrilled to announce the first-ever Legacy and Leadership Symposium to celebrate 30 years as a Section! This special event brings together our members for a day of connection, learning, and recognition of the leadership and impact that defines our section.

Event Highlights:

- **Executive Council Meeting** – Engage with leadership and gain insights into the section's initiatives.
- **Continuing Legal Education (CLE) Sessions:**
  - ***Ethics in Government Law* –** Explore ethical considerations and best practices. This CLE will feature The Florida Bar Ethics Counsel, Jonathan Grabb
  - ***Lessons from Experienced Government Lawyers*** – Hear from seasoned professionals sharing real-world insights and advice.
- **Reception –** Network with peers in a relaxed, celebratory setting following the sessions.

Location: The Florida Bar in Tallahassee!
Date: June 5, 2026

This symposium is more than an event—it's an opportunity to honor our past, learn from today's leaders, and shape the future of government law. Whether you're a law student, seasoned member or considering government law, this is an event you won't want to miss.

Registration and additional detail to come!

FLORIDA SUPREME COURT SUMMARIES

State Attorneys for the Second, Seventh and Ninth Judicial Circuits, et al. v. Florida Pace Funding Agency, et al., SC2024-0652

Several governmental entities appealed orders denying motions filed pursuant to Florida Rule of Civil Procedure 1.540 in a bond validation proceeding brought under chapter 75, Florida Statutes. The motions sought to vacate a final judgment validating bonds issued to fund improvements under the Property Assessed Clean Energy (PACE) Act. At the validation hearing, the State Attorney's Office, appearing on behalf of the State, did not object to entry of the final judgment. Shortly thereafter, the governmental entities moved for relief from judgment, contending that a portion of the judgment was void because it resolved collateral matters, that the circuit court lacked personal jurisdiction over certain parties, and that Florida PACE Funding had misled the trial court. The Florida Supreme Court ultimately held that once a final judgment validating bonds is entered, chapter 75 precludes relief under rule 1.540.

Steak N Shake v. Ramos, SC2024-0099

Ramos, an employee of Steak 'n Shake, suffered a back injury in an automobile accident. After the accident, Steak 'n Shake reduced his work hours and later terminated his employment. Ramos filed a charge of discrimination with the EEOC, completing the agency's form but not specifically referencing the Florida Civil Rights Act (FCRA). Following its investigation, the EEOC dismissed the charge and issued a "Dismissal and Notice of Rights." After receiving the notice, Ramos filed suit in Florida circuit court alleging discrimination and retaliation. The trial court dismissed the action on the ground that Ramos had failed to allege a claim under the FCRA in his EEOC charge and therefore had not exhausted his administrative remedies. The Florida Supreme Court disagreed, holding that Ramos was not required to expressly reference the FCRA in his EEOC charge in order to satisfy the exhaustion requirement.

STATE CASE LAW SUMMARIES

First District Court of Appeal

Gartman v. Southern Tactical Range, LLC, 417 So. 3d 449 (Fla. 1st DCA 2025).

Appellants sued their neighbor for nuisance after the neighbor opened a private shooting range, alleging excessive noise and interference with the use and enjoyment of their property. The trial court dismissed the nuisance claim based on section 823.16, Florida Statutes, which exempts sport shooting ranges from civil liability for noise-related claims, including nuisance actions. On appeal, the issue was whether section 823.16, as applied to the Appellants, violated their constitutional right of access to the courts under article I, section 21 of the Florida Constitution. The First District held that the statute was unconstitutional as applied. Because the common-law cause of action for nuisance predates the Florida Constitution, the Legislature's authority to abolish or limit such claims is constrained. Applying the factors set forth in *Kluger v. White*, 281 So. 2d 1 (Fla. 1973), the court concluded that section 823.16 impermissibly modified the Appellants' nuisance claim without providing a reasonable alternative or demonstrating an overpowering public necessity.

Estate of Tarina M. White v. Florida Medical Examiners Commission, et al., 416 So.3d 400 (1st DCA 2025)

Appellants, the Estate of Tarina White, challenged a medical examiner's determination of Ms. White's cause of death by filing a petition for writ of mandamus. The First District affirmed the dismissal of the petition, concluding that mandamus relief was unavailable. Mandamus lies to compel the performance of ministerial duties, not discretionary acts. A medical examiner's determination of cause of death is a "quintessential" discretionary decision that requires the exercise of professional judgment.

Anderson v. School Board of Escambia County, 416 So.3d 427 (1st DCA 2025)

Plaintiffs brought a wrongful death action against a School Board after providing pre-suit notice to the Florida Department of Financial Services, but not to the School Board itself. Plaintiffs argued that multiple pre-suit conversations with School Board attorneys were sufficient to place the School Board on notice. The First District rejected this argument, holding that section 768.28(6), Florida Statutes, requires written notice to the agency. Oral communications, even if extensive, do not satisfy the statutory notice requirement.

Alachua county Board of County Commissioners v. Perry, 418 So.3d 241 (1st DCA 2025)

Alachua County voters approved a transition from an at-large voting system—under which all voters cast ballots for all commissioners—to single-member districts. The county commissioners subsequently attempted to reverse that decision by ordinance. In rejecting this effort, the court held that section 124.01, Florida Statutes, imposes structural requirements on county government that cannot be overridden or circumvented by local ordinance.

Florida Department of Corrections v. Steven P Beebe, et al., 1D2024-2146 (1st DCA 2025)

The Florida Department of Corrections appealed an order denying its motion to dismiss, arguing that Appellee's claims for negligence and negligent supervision of a known dangerous inmate were barred by sovereign immunity. Applying section 768.28(9)(a), Florida Statutes, the First District reversed, holding that Appellee's allegations that Department employees acted outside the scope of their employment and with malicious purpose triggered the Department's entitlement to sovereign immunity.

Florida Department of Law Enforcement v. Angela Johnson, 1D2024-0549 (1st DCA 2025)

The Florida Department of Law Enforcement sought certiorari review of a trial court order broadly determining that numerous emails sent to its general counsel were not privileged. The trial court reasoned that because the general counsel also served as the Department's Human Resources Officer, none of the emails to him were protected by privilege. The First District reversed, holding that the trial court erred by failing to conduct a document-by-document privilege analysis and instead issuing a blanket ruling.

Raul Messir Castro v. Department of Health, 1D2023-1550, (1st DCA 2025)

An Administrative Law Judge entered a recommended order finding that the Department failed

to carry its burden of proof in a license-revocation proceeding. Under section 120.57(1)(l), Florida Statutes, an agency may reject an ALJ's findings of fact only if they are not supported by competent, substantial evidence. Here, the Department improperly rejected the recommended order by reweighing the evidence, even though the ALJ's factual findings were adequately supported by the record.

Second District Court of Appeal

Probable Cause

Darielle Ortiz Williams v. State of Florida, No. 2D2023-2200 (Oct. 1, 2025)

Mr. Williams appealed his probation revocation on the grounds the trial court erred in denying his motion to suppress evidence because the odor of cannabis was insufficient to establish probable cause under the "plain smell" doctrine. The Court of Appeals held under new legislation and regulation on cannabis the smell of cannabis alone is insufficient to establish probable cause, but may be considered as part of the totality-of-the-circumstances approach applicable to other Fourth Amendment questions. The Court of Appeals applied the exception for reasonable reliance on binding appellate precedent at the time of the seizure. The Court also certified a question to the Florida Supreme Court: "Does the plain smell doctrine continue to apply to establish probable case based only on the odor of cannabls?" Affirmed, question certified, remanded to correct scrivener's error.

Joshua Cherfils v. State of Florida, No. 2D2023-1932 (Dec. 31, 2025)

Mr. Cherfils appealed his judgment and sentences on the grounds the trial court erred in denying his motion to suppress evidence because the odor of burnt marijuana coming from his vehicle was insufficient to establish probable cause for a law enforcement officer to search his vehicle given the *Williams* decision receding from the "plain smell" doctrine. The Court of Appeals held the totality of the circumstances, including the burnt marijuana smell, Mr. Cherfils's argumentative and nervous behavior, and the officer's testimony that the smell was a lot more than just if someone smoked earlier, established probable cause to search. Affirmed.

Jury Instructions

Ernesha LeShae Atmore v. State of Florida, No. 2D2024-0584 (Aug. 13, 2025)

Ms. Atmore appealed her judgment and sentence for robbery with a weapon on the grounds the trial court erred in denying her request to instruct the jury on the lesser included offense of resisting a merchant because the trial court incorrectly reasoned there had been no evidence of physical detention. The Court of Appeals found the trial court erred because physical detention is not an element of resisting a merchant under section 812.015(6), Florida Statutes (2024). The Court of Appeals held the error was harmless because the jury was instructed on and rejected the immediate lesser offenses of simple robbery, theft, and assault, in its verdict convicting Ms. Atmore of the higher charge. Affirmed.

Jose Alberto Quezada Veloz v. State of Florida, No. 2D2024-0726 (Jul. 2, 2025)

Mr. Quezada Veloz appealed his conviction and sentence for driving without a license on the grounds the trial court erred by denying his request to instruct the jury on the duress or necessity defense because the trial courton the reasoning the testimony did not support the defendant's reasonable belief that there was an emergency. The Court of Appeals found the trial court abused its discretion by considering the weight of the evidence of Mr. Quezada Veloz's reasonable belief a danger existed in denying the request to read the necessity defense instruction. Reversed and Remanded.

Sentencing

Winston Morgan v. State of Florida, No. 2D2024-0125 (Dec. 31, 2025)

Mr. Morgan appealed his sentence on the grounds the trial court erred in denying his motion for downward departure under section 921.0026(1). The Court of Appeals found the trial court erred by stating it legally lacked discretion to depart when the trial court ruled solely on the youthful offender sentencing statute and overlooked Mr. Morgan's argument that his autism diagnosis constituted "circumstances or factors that reasonably justify [a] downward departure." Reversed.

Post-Conviction

Anthony Rivera v. State of Florida, No. 2D2023-2718 (Dec. 10, 2025)

Mr. Rivera appealed the trial court's order denying his untimely post-conviction motion because the juror's dishonesty during voir dire and potential bias was not newly discovered evidence that could not have been discovered with due diligence under Florida Rule 3.850(b)(1). The Court of Appeals found the juror's residence location and ex-husband, boyfriend, and sons' prior convictions were easily discoverable public records at the time of trial and did not meet the requirement "could not have been ascertained by the exercise of due diligence." Affirmed.

Christopher Kennard Burton v. State of Florida, No. 2D2024-0622 (Sept. 5, 2025)

Mr. Burton appealed the postconviction court's order denying his motion to modify his sentence under section 921.1402, Florida Statutes (2023), on the grounds the State failed to present a counter-expert on the issue of Mr. Burton's rehabilitation. The Court of Appeals held the testimony elicited on the State's cross-examination of the expert and Mr. Burton's disciplinary history and continued refusal to show remorse and accountability supported the postconviction court's order. Affirmed.

Incarceration Liens

Freddy Palomares v. State of Florida, No. 2D2023-1485 (Jul. 16, 2025)

Mr. Palomares appealed the trial court's civil restitution lien order on the grounds the trial court erred by granting the Florida Department of Corrections's motion in the criminal case for entry of the lien and miscalculated the lien amount. The Court of Appeals held Section 960.292 authorized a motion filed in the criminal case and FDOC qualifies as "the State" and was entitled to file the motion. The Court of Appeals found the trial court miscalculated the lien amount because it included days of time served at the Hillsborough County Jail prior to his incarceration in its calculation of daily liquidated damages. Reversed and remanded with instructions.

Right to Counsel

Travis Lee Morgan v. State of Florida, No. 2D2024-2151 (Dec. 3, 2025)

Mr. Morgan appealed his judgment and sentence on the grounds the trial court erred by failing to renew the *Faretta* inquiry and offer of assistance of counsel prior to the charge conference. The Court of Appeals found Mr. Morgan invited the error by insisting on proceeding pro se, refusing to be present at trial, and refusing assistance by standby counsel, creating the situation giving rise to the inability of the trial court to renew the offer of assistance of counsel at the charge conference. Affirmed.

Separation of Powers

West Villagers for Responsible Government, Inc. and John Meisel v. City of North Port, No. 2D2023-2425 (Nov. 19, 2025)

West Villagers for Responsible Government sought second-tier certiorari review of the trial court's ruling upholding City of North Port's denial of West Villagers's petition to contract municipal boundaries. The Court of Appeals held section 171.081(1) did not authorize judicial review of the City's resolution of the contraction issue because the statute authorized review only "following the passage of the annexation or contraction ordinance–" not the City's election *not* to enact a contraction ordinance. The Court of Appeals further held the circuit court lacked common law certiorari jurisdiction because section 171.081 is the exclusive procedure for challenging a municipal government's failure to comply with Chapter 171, Florida Statutes" and establishing and modifying municipal boundaries is exclusively a legislative power to which the courts' common law certiorari authority does not extend. Quashed.

Statewide Prosecution Jurisdiction

Nathan Shirl Hart v. State of Florida, No. 2D2023-0493 (Nov. 7, 2025)

Mr. Hart moved to dismiss his charges of making a false affirmation in connection with an election and voting by an unqualified elector on the grounds the Office of Statewide Prosecution lacked jurisdiction. The trial court denied the motion, and Mr. Hart appealed. The Court of Appeals agreed with the Sixth DCA in *State v. Washington*, 403 So. 3d 465, 479–480 (Fla. 6th DCA 2025), finding the OSP had no jurisdiction to prosecute Hart for the crimes charged against him, certifying conflict with the Fourth and Third DCAs. *See State v. Hubbard*, 392 So. 3d 1067, 1072–1073 (Fla. 4th DCA 2024) (reinstating prosecutions that had been dismissed by circuit courts on the ground that the OSP lacked jurisdic-

tion), *rev. granted* 2025 WL 79096 (2025), and *State v. Miller*, 394 So. 3d 164, 170 (Fla. 3d DCA 2024) (same). Reversed and remanded with directions, conflict certified.

Evidence

John McCartney v. State of Florida, No. 2D2024-0642 (Nov. 7, 2025)

Mr. McCartney appealed his judgment and sentences on the ground the trial court erred by admitting child hearsay statements where the child had reached majority by the time of trial. The Court of Appeals held section 90.803(23) permits the admission of child hearsay statements, regardless of the child's age at trial, so long as the child was a minor under the statute when the child made the statements. Affirmed.

State of Florida v. Robert Ronald Kilburn, State of Florida v. Holly Ann Marano, and State of Florida v. Arthur Joseph DePauw, Nos. 2D2024-0649, 2D2024-0652, 2D2024-0722 CONSOLIDATED (Aug. 15, 2025)

The State of Florida sought certiorari review of the trial court's suppression of alcohol breath test results on the grounds the trial court erred by finding the tests were not conducted in substantial compliance with the Florida Department of Law Enforcement's rules because the Department's replacement of a tube in the test equipment was a repair performed by an Authorized Repair Facility. The Court of Appeals, applying dictionary definitions of the words "repair" and "maintenance," found the replacement of the breath tube constituted a repair, and the Department was not an "Authorized Repair Facility" under Rule 11D-8.002(13). The Court of Appeals held unauthorized repair is not a minor deviation from the Department's rules, so the trial court correctly found the tests were not conducted in substantial compliance with the Department's rules, as set forth in chapter 11D-8 of the Florida Administrative Code. Affirmed.

Sovereign Immunity

Victor D. Crist v. Manhattan Palms Assoc. One, LLC, No. 2D2024-1062 (Jul. 23, 2025)

Manhattan Palms sued the Hillsborough County Clerk of Court for negligently indexing a recorded mortgage on property Manhattan Palms subsequently purchased and sold at a tax deed sale when the surplus was transferred in full to the mortgagee. The Clerk appealed the trial court's order denying his motion to dismiss on sovereign immunity grounds. The Court of Appeals found Manhattan Palms' claim alleged injury as a member of the general public because the claim was based on reliance on the records prior to purchasing the property. The Court of Appeals held the Clerk's duty to index the public record pursuant to section 28.222, Florida Statutes (2008), is for the benefit of the general public, so sovereign immunity barred the action. Reversed with instructions to dismiss with prejudice. Conflict certified with *First American Title Insurance Co. of St. Lucie County v. Dixon*, 603 So. 2d 562 (Fla. 4th DCA 1992).

Zoning

Hillsborough County v. G.L. Acquisitions Corp., Inc., No. 2D2024-1958 (Jul. 9, 2025)

Hillsborough County sought second-tier certiorari review of the circuit court's order quashing the Hillsborough County Board of County Commissioners' denial of G.L. Acquisitions Corporation's (GLA) application to rezone property from its classification as a golf course to residential on the grounds the circuit court based its ruling on a a comment made by one of the commissioners during the zoning hearing that was not adopted in the Board's resolution. The Court of Appeals found the circuit court incorrectly charged the Board with making a finding it did not make by reviewing and citing to the individual commissioner's comment in determining there was not competent substantial evidence to support the Board's decision. Petition granted and order quashed.

Third District Court of Appeal

Evidence

Sanchez v. State, No. 3D24-0231 (Fla. 3rd DCA Sept. 10, 2025)

The defendant appealed his conviction and sentence on the grounds the trial court improperly admitted undisclosed expert testimony by a police officer about the maintenance of the breath test machine used at the scene of the accident. The Third District Court of Appeals found the officer's testimony derived from his years of personal expe-

rience maintaining and inspecting the machine, his knowledge was not formed for purposes of litigation, and he was not evaluating someone else's work, so the testimony was not expert in nature. There was therefore no discovery violation requiring a *Richardson* hearing. Affirmed.

Brock v. State, No. 3D24-0393 (Fla. 3rd DCA Jul. 23, 2025)

The defendant appealed his conviction and sentence for carrying a concealed firearm on the grounds the trial court improperly denied the defendant's motion to suppress the firearm for want of reasonable suspicion. The Third District Court of Appeal found the officer's testimony that the defendant was located in a high crime area, was wearing a hoodie on a hot summer day, was holding the front pocket of the hoodie, looked nervously in the officer's direction, and began walking away when the officer approached, were adequate grounds to form reasonable suspicion. The Court suggested Section 790.01 may be subject to a constitutional challenge, had that issue been before the Court. Affirmed.

Writ of Habeas Corpus

Peralta-Mejia v. State, No. 3D25-1719 (Fla. 3rd DCA Sept. 18, 2025)

The petitioner sought writ of prohibition to prevent the circuit court from issuing a writ of habeas corpus ad prosequendum securing his temporary transfer from federal immigration custody to state custody to face felony charges on the grounds the circuit court lacked jurisdiction and the writ would preclude his release from immigration custody. The Third District Court of Appeals found the circuit court had jurisdiction to issue the writ and petitioner's status as an immigration detainee rather than a federal prisoner did not preclude the use of the writ. Petition denied.

Comer et al. v. State, No. 3D25-1258 (Fla. 3rd DCA Sept. 12, 2025)

The petitioners, juveniles held for pretrial detention in an adult facility, moved for either pretrial release or their transfer to a juvenile facility in accordance with Section 985.265(5), Fla. Stat. The trial court denied the motion without evidentiary hearing on the grounds there was no statutory remedy. The juveniles petitioned for writ of habeas corpus. Third District Court of Appeals appointed a commissioner to determine whether the location and manner the juveniles were housed violated statutory requirements. The commissioner concluded the juveniles were housed in a location and manner involving regular and unavoidable contact with incarcerated adults. The Court first found writ of habeas corpus to be an acceptable means of seeking the requested relief because the juveniles were challenging the legality of their detention as minors at the adult facility. The Court next found their confinement violated the juveniles' statutory rights and civil liberties. Petition granted, writ issued.

Civil RICO

Ferguson v. Republic of Trinidad and Tobago, et al., No. 3D23-880 (Fla. 3rd DCA Sept. 10, 2025)

Mr. Ferguson appealed from a final judgement finding he committed civil fraud, conspiracy to commit fraud, and violated Florida's Civil RICO Act on the grounds no domestic injury occurred in Florida to the Republic of Trinidad and Tobago. The Third District Court of Appeals held domestic injury occurred in Florida because over multiple years, wrongful acts and plans were devised, initiated, and carried out through acts and communications initiated in and directed towards Florida. Affirmed.

Sentencing

Ramirez v. State, No. 3D24-1601 (Fla. 3rd DCA Sept. 17, 2025)

The defendant appealed his sentences on the grounds the trial court erred by relying on the defendant's arrests and dismissed charges when imposing the sentences.

Property Assessment

Garcia et al. v. Piper Indus. Complex, LLC et al., No. 3D24-1235 (Fla. 3rd DCA Aug. 13, 2025)

The trial court determined the transfer of 50% ownership in commercial property did not constitute a change of ownership or control under Section 193.15555, Fla. Stat. (2023), thus did not fall under the exception permitting the Miami-Dade County Property Appraiser and Department of Revenue to increase the property assessment by more than the 10% of the assessed value of the property for the prior year. The Property Appraiser and Department of Revenue appealed. The Third District Court of Appeals found the plain language of the statute describing changes of ownership or control as "*any*

sale, foreclosure, transfer of legal title....” Captured partial transfers such as the subject 50% transfer rendering the 10% assessment limit inapplicable. Reversed and remanded.

Elections

City of Miami v. Gonzalez, et al., No. 3D25-1398 (Fla. 3rd DCA Jul. 31, 2025)

In June 2025, the City of Miami enacted an ordinance, without submission to voter referendum, changing its general municipal elections to even number years, in direct conflict with its Charter and effectively cancelling the November 2025 election and extending the terms of its elected officials beyond established term limits. Gonzalez, a putative mayoral candidate, filed a complaint to declare the ordinance unconstitutional. The trial court granted summary judgment against the City, and the City appealed. The Third District Court of Appeals found the ordinance (1) was a back-door Charter amendment because it directly conflicted with the terms of the Charter, (2) was not mandated by permissive general laws authorizing moving elections to dates concurrent with statewide elections, and (3) state general laws do not supersede Miami-Dade County Home Rule powers expressly preempted to Miami-Dade County under the Florida Constitution. Affirmed.

Fourth District Court of Appeal

Zoning

Florida Custom Guns, LLC d/b/a Affluent Arms et al. v. City of Dania Beach, et al., No. 4D2024-1089 (Fla. 4th DCA Aug. 20, 2025)

The City enacted an ordinance limiting “gun shops” to C-3 or C-4 zones and requiring special exception. Florida Custom Guns, LLC sued on the grounds the ordinance is preempted by Section 790.33, Fla. Stat. The trial court granted summary judgment in favor of the City and Florida Custom Guns, LLC appealed. The Fourth District Court of Appeal found a factual dispute existed regarding whether the zoning ordinances were “designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition.” Reversed and remanded for further proceedings.

Jurisdiction

City of Lauderdale Lakes v. Tinisha Allen, et al., No. 4D2024-2584 (Fla. 4th DCA Nov. 12, 2025)

The City of Lauderdale Lakes code enforcement cited Allen for multiple code violations, and, when Allen failed to bring the property into compliance, obtained orders from the special magistrate imposing fines and recorded the orders as liens on the property. After the statutory three-months had elapsed, the City later moved to foreclose on the liens and obtained summary judgment of entitlement to foreclose on the orders. In its order the trial court sua sponte ruled the total amount of the City’s fines constituted a complete taking of Allen’s property in violation of the Fifth and Fourteenth Amendments to the U.S. Constitution, reduced the amount of the liens, and awarded prejudgment interest on only two of the five orders. The City appealed. The Fourth District Court of Appeals held (1) Allen waived the right to contest the amount and duration of the fines by failing to appeal the special magistrate’s orders and was not entitled to collaterally attack the orders in the circuit court; and (2) the trial court exceeded its authority and violated the City’s due process rights by ruling on issues not raised by the pleadings or argued at trial; and (3) erred by failing to award the City statutorily authorized costs. Reversed and remanded with directions to reinstate the lien, recalculate interest, and assess costs.

Barbara Myrick v. Florida, No. 4D2024-3148 (Fla. 4th DCA Oct. 1, 2025)

Broward County Public Schools District general counsel appealed the trial court’s order denying her motion to dismiss a statewide grand jury indictment charging her with violating section 905.395, Florida Statutes (2021), entitled “Unlawful acts related to disclosure of [statewide grand jury] proceedings,” arising out of conversations she had with the superintendent’s attorney prior to the superintendent’s testimony in the grand jury proceedings. The Fourth District Court of Appeals held the statewide grand jury lacked jurisdiction because section 905.395 is not a specifically enumerated crime under section 905.34 and its necessary elements do not involve “fraud and deceit” as those terms are commonly understood in the criminal law so as to bring it within crimes involving “fraud or deceit” under section 905.34(7). Reversed and remanded for the entry of an order dismissing the indictment.

Civil Forfeiture

Romelia Rodriguez v. Gregory Tony, No. 4D2024-1468 (Fla. 4th DCA Nov. 12, 2025)

The trial court granted summary judgment forfeiting $56,000 seized from Ms. Rodriguez's suitcase at a traveler checkpoint in Fort Lauderdale International Airport. Ms. Rodriguez appealed on numerous grounds not discussed, and based on the burden of proof. The Fourth District Court of Appeals found the trial court failed to require the Broward Sheriff's Office prove beyond a reasonable doubt the contraband was being used in violation of the Forfeiture Act, and instead allowed BSO to meet its burden merely by showing probable cause the cash was illicitly used. Affirmed in part, reversed in part, and remanded.

Evidence

Florida v. Demons, No. 4D2024-0248 (Fla. 4th DCA Oct. 15, 2025)

The trial court severed search and seizure warrants for digital storage and social media evidence that were impermissibly overbroad because they lacked a temporal limitation to admit evidence only within a reasonable temporal limitation. The State appealed on inevitable discovery and independent source grounds, and Demons cross-appealed on the grounds Florida does not permit severance of constitutionally infirm general warrants, so all evidence should have been suppressed. The Fourth District Court of Appeals approved the trial court's reliance on the methodology in *United States v. Galpin*, 720 F.3d 436, 448-49 (2d Cir. 2013) and *United States v. Sells*, 463 F.3d 1148, 1150 n.1 (10th Cir. 2006): (1) separate the warrant into its constituent clauses; (2) examine each individual clause to determine whether it is sufficiently particularized and supported by probable case; (3) determine whether the valid parts are distinguished from the nonvalid parts. The Court agreed with the Eleventh Circuit that "the preferred method of limiting the scope of a search warrant for a cloud account will usually be time-based." *United States v. McCall*, 84 F.4th 1317, 1328 (11th Cir. 2023). Affirmed.

Florida v. Larry Thomas Leiby, No. 4D2024-2490 (Fla. 4th DCA Nov. 5, 2025)

The trial court suppressed evidence obtained following a traffic stop conducted for a welfare check based on a 911 call informing the defendant was driving drunk with young children in the car, finding the community caretaking exception did not apply because the welfare check was for the children, not the defendant, so law enforcement impermissibly seized the defendant in violation of the Fourth Amendment by blocking in his car. The State appealed. The Fourth District Court of Appeals found under the totality of the circumstances, there existed objectively reasonable grounds to stop and block the defendant's vehicle to confirm the children were not in danger, and blocking the vehicle was not impermissibly intrusive to the defendant's Fourth Amendment right to be free from temporary detention in the context of a welfare check. Reversed and remanded.

Sentencing

Gerard Baldie v. Florida, No. 4D2022-2163 (Fla. 4th DCA Sept. 17, 2025)

Mr. Baldie appealed his convictions and sentences, and the State cross-appealed the trial court's isolated incident finding and order granting downward departure because the defendant admitted he had smoked marijuana "probably 100 times" before the night of the crime. The Fourth District Court of Appeals held section 921.0026(2)(j) does not allow a defendant who has frequently broken the law to qualify for an isolated incident departure sentence where the defendant has broken the law numerous times but has never been prosecuted. Convictions affirmed, sentences reversed and remanded for resentencing.

Post-Conviction Motions

Rene de Santus v. Florida, No. 4D2023-2235 (Fla. 4th DCA Oct. 15, 2025)

Mr. De Santus appealed the trial court's denial of post-conviction relief. The Fourth District Court of Appeals found counsel was ineffective by (1) failing to confront the only eye-witness and the State's main witness with prior inconsistent statements recanting testimony about Mr. De Santus's identity as the shooter; (2) failing to impeach the main witness based on her attempt to extort money from De Santus's family in return for favorable testimony; (3) failing to properly advise Mr. De Santus about whether he should testify. Reversed and remanded.

Kelley Millien v. Florida, No. 4D2025-1292 (Fla. 4th DCA Nov. 5, 2025)

Mr. Millien appealed the trial court's denial of post-conviction relief on numerous grounds, affirmed without discussion as to all except counsel's misadvising Mr. Millien as to the range of penalties he would face at trial when considering a plea offer. The Fourth District Court of Appeals found counsel was ineffective by failing to explain to Mr. Millien that the trial court would be required to impose the statutory maximum of 182.25 months in prison if he were convicted at trial and the trial court denied his downward departure motion, causing Mr. Millien to refuse a plea to six years in prison. Affirmed in part, reversed in part, and remanded for further proceedings.

Fifth District Court of Appeal

Wells v. Quintero, 51 Fla. L. Weekly D162b (Fla. 5th DCA Jan. 23, 2026)

In *Wells v. Quintero*, the Fifth DCA addressed presuit compliance under Florida's Medical Malpractice Act in a wrongful death action arising from the death of Iris Quintero following treatment of a uterine tumor. Before filing suit, the plaintiff served a notice of intent, supported by a corroborating affidavit, alleging that David Wells, M.D., negligently failed to timely diagnose the condition and negligently performed a morcellation procedure. The affidavit did not address independent negligence by Dr. Wells's employer, North Florida OBGYN, LLC, or allege lack of informed consent. After the complaint was amended to add claims against the employer and informed consent claims, the trial court denied a motion to dismiss based on presuit noncompliance.

The Fifth DCA first addressed whether it had jurisdiction to review the order. The court first concluded that it lacked jurisdiction to review the order as a non-final appeal under Florida Rule of Appellate Procedure 9.130 because the defendants challenged the absence of corroboration, not the expert's qualifications. The Fifth DCA nevertheless exercised certiorari jurisdiction, explaining that certiorari review was appropriate to review whether the " 'procedural aspects' of the presuit requirements were met to ensure compliance with chapter 766. The court held that the presuit requirements were not satisfied because the affidavit addressed only the physician's negligence and failed to provide advance notice of employer negligence or informed consent claims. The court reversed and remanded with instructions to dismiss those counts.

Villalba-Santos v. State, 51 Fla. L. Weekly D161a (Fla. 5th DCA Jan. 23, 2026)

In *Villalba-Santos v. State*, the Fifth District reviewed the summary denial of a motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. The defendant alleged, among other claims, that trial counsel was ineffective for failing to investigate his mental health and seek a competency determination, despite expert confirmation of o the defendant's incompetence. The postconviction court summarily denied the claim without attaching record excerpts conclusively refuting the claim.

The Fifth District held that the competency-based ineffectiveness claim was facially sufficient and not conclusively refuted by the record. Because the postconviction court failed to attach records disproving the claim, summary denial was improper. The court reversed and remanded for attachment of record excerpts or an evidentiary hearing, while affirming the denial of the remaining claims.

Williams v. State, 50 Fla. L. Weekly D2506a (Fla. 5th DCA Nov. 21, 2025)

In Williams v. State, a judge of the court requested *en banc* consideration of an *Anders* appeal addressing the scope of appellate authority to correct clerical errors that benefit criminal defendants in *Williams v. State*, 50 Fla. L. Weekly D1636d (Fla., 5th DCA July 25, 2025) ("As such, we now hold that the sua sponte correction of errors harmful to the government in an *Anders* case is strictly limited to scrivener's errors. We have no authority to sua sponte correct legal errors harmful to the government in an *Anders* case, even if those errors are substantively identical to the errors addressed in our reverse *Anders* review jurisprudence."). Less than a majority of judges voted in favor of *en banc* consideration, leaving the panel opinion in place.

The dissent wrote that the prior opinion departed from binding precedent without invoking the *en banc* process. The dissent emphasized that Florida appellate courts have long possessed inherent authority to correct clerical or scrivener's errors in criminal judgments, including errors involving mandatory minimum sentences and fines, regardless of whether correction benefits or harms a defendant. According to the dissent, the panel's dis-

tinction between "clerical" and "legal" error created intra-district conflict, undermined uniformity, and improperly conflated Anders review with clerical error correction. The dissent concluded that en banc review was necessary to preserve precedent, legislative intent, and the integrity of the court's decisional process.

The Kidwell Group, LLC v. Citizens Property Insurance Corporation, 50 Fla. L. Weekly D2692a (Fla. 5th DCA Dec. 19, 2025)

In *Kidwell*, the Fifth District Court of Appeal addressed whether an assignment of benefits (AOB) agreement complied with the statutory requirements of section 627.7152, Florida Statutes, governing post-loss assignments under residential property insurance policies. The insured homeowner, John Fortner, assigned benefits to The Kidwell Group in exchange for assessment services, including preparation of an engineering report with a repair plan, for a stated cost of $3,000. The assignment agreement expressly incorporated an invoice describing the service as a single engineering report prepared by a state-licensed professional engineer, listing a quantity of one and a total price of $3,000. After Citizens denied payment, The Kidwell Group, as assignee, sued, alleging breach of the insurance policy.

The trial court ultimately dismissed the action with prejudice, concluding that the assignment agreement was invalid and unenforceable because it failed to include a written, itemized, per-unit cost estimate as required by section 627.7152(2)(a)4. On de novo review, the Fifth District reversed. The court held that the assignment agreement, together with the expressly incorporated invoice, satisfied the statutory requirement. In reaching its decision, the Fifth District aligned itself with prior decisions from the Fourth and Third District Courts of Appeal, which had upheld materially identical assignment agreements used by The Kidwell Group. The court emphasized that, in the absence of conflicting authority, Florida trial courts are bound to follow decisions from other district courts of appeal. Because the agreement and invoice were sufficiently detailed to comply with the statute, the trial court erred in dismissing the action. The Fifth District therefore reversed the dismissal and remanded for further proceedings.

Harris v. State, 50 Fla. L. Weekly D2512a (Fla. 5th DCA Nov. 21, 2025)

The Fifth District Court of Appeal held that resentencing was required where the trial court imposed prison sentences exceeding the maximum sentence permitted under the Criminal Punishment Code (CPC). The defendant was convicted of multiple offenses, including attempted sale of fentanyl and attempted sale of cocaine, both third-degree felonies ordinarily punishable by up to five years' imprisonment. Based on the defendant's CPC scoresheet, however, the lowest permissible sentence was 154.95 months. Under Florida law, when the CPC's lowest permissible sentence exceeds the statutory maximum for an individual offense, that lowest permissible sentence becomes the maximum sentence the trial court may impose. The trial court erred by sentencing the defendant to fifteen years' imprisonment on each count because the sentences exceeded the CPC-authorized maximum. The Fifth District vacated the sentences and remanded for resentencing consistent with the CPC, directing that the amended judgment also include the correct statutory citation.

Sixth District Court of Appeal

Evidence

State v. Theodore Barnes Tatum, 6D2023-3218 (Fla. 6th DCA Oct. 17, 2025)

The trial court granted the defendant's motion to suppress DUI investigation evidence because there existed innocent explanations for each ground the officer provided in support of reasonable suspicion to detain the defendant. The State appealed. The Sixth District Court of Appeals held the totality of the circumstances supported a "particularized and objective basis" for suspecting legal wrongdoing. Reversed and remanded.

Double Jeopardy

Raber v. State, 6D2023-2423 (Fla. 6th DCA Oct. 31, 2025)

The defendant appealed her judgment and sentence for one count of DUI and three counts of DUI with property damage. The Sixth District Court of Appeals found the trial court erred by permitting the State to amend the information after the close of all evidence because it prejudiced the Defendant. The Court found her convictions for simple DUI based on the same conduct for which she was convicted of DUI with property damage violated the prohibition against double jeopardy because the offenses

do not constitute separate offenses under section 775.021(4)(a), and fall within two exceptions of section 775.021(4)(b). The Court affirmed as to all other counts and arguments. Affirmed in part, Reversed in part, and remanded.

Sentencing

Kim v. State, 6D2024-0197 (Fla. 6th DCA Oct. 10, 2025)

The defendant appealed the trial court's imposition of $223 in court costs on the grounds the trial court's oral pronouncement and sentencing order did not identify the statute or ordinance citations supporting each cost. The 6th District Court of Appeals, agreeing with the Fourth and Fifth DCAs, held that while it is the best practice for trial courts to identify each cost by name *and* statutory citation, no statutory or procedural authority requires that level of detail. The Court found that except for two costs titled "State Ed TF" and $2 "LEEF-County" , the trial court adequately described the bases for the costs. Affirmed in part; Stricken in part; and Remanded with directions. Conflict Certified with *R.T.D. v. State*, 679 So. 2d 1263, 1264 (Fla. 2d DCA 1996) (striking costs because sentencing order did not cite statutory authority) and *Williams v. State*, 285 So. 3d 1003, 1005 (Fla. 1st DCA 2019) (reversing costs where no supporting statutory authority in record).

Defenses and Immunities

Diamond v. State, 6D2025-1683 (Fla. 6th DCA Oct. 3, 2025)

The defendant petitioned for writ of prohibition to prevent his prosecution for battery on the grounds the trial court erred by denying his motion for statutory immunity based on Florida's Stand Your Ground law. The Sixth District Court of Appeals found the State did not prove by clear and convincing evidence the claimed immunity was unavailable because the trial court found the only testifying witness unreliable and only made factual findings about the events preceding the physical altercation. Petition granted, Writ Withheld.

Retroactivity

Herard v. State, 6D2023-3607 (Fla. 6th DCA Aug. 15, 2025)

The defendant was charged with carrying a concealed firearm without a license under Section 790.01(2), Fla. Stat., for conduct that occurred in March 2023. In July, 2023, Section 790.01(2) was amended to add an exception where a person "otherwise satisfies the criteria for receiving and maintaining such a license." The defendant moved to dismiss on the grounds the amendment modified the punishment for the crime, so should be retroactively applied consistent with Section 775.022(4). The trial court dismissed and the State appealed. The 6th District Court of Appeals held the amendment could not be applied retroactively the amendment added an element to the crime the State must prove beyond a reasonable doubt, and did not reduce the punishment as required by Section 775.022 retroactivity exceptions or modify available defenses as required by Section 775.022(5) retroactivity. Reversed and remanded.

Judicial Review

Higgins v. State, 6D2024-0853 (Fla. 6th DCA Aug. 8, 2025)

The defendant entered a pretrial diversion to defer prosecution of a stalking charge. She completed the conditions of the program and requested early termination. The State determined she had not completed the program satisfactorily and continued prosecution. The defendant moved for specific performance of the PTD, the trial court held a hearing on the defendant's performance of the PTD conditions, and granted the motion, dismissing the stalking charge. The State appealed. The Sixth District Court of Appeals held Section 948.08 provides the State with ultimate authority to resume criminal proceedings either during or after the completion of the program, and judicial review of its decision is unavailable. Reversed and remanded.

Department of Children and Families et al. v. J.H. et al., No. 6D2025-0304 (Fla. 6th DCA Aug. 1, 2025)

Potential adoptive parents moved for review of DCF's decision denying their application to adopt a child under Section 39.812(4)(b)2, Fla. Stat. on the basis DCF improperly weighed the AARC's evidence on permanency, siblings, and post communication or contact. The trial court granted the motion for review in part based on DCF conduct predating the adoption application period. DCF and the child's GAL appealed. The Sixth District Court of Appeal found Section 39.812 only authorizes review of conduct during the adoption application time period. The Court further found the trial court erred by re-

viewing DCF's decision de novo, inconsistent with Section 39.812(4)(b)4's requirement for abuse of discretion review. Affirmed in part, Reversed in part.

Exhaustion of Administrative Remedies

Brugal v. City of Naples, No. 6D2023-4088 (Fla. 6th DCA Aug. 1, 2025)

The plaintiff filed an employment discrimination complaint and the City moved to dismiss based on failure to exhaust administrative remedies because the plaintiff failed to identify the FCRA as a basis for her EEOC/FCHR dual-filed charge. The trial court dismissed, and the plaintiff appealed. The Sixth District Court of Appeals first cited *Steak N Shake, Inc. v. Wilfred Ramos*, 50 Fla. L. Weekly S167 (Fla. July 10, 2025) to conclude the charge adequately exhausted administrative remedies as to the FCRA claim. The Sixth DCA then held the exhaustion doctrine is a matter of case or procedural jurisdiction, not subject matter jurisdiction, so should be raised as an affirmative defense and, unless apparent on the face of the complaint, is not a proper basis for a motion to dismiss. Reversed and remanded.

ELEVENTH CIRCUIT COURT OF APPEAL

Eleventh Circuit Court of Appeal

Kevin Lewis v. Sheriff, Fulton County Georgia, et al., 23-12754 (11th Cir 2025)

Appellant, a pretrial detainee in a county jail, sued the Sheriff and the County under 42 U.S.C. § 1983, the Rehabilitation Act, and Title II of the ADA. As a blind detainee, he alleged various accessibility barriers during his confinement and claimed that Appellees failed to reasonably accommodate his disability. The Eleventh Circuit affirmed the district court's grant of summary judgment. Appellant's claims for monetary damages failed because the record contained no evidence of intentional discrimination, and his claims for injunctive relief were moot because he had been released from the county jail after prosecutors dismissed the criminal charges.

Lisa Baker, et al., v. City of Atlanta, 23-12469 (11th Cir 2025)

The City of Atlanta adopted an ordinance authorizing construction of a new public safety training facility. A group of individuals and organizations sought to repeal the ordinance and halt construction through a referendum petition, which required the collection of supporting signatures. Under the municipal code, petition circulators must be residents of Atlanta. Appellants, who are not Atlanta residents, challenged the residency requirement as unconstitutional under the First Amendment. The Eleventh Circuit held that injunctive relief was unavailable because Georgia law does not permit city ordinances to be challenged by referendum; the referendum process applies only to amendments to a municipal charter. Because Appellants could not lawfully pursue a referendum, they were not subject to irreparable injury.

Aileen Mullin v. Secretary, U.S. Department of Veterans Affairs, 22-12354 (11th Cir. 2025)

Mullin, an employee of the Department of Veterans Affairs, complained about air quality in her workspace and alleged that it adversely affected her breathing. After the Department declined to immediately approve her request to work full time from home—though it did so after a several-month delay—she filed suit under the Rehabilitation Act. Mullin also alleged that the Department improperly denied her request for advance sick leave. The Eleventh Circuit first concluded that the Department did not deny Mullin's sick leave requests because of her disability, rejecting her disparate treatment claim. The court also rejected her failure-to-accommodate claim, citing the Department's extensive efforts to address her workspace concerns. In doing so, the court emphasized that an employer's obligation is to provide a reasonable accommodation that enables the employee to perform the job, not to grant the employee's preferred accommodation automatically.

Racheal Gantt v. Deputy Everett, 24-12167 (11th Cir. 2025)

Gantt, an inmate, sued a corrections officer for deliberate indifference under the Fourteenth Amendment. The officer allowed Gantt out of her cell, and immediately afterward, Gantt ran to the top floor of the prison dorm and jumped, sustaining serious injuries. Gantt alleged that the officer ignored warning signs that she was suicidal. The Eleventh Circuit held that the officer was entitled to qualified immunity, finding no evidence that the officer had subjective knowledge of, or appreciation for, the risk that Gantt would harm herself upon being released from her cell.

Kimberley Diane Settle v. David Collier, 24-124436 (11th Cir. 2025)

Jacob Settle had active arrest warrants. While attempting to execute these warrants, Officer Collier and his partner encountered Settle sitting in his truck. Officer Collier ordered Settle to exit the vehicle, but Settle refused several commands to open the door. When Settle shifted the truck into gear, Officer Collier fired into the vehicle, striking and killing Settle, even though the truck had not yet moved. Settle's estate sued Officer Collier under 42 U.S.C. § 1983, alleging a Fourth Amendment excessive force claim. The Eleventh Circuit held that Officer Collier was entitled to qualified immunity, concluding that once Settle engaged the transmission, it was objectively reasonable for the officer to believe the truck could be used as a deadly weapon.

Ahmed Ismael v. Sherrif Richard Roundtree, et al., 25-10604 (11th Cir. 2025)

Ismael, a deputy sheriff, was assigned to a special detail at an offsite business. His supervising officer, a lieutenant, allegedly harassed him on the basis of race and ethnicity while also performing poorly in his own duties. Although initially hesitant, Ismael eventually filed a formal complaint against the lieutenant. Shortly after the complaint was closed, Ismael was terminated for using his patrol car for personal purposes, including applying for a position with a neighboring sheriff's office. He filed suit under 42 U.S.C. § 1981, alleging retaliation. The Eleventh Circuit reversed the district court's grant of summary judgment, holding that summary judgment should not be granted solely for failure to demonstrate pretext unless the record also lacks evidence on the ultimate issue of discrimination or retaliation

Florida Preborn Rescue, et al. v. City of Clearwater, 23-13501 (11th Circuit 2025)

The City of Clearwater established a "vehicular safety zone" around abortion clinics. Florida Preborn Rescue brought a facial First Amendment challenge to the ordinance. The district court declined to grant a preliminary injunction, but the Eleventh Circuit reversed. The court held that the vehicular safety zone burdened protected speech by restricting close communication and leafleting, and that the City had failed to consider adequate, less restrictive alternatives. Accordingly, the Eleventh Circuit directed that a preliminary injunction be entered.

Pamela Smothers v. Roger Childers, at al., 24-13131 (11th Cir. 2025)

The estate of a detainee filed a § 1983 suit alleging deliberate indifference to the detainee's medical care after he died in custody. The County had contracted with a private medical provider to deliver inmate medical services, and the provider's performance was deficient. The Eleventh Circuit reversed the grant of summary judgment for the County, holding that a state statute assigning primary responsibility for inmate medical care to sheriffs did not shield the County from liability, particularly given the County's control over the contract. The court also emphasized that the County maintained a policy of inaction by continuing to employ the medical provider despite widely known deficiencies, and that such inaction may have contributed to the detainee's inadequate care.

Lionel Alford, et al. v. Walton County, 21-13999 (11th Cir. 2025)

Landowners who owned beachfront property sued Walton County, alleging a taking. During the COVID-19 pandemic, Walton County enacted an ordinance prohibiting people from congregating on private beaches. The Eleventh Circuit held that the expiration of the ordinance after the pandemic rendered the landowners' declaratory and injunctive claims moot. However, their claim for just compensation remained viable, and the court concluded that the ordinance effected a taking of their private property, entitling them to compensation.

Miguel Jackson, et al. v. Joseph Catanzariti, 23-12459 (11th Cir. 2025)

The case arose out of a prison riot and two inmates alleged that officers used excessive force against them. Just before trial, the Plaintiff volun-

tarily dismissed nine officers, which the District Court treated as a dismissal under Rule of Federal Procedure 41, leaving two officers remaining as defendants. During trial, the District Court permitted the Defendants to introduce evidence of Plaintiff's prior convictions, that marijuana had been found in one of the Plaintiff's cell and that both Plaintiffs belonged to a prison gang. The jury returned verdicts for the Defendant on all claims, except a failure to intervene claim and awarded one of the Plaintiffs $1.00 in damages. Plaintiffs challenged the District Court's Rule 41 dismissal and the evidentiary rulings. The Eleventh Circuit affirmed the Court's dismissal, noting Plaintiffs' unambiguous request to dismiss the Defendants and the district court's considerable discretion in deciding whether to dismiss defendants under the rule. The Eleventh Circuit also affirmed the evidentiary rulings. The Plaintiffs were properly impeached with their convictions because their credibility was at issue and the other evidence was relevant to the excessive force claims.

Clemente Javier Aguirre-Jarquin v. Seminole County, et al., 23-10811 (11th Cir. 2025)

Appellant was originally convicted for murder, but over time, the basis for the conviction crumbled, ultimately leading to dismissal of the charges. He then brough sought under Section 1983 and state law against law enforcement officers, including the lead homicide investigator and the lead crime scene technician, and the Sheriff of Seminole County. At issue was whether the law enforcement officials were entitled to qualified immunity. As to the fingerprint technician, the Eleventh Circuit concluded that it was well established that fingerprints could not be fabricated and that existing law provided her fair notice that such conduct was unlawful, even if there was no case exactly on point. It also found a question of fact as to whether she violated the constitution, namely her decision to use another technician of questionable competency to verify the identification and whether it was in bad faith. The Eleventh Circuit then turned to the malicious prosecution. After existing alleges false statements and misstatements from the warrant, the Court determined arguable probable cause existed, justifying qualified immunity for the technician and lead homicide investigator. Finally, the Court also concluded that the law did not clearly establish that the investigators had to pursue every exculpatory fact and lead. Thus, qualified immunity was appropriate as to the Appellant's Fourteenth Amendment claim.

Yifan Shen, et al. v. Commissioner, Florida Department of Agriculture and Consumer Services, et al., 23-12737 (11th Cir. 2025)

This case challenges Senate Bill 264, which imposes prohibitions and registration requirements on: (1) foreign principals who own or have an interest in Florida real property located within ten miles of a military installation or critical infrastructure facility, or that qualifies as agricultural land; and (2) certain land purchases connected to the People's Republic of China, including purchases by individuals domiciled in China who are neither lawful permanent residents nor citizens of the United States. The plaintiffs—Chinese citizens and a real estate company—allege that the statute violates the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, the Fair Housing Act, and the Supremacy Clause. The Eleventh Circuit held that the plaintiffs failed to demonstrate standing to challenge the purchase restriction. It therefore reversed and remanded with instructions for the district court to enter an order denying, without prejudice, the motion for preliminary injunction insofar as it sought relief on that ground. The court also affirmed the district court's denial of a preliminary injunction as to the statute's registration and affidavit requirements.

Stacey Bridges, et al., v. JC Poe, Jr., et al., 22-12028 (11th Cir. 2025).

Female inmates brought suit under 42 U.S.C. § 1983 and the Trafficking Victims Protection Reauthorization Act against the City of Jasper, Alabama, the Chief of Police, and the Chief Jailer, alleging sexual harassment and abuse by jail officers. The plaintiffs did not sue the officer primarily responsible for the alleged misconduct. Instead, they sued the Chief of Police and Chief Jailer in their individual capacities under a theory of supervisory liability. To establish supervisory liability under § 1983, the plaintiffs were required to show that the supervisors' actions caused the alleged constitutional violations. They alleged that the supervisory defendants allowed an unconstitutional "custom or policy of sexual abuse to flourish at the jail" and failed to train subordinates that sexual abuse was unlawful. The Eleventh Circuit concluded that the plaintiffs failed to demonstrate

that the supervisors had sufficient notice that sexual abuse was occurring at the jail. The court also rejected the failure-to-train claim, noting that policies prohibiting sexual harassment were in place and that training had been conducted. Accordingly, the court held that the supervisors were entitled to qualified immunity because their alleged conduct did not violate clearly established constitutional rights. For the same reasons, the court affirmed the dismissal of the claims against the city, finding no evidence that municipal officials were aware of or deliberately indifferent to the alleged misconduct.

Olivia Coley-Pearson v. Emily Misty Martin, et al., 23-13249 (11th Cir. 2025)

The plaintiff, a county commissioner, filed suit under 42 U.S.C. § 1983 against the county and the Supervisor of Elections, alleging violations of her First and Fourth Amendment rights. The dispute arose after the Supervisor accused the commissioner of interfering with voters by tampering with a ballot machine. When the commissioner returned to the polling place a second time, law enforcement officers issued her a trespass warning. After she refused to leave, the officers arrested her. Her claims against the Supervisor of Elections and the county failed because neither defendant caused her arrest. The Eleventh Circuit concluded that the officers' independent decision to issue the trespass warning and make the arrest constituted an intervening cause, breaking the chain of causation necessary to establish § 1983 liability.

Tammy Watkins v. Officer Lawrence Davis, et al., 23-13616 (11th Cir. 2025)

The plaintiff brought suit under 42 U.S.C. § 1983 against several police officers, alleging excessive force and unlawful seizure, as well as property damage, in violation of the Fourth Amendment. Officers responding to a report of a potential burglary mistakenly identified the plaintiff as one of the suspects and repeatedly fired at her vehicle as she attempted to drive away. The plaintiff asserted that she did not realize the individuals were police officers and believed she was being attacked by unknown assailants. The officers argued that they were entitled to qualified immunity on the unlawful seizure and excessive force claims. The Eleventh Circuit, however, concluded that genuine issues of material fact existed regarding the reasonableness of the officers' conduct. Accordingly, the court determined that qualified immunity was not appropriate at that stage of the proceedings.

Anthony David Nute v. Bryant Dean White, et al., 23-10273 (11th Cir. 2025)

Officer White arrested Nute after a neighbor called 911 to report Nute's erratic behavior. Upon arrival, Officer White observed Nute standing in his yard in his underwear, unresponsive and appearing to be under the influence of narcotics. During the booking process at the county jail, jail officers began punching Nute while Officer White stood by and did not intervene. Nute later filed suit under 42 U.S.C. § 1983, alleging that Officer White failed to intervene to stop the use of excessive force. The Eleventh Circuit held that Officer White was not entitled to qualified immunity. The court concluded that he had a reasonable opportunity to intervene but failed to do so. It was immaterial that the jail was located outside the city where Officer White was employed or that he lacked supervisory authority over the jail officers. Although Officer White claimed that he left the room and called his police chief to report the incident, the court determined that this action—if it occurred—was insufficient to discharge his duty to intervene. The court noted that he could have taken more immediate and direct steps, such as verbally objecting to the conduct or alerting a jail supervisor while the assault was ongoing.

Ammon Ra Sumrall v. Georgia Department of Corrections, 23-11783 (11th Cir. 2025)

The plaintiff, a Georgia inmate, sued the Georgia Department of Corrections and several individual officers after he was removed from a vegan religious meal plan. The Department took that action upon discovering that he had been purchasing non-vegan items from the prison canteen, calling into question the sincerity of his asserted religious beliefs. The Eleventh Circuit held that the individual officers were entitled to qualified immunity on the plaintiff's First Amendment free exercise and due process claims. The court concluded that it was not clearly established that removing an inmate from a religious meal plan under circumstances casting doubt on the sincerity of his beliefs violated the Constitution. The court also rejected the plaintiff's claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Among other allegations, the plaintiff claimed that the Department failed to provide him with sneakers made without animal by-

products. The Eleventh Circuit determined that the failure to provide vegan sneakers did not impose a substantial burden on his religious exercise and therefore did not state a viable RLUIPA claim.

Joseph Nussbaumer v. Secretary, Florida Department of Children and Families, 24-14082 (11th Circuit 2025)

Under Florida law, individuals convicted of domestic violence must complete a Batterers' Intervention Program ("BIP"). The Department of Children and Families ("DCF") establishes the BIP curriculum and prohibits the use of faith-based ideology in program instruction. Dr. Nussbaumer previously served as a certified BIP provider but was denied recertification after using a faith-based curriculum in his classes. He subsequently filed suit against DCF, alleging that the prohibition violated his First Amendment rights, including the Free Speech and Free Exercise Clauses. The Eleventh Circuit rejected his claims, concluding that the regulation of BIP curriculum constituted government speech. Because the program's content was attributable to the state, DCF was entitled to control and define that content without violating the First Amendment.

ATTORNEY GENERAL OPINIONS UPDATE

Certain Professional Firearm Regulations after McDaniels, *AGO 2025-02* (Oct. 20, 2025)

The Commissioner of Agriculture requested an opinion on whether *McDaniels v. State*, No. 1D2023-0533, 2025 WL 2608688 (Fla. 1st DCA Sept. 10, 2025) (holding Florida's open carry ban in Section 790.053, Fla. Stat. unconstitutional), impacts the requirement that private investigators and security officers licensed under Chapter 493, Fla. Stat., obtain a Class "G" license in order to bear a firearm while performing licensed activities. The Attorney General answered in the negative. *McDaniels* did not consider or address the constitutionality of the firearm regulations under Chapter 493, Florida Statutes, thus, has no effect on firearm carry for these licensed activities.

State Attorney Staff Firearm Possession in Courtrooms, *AGO 2025-03* (Oct. 20, 2025)

The Office of the State Attorney for the Twelfth Judicial Circuit of Florida requested an opinion on whether Administrative Order 2025-03.2(restricting on-duty state attorney, assistant state attorneys, and investigators with Active Law Enforcement Certification firearm carry in judge's chambers, court administration offices, courtrooms, and hearing rooms) contravenes Florida law. The Attorney General answered in the affirmative. Because Section 790.051, Fla. Stat. exempts law enforcement officers, including state attorneys and their assistants and investigators, from application of Section 790.06(12)(a)(5) (empowering judges to deauthorize "any person" from open carrying a firearm in a courtroom), the Administrative Order was contrary to an express limitation on the court's power.

Ownership of Road, *AGO 2025-04* (Dec. 01, 2025)

Clearwater City Council requested an opinion on whether the City of Clearwater or the Church of Scientology owned land underlying a certain section of Garden Avenue in Clearwater, Florida, and whether the Church can petition to vacate that land without paying fair market value for it. The Attorney General opined the Church likely owns the land because it was dedicated to the City through a common law dedication, which merely subjected the land to a public easement and did not divest the owner of title. Assuming the Church owns the land, the Church may petition to vacate without paying fair market value.

MEMBER ADVISORY: PUBLIC SERVICE LOAN FORGIVENESS (PSLF) UPDATE FOR GOVERNMENT LAWYERS

The Section continues to monitor changes to the Public Service Loan Forgiveness (PSLF) program. Important changes by the U.S. Department of Education will take effect **July 1, 2026**. The new rule revises the definition of a qualifying employer by permitting the Department to exclude government or nonprofit employers determined to have a "substantial illegal purpose," based on a preponderance of the evidence and patterns of conduct rather than isolated incidents. (American Bar Association) While most traditional federal, state, and local government employers are expected to remain eligible, the rule introduces a conduct-based standard, representing a significant shift from the historically status-based approach to employer eligibility. (OGC)

This rule change has resulted in litigation by states, municipalities, nonprofit organizations, and advocacy groups challenging the Department's authority to redefine eligibility standards. It is expected that additional legal developments will occur as courts address these challenges. (Default) Notably, the fundamental statutory structure of PSLF remains unchanged: borrowers continue to qualify for loan forgiveness after making **120 qualifying monthly payments while employed full-time by an eligible public service employer**. (Faegre Drinker) Government lawyers currently planning to seek relief under PSLF are encouraged to maintain accurate employment certifications and monitor official updates to ensure continued compliance and remain eligible for forgiveness.

Key Resources:

U.S. Department of Education, Federal Student Aid PSLF Information: https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service

American Bar Association Governmental Affairs Update on PSLF Rule Changes: https://www.americanbar.org/advocacy/governmental_legislative_work/publications/washingtonletter/november-25-wl/pslf-final-rule-1125wl/

The Government Lawyer Section is proud to announce its awards season, featuring four distinguished awards and scholarships:

Robert A. Butterworth Public Service Scholarship: Awarded to rising third-year law students in Florida who demonstrate a strong interest in government service and have a documented financial needs. **Applications are due May 1**.

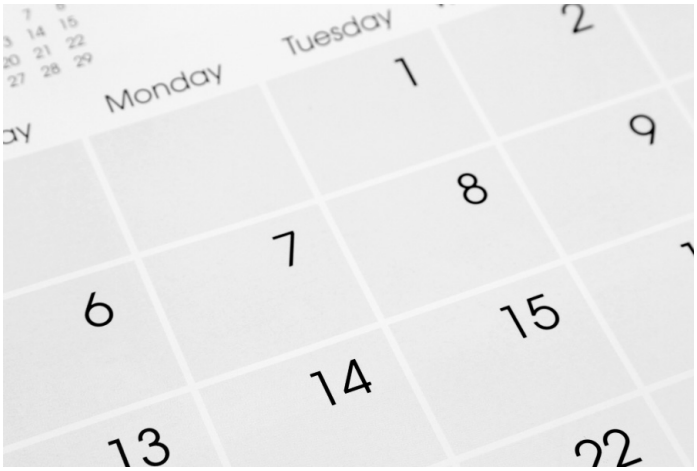
Claude Pepper Outstanding Government Lawyer Award: Presented to government lawyers with at least 10 years of service, whose character and accomplishments exemplify the highest ideals of public service. **Applications are due April 15**.

Lifetime Achievement Award: The Government Lawyer Section's highest honor, recognizing long-term public servants. This award is presented selectively, not necessarily annually.

Distinguished Public Service Award: Presented at the midyear meeting, this award recognizes dedicated government lawyers, typically with at least five years of public service, whose recent contributions to the profession and community merit special recognition.

Click **HERE** for more information about these awards and the submission/nomination process.

UPCOMING CLES AND MEETINGS



Visit the Section's Event Calendar – https://www.flgovlawyer.org/events-calendar – to register and learn more about these upcoming CLE's and meetings.

9739 GOVERNMENT ETHICS UPDATE 2026

Join us on **Wednesday, April 29, 2026 from 12:00 PM – 1:00 PM** for an ethics update with Deputy Executive Director and General Counsel at Florida Commission on Ethics, Steven Zuilkowski.

Staying current with ethics laws is essential for public officers and employees, especially as legislative changes continue to shape expectations around transparency, accountability, and conduct. Following the 2026 legislative session, several important updates to Florida's Code of Ethics have been introduced, along with new advisory opinions that provide further guidance on how these rules are applied in practice.

This CLE program offers a timely overview of those developments, helping attendees understand not just what has changed, but what those changes mean in real-world situations.

9742 FEDERAL GOVERNMENT CONTRACT LAW: BASIC PRINCIPLES (PART I)

On **Wednesday, May 20, 2026 from 12:00 PM – 1:00 PM** learn how federal government contracts are governed by a distinct legal framework that differs from traditional contract law. This program provides a foundational overview of the principles that shape this area of practice.

The course first examines the unique doctrines specific to federal contracting, which influence how agreements with the government are formed and enforced. It then addresses the role of common law, focusing on how federal courts adopt and apply traditional contract principles within the federal system.

The program is presented by Brig. Gen. Jerald Stubbs, a retired Brigadier General with 35 years of service in the U.S. Air Force as an officer and judge advocate. He later served as an attorney at NASA's Kennedy Space Center, including in the Office of Chief Counsel, bringing extensive experience in federal contract law to this session.

This course is ideal for attorneys looking to build a strong foundation in federal government contracting.

GLS LONG RANGE PLANNING MEETING – ALL GLS MEMBERS ARE INVITED TO JOIN

Wednesday, April 29, 2026, from 10:00 AM – 11:00 AM

Zoom Link:
https://us02web.zoom.us/j/88122389157?pwd=IlE3uEyHU3dTsNas5g63FplipZSEcv.1
Meeting ID: 881 2238 9157
Passcode: 726334

Government Lawyer Section

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