



Supreme Court of Florida

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Oral Argument Press Summaries

April 5 & 6, no cases on April 3, 4, and 7

Wednesday, April 5, 2023

[SC2022-1084 In Re: Amendments to Florida Rule of Appellate Procedure 9.130](#)

Begins at 9:00 a.m. ET

The Florida Bar's Appellate Court Rules Committee has filed a petition to amend Florida Rule of Appellate Procedure 9.130. The proposed amendments would allow for district courts of appeal to review nonfinal orders that deny a motion under section 768.295(4), Florida Statutes, which prohibits Strategic Lawsuits Against Public Participation known as SLAPP suits. This Court invited comments from interested parties and received three comments.

[SC2022-0741 City of Gulf Breeze, Etc., v. Gregory S. Brown, Etc., et al.](#)

Santa Rosa County – begins about 9:30 a.m.

The City of Gulf Breeze lost tax exemption status on a municipally-owned property when it contracted with a private for-profit management company to run the City's public golf course. The City filed a lawsuit against Gregory Brown as Santa Rosa County Property Appraiser, challenging the tax revocation. The trial court ruled that the City was entitled to an ad valorem tax exemption under applicable law. On appeal, the First District Court of Appeal reversed the trial court decision and certified a question of great public importance to this Court. The City asks this Court for review.

-- 10-minute break --

[SC2021-1580 Alberta S. Ellison c. Randy Willoughby](#)

Hillsborough County – begins about 10:20 a.m.

Willoughby was injured in a car crash. He received compensation from two sources: \$30.1 million from a jury verdict against Ellison (the negligent driver), and \$4 million in settlement proceeds from his own uninsured motorist insurer. At trial, Ellison asked the court to decrease the \$30.1 million verdict by the \$4 million settlement. The trial court refused. The Second DCA affirmed and certified a question of great public importance to this Court. Ellison asks this Court for review.

[SC2022-0210 Thomas Bevel v. State of Florida](#)

Duval County – begins about 11:00 a.m.

Bevel was convicted of the first-degree murders of 13-year-old Phillip Sims and his father, Garrick Stringfield, who were fatally shot in 2004. The jury voted to recommend death sentences for both murders, and the trial court sentenced him to death. This Court affirmed the sentences on direct appeal. In Bevel's postconviction appeal, this Court vacated his death sentences and remanded the case for a new penalty phase proceeding. In December 2021, the jury voted unanimously to sentence Bevel to death on both charges. The trial court sentenced him to death, and this appeal followed.

Thursday, April 6, 2023

[SC2021-1182 The Florida Bar v. Stephen B. Rakusin](#)

Begins at 9:00 a.m. ET

In this attorney disciplinary case, The Florida Bar accuses Rakusin of numerous violations of the ethical standards for lawyers following his 2016 disciplinary case when this Court suspended him from practicing law for 90 days. The judge-referee found Rakusin guilty of all violations and recommends that this Court disbar Rakusin. The Florida Bar supports the recommendation. Rakusin argues that he committed no sanctionable misconduct.

[SC2022-0068 University of Florida Board of Trustees, et al. v. Laurie Carmody](#)

Begins about 9:30 a.m.

Carmody filed a lawsuit against the University of Florida Board of Trustees and Shands Hospital for medical negligence. Shands filed a motion to dismiss, arguing that Carmody failed to comply with Florida's Medical Malpractice Act. According to Shands, Carmody's corroborating expert didn't meet the statute's pre-suit requirements. The trial court ruled that the expert was qualified and dismissed the motion. Shands petitioned the First District Court of Appeal for writ of certiorari. The First District dismissed the petition for lack of jurisdiction, and certified

conflict with decisions of the Second and Fifth District Courts of Appeal. Shands then petitioned this Court for review.

--10-minute break --

[SC2022-0094 Citizens of the State of Florida, Etc. v. Gary F. Clark, Etc., et al.](#)

Begins about 10:20 a.m.

A Duke Energy power plant failure in 2020 resulted in \$14 million in replacement power costs to the company. The Public Service Commission found that Duke Energy could pass along 50 percent of those costs to customers through increased rates. Citizens of the State of Florida and others, on behalf of Duke Energy customers, challenge this final order. Citizens of Florida argue that the PSC erroneously interpreted and applied Florida law and that Duke Energy is responsible for all replacement costs.

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