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NOVEMBER/DECEMBER 2026

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PRESIDENT'S MESSAGE

57.105 Makes for a Poor Introduction



By Billy Greene

I have spent some time in my last two articles trying to highlight, celebrate and emphasize all the positive ways we can and should practice law. This month, however, I'd like to explore the other side of the equation of how to handle cases that take a more contentious path. Section 57.105 serves an important purpose, but when used reflexively as a litigation tactic rather than a remedy for truly unsupported claims or defenses, it can undermine civility, damage professional relationships, and make resolution more difficult.

The 57.105 statute allows counsel for one litigant to raise legal and/or factual insufficiencies as a basis to obtain sanctions from the opposing party, and more controversially, their lawyer. Do not get me wrong, the statute is well intended and there is certainly a time and place where its use is warranted and appropriate. The statute was designed to save parties the time and expense of litigating a matter that has no legitimate basis. My comments here are not intended to deter or criticize those legitimately using the statute as intended, but rather are aimed at those who often use the threat of sanctions inappropriately to gain leverage in their cases.

The process is simple. If an attorney determines there is no factual or legal basis for a particular claim, defense or position, they send a 57.105 letter and draft motion to counsel expressing their criticisms. By statute, this submittal affords the recipient 21 days to analyze and potentially withdraw their meritless claim. If not, ***in theory***, the issuing counsel files their motion after the 21-day safe harbor period. The Court may then render a ruling regarding the claim, potentially assessing fees against the non-moving party and their lawyer.

Unfortunately, most of us in practice are likely to experience the 57.105 statute being used for very different reasons, and in most instances, it is a threat of sanctions that never actually gets filed with the court. The attorneys instead take the position that they have put you on notice for their fee claims, but since they never file the motion, deprive you of the ability to defend yourself prior to a trial. If they prevail at trial, they then subsequently pursue all of their fees since the submittal. In my experience, the vast majority of attorneys who regularly threaten 57.105 have no basis to raise the statute, but they use it as an intimidation tactic intended to make you or your client nervous and potentially drop the case. For some attorneys, it seems they issue these letters as a matter of course in each and every lawsuit.

I don't think I will be successful in convincing routine offenders to change their methods, but I would ask them to consider the long-term ramifications of this approach. As a starting point, you are publicly declaring your opposing counsel as being incompetent and personally embroiling them financially in the pending dispute. You are involving the clients, and in some instances, the judge in these accusations. While I am sure there have been some successes by using the statute to gain leverage, these successes are short-sighted. What happens when the motion is unsuccessful? Have you eliminated any reasonable basis to get a case resolved? Have you greatly heightened the emotionality and tension amongst the litigants, or amongst the attorneys who should be collaborating to resolve the matter? Have your short-term gains in one case negatively impacted a working relationship with your colleague on a permanent and irreversible basis?

I would ask you to consider those questions. As I mentioned, there is a time and place for the statute, but I would encourage all to view it as a last resort. Pick up the phone. Meet with the attorney. Work through your disagreements. You can advocate with humanity. If we are seeking a healthy work-life balance and longevity in our profession, maintaining a level of civility is essential. You only get one chance to make a first impression. Trust and respect are earned throughout a career but can be lost in one bad decision.

Okay, I'm stepping off my soap box. So, what do we do when we receive these letters? First, stay calm and try to assess the threat objectively. If you feel the motion may have merit, address it candidly with your client and remember that your professional judgment must guide the response, even when it differs from the course your client would prefer. If you feel the motion lacks merit, have confidence in yourself and don't be bullied into backing off claims you feel are

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legitimate. If you are on the fence, call a friend who practices in the area. Get their opinion. It doesn't make you appear weak. If you need help defending yourself, discuss with your client a limited engagement for co-counsel to address the motion.

If the other side actually files the motion, be proactive in setting it for hearing immediately. Don't allow the other side time to conduct additional discovery. If they filed the motion, they shouldn't need, nor be afforded additional information to potentially bolster their position. If they are seeking fees against you personally, I would recommend abating all other aspects of the case until the motion is withdrawn or ruled upon.

Now, what do we do when presented with the much more common tactic, which is the issuance of the sanctions letter without the follow-through of actually filing their motion? What if they continue to threaten sanctions throughout the case but deprive you of the ability to defend yourself? I am sure the judiciary sees quite a few 57.105 hearings, but I would suggest there are 10-20 unfiled motions for everyone that actually makes it to court.

It is this type of lingering threat that can be the most difficult to handle. My suggestion is to bring the issue into the open rather than allow an unfiled sanctions motion to hang over the case indefinitely. There is nothing confidential or privileged about a 57.105 letter. Depending on the circumstances, several approaches may be worth considering:

Paper the file and create a clear record. Seek confirmation whether they are abandoning the motion. If they are evasive, specifically ask them to file the motion and set for hearing. State that you are being prejudiced by their non-pursuit.

Set a case management conference to discuss the situation. It is a fair request. You are being threatened personally by an unfiled motion that cannot be set for hearing. Counsel should be able to explain to the Court whether they plan on pursuing the motion or not. I find in most situations: they will abandon the motion once forced to defend the position with the Court.

In more extreme cases, where opposing counsel repeatedly maintains a sanctions position without pursuing it, there may be grounds to seek summary judgment.

There is case law that suggests the non-pursuit of the motion can be deemed an abandonment. If they refuse to either file the motion or withdraw the threat of sanctions, you can seek judicial relief.

As mentioned, §57.105 is an important statute and serves a pivotal role when properly utilized. Unfortunately, the statute has been increasingly misused and weaponized, and it should rarely be your introduction to opposing counsel. My hope is that as a Bar, we can refocus how we choose to work with counsel and avoid unnecessary professional disputes whenever and however possible.



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Diversity Matters



By The Honorable James Pierce

Every Wednesday morning, I look across the courtroom and notice that more than 80 percent of the people seated before me are Black or people of color. I often wonder what thoughts cross their minds when they realize the judge presiding over their case is a Black man.

Do they have confidence about being heard and treated fairly? Do they have more respect for the judicial process and believe they were treated respectfully? Was the outcome free of bias or prejudice?

Why Diversity Matters

Judicial diversity benefits everyone—not only the citizens who appear before the courts but also the judges themselves. Colleagues with different life experiences challenge one another's assumptions, broaden perspectives, and contribute to more thoughtful decision-making. Without that diversity, our laws risk being interpreted through a narrower lens shaped by similar backgrounds and experiences.

Attorney Eugene Pettis, the first African American president of The Florida Bar, observed, "Many studies have identified that for a court system to be respected and seen as legitimate in the minds of its citizens, people making decisions within the judiciary must reflect the diversity of the community it serves."

Our Constitution guarantees the right to be judged by a jury of our peers. Equally important is a judiciary that reflects the diversity of the society it serves. A judicial bench that includes people of different races, genders, ethnicities, religions, physical abilities, and sexual orientations brings broader life experiences and perspectives to the decision-making process, strengthening both justice and public confidence in the courts.

In her 1997 Boston College Law Review article, *Judging the Judges: Racial Diversity, Impartiality, and Representation on State Trial Courts*, Professor Sherrilyn Ifill concluded that diverse backgrounds and perspectives enrich judicial decision-making. Florida's leaders—Democrats and Republicans alike—have historically recognized this principle. Today, however, an important question must be asked: Are we losing our commitment to a judiciary that reflects the people it serves?

For decades, Florida benefited from governors who made diversity an important consideration in the judicial selection process. Governors Bob Martinez, Lawton Chiles, and Jeb Bush all emphasized the importance of diversity in appointments made through Judicial Nominating Commissions.

Similarly, the Brennan Center for Justice concluded in its 2010 report, *Improving Judicial Diversity*, that states with the most diverse judiciaries typically have governors, chief justices, and other leaders who intentionally foster an inclusive judicial selection process.

The Sixth Judicial Circuit, serving Pasco and Pinellas Counties, consists of 69 judges—45 circuit judges and 24 county judges. As of 2026, only four are African American and only one is Asian American.



The struggle for equal representation on the bench is not new. For decades, systemic barriers and longstanding attitudes have limited opportunities for African American judges within the Sixth Judicial Circuit. Although our courts play a critical role in preserving justice, few citizens understand how judges are selected or why judicial diversity matters.

When I retire in 2026, only one Black male judge will remain on the Sixth Judicial Circuit bench. Concerns about the lack of diversity have persisted for decades, not only in our circuit but throughout Florida and across the nation.

This is not the first time our community has faced this challenge. When Judge Frank White retired on December 31, 1993, Pinellas County became one of the few large urban counties in Florida without an African American judge. Unless another qualified African American male is elected or appointed before Judge Michael Andrews retires, history will repeat itself.

This lack of representation stands in sharp contrast to the population the courts serve. Approximately 45 percent of residents within the Sixth Judicial Circuit are people of color, including about 18 percent African American, 15 percent Hispanic or Latino, 8 percent Asian, and 4 percent identifying as other or multiracial.

In Florida, judges reach the bench in one of two ways: they are elected in nonpartisan elections or appointed by the governor to fill vacancies through the merit selection process. Both paths require determination, preparation, and perseverance. For candidates of color, however, the journey has often been even more challenging.

So, what is the solution?

We can continue waiting for appointments that may or may not improve representation, or we can exercise one of the most powerful tools available to every citizen—our vote.

There remains an ongoing conversation about the need for greater diversity in judicial appointments. At the same time, judicial elections provide voters with an immediate opportunity to influence the future composition of our courts.

The Sixth Judicial Circuit is fortunate to have highly qualified African American, Hispanic, and Latino attorneys who have stepped forward to seek judicial office. They possess impressive credentials, broad legal experience, and a deep commitment to fairness and justice.

Rather than simply identifying problems, we must commit ourselves to being part of the solution. One meaningful step is to become informed about judicial candidates and to participate in every election. When you cast your ballot, don't stop at the top of the ticket. Continue down the ballot and vote for the local officials—including judicial candidates—who will shape the administration of justice in your community.

Your vote has the power to influence the future of our courts. Use it. Some may ask why, after a lifetime on the bench and on the eve of retirement, I continue to care so deeply about judicial diversity. The answer is simple.

My concern has never been about ensuring that judges look like me. It has always been about ensuring that every citizen who walks into a courtroom believes the justice system belongs to them as much as anyone else. Public confidence in our courts is strengthened when the judiciary reflects the rich diversity of the communities it serves and when talented, qualified individuals from every background have a genuine opportunity to serve.



Throughout my career, I have seen young people enter my courtroom carrying more than legal problems. Many carried doubt that the system understood them or that anyone in authority could relate to their experiences. Doubt that anyone even cared about them. Even though seeing a judge who shared aspects of their background had no bearing on the outcome of their case, it could reinforce their belief that the justice system was fair, accessible, and open to everyone.

As I retire, my hope is not that my seat be filled by someone because of race. My hope is that every qualified lawyer has an equal opportunity to serve and that the next generation inherits a judiciary that reflects both the excellence and the diversity of the people it represents. That is not about politics. It is about preserving public trust in the courts for generations to come.

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Your Client Has a New Co-Counsel: ChatGPT



By Christina Stokes

There is a new lawyer showing up in family law cases. It does not charge a retainer, answers questions at 2:00 a.m., never takes a vacation, and is remarkably confident in its legal opinions.

Meet your client's new co-counsel: ChatGPT. More and more, clients are coming into our offices having already "researched" their cases. They have asked ChatGPT how much alimony they should receive, calculated child support, drafted parenting plan provisions, analyzed their spouse's financial affidavits, and determined what they are "entitled to." Some have even asked ChatGPT whether their lawyer, or the judge, is wrong.

Of course, this is not entirely new. Family lawyers have always had unofficial co-counsel. Before ChatGPT, there was Google, Facebook, Reddit, the friend who just went through a divorce, and the neighbor whose cousin had the "exact same case" and somehow got everything.

Artificial Intelligence (AI) is different, though, because it does not give you a list of search results. It gives you an answer. And it gives that answer with an impressive amount of confidence. I recently saw a meme that said, "Believe in yourself the way pro se litigants believe in their AI-generated legal arguments." I laughed because there is more than a little truth to it.

The problem is not that AI is always wrong. It isn't. In fact, it can be remarkably good. The problem is that when it is wrong, it can sound just as convincing as when it is right. It can draft a beautiful legal argument based on the wrong law. It can misunderstand an important fact. And, yes, it can cite a case that does not exist. That leaves the lawyer explaining why the very polished analysis the client brought to the meeting does not actually apply to a Florida dissolution of marriage.

But I don't think our response should be to dismiss AI or criticize clients for using it. Think about why they are asking these questions in the first place. Divorce and paternity cases involve people's children, homes, finances, and futures. Clients are often scared



and looking for answers. If someone spends half the night asking ChatGPT about alimony or equitable distribution, that person is probably trying to understand what is happening and gain some sense of control. That is not a bad thing.

Our job is to help them separate good information from bad information and, more importantly, put that information into context. And we should probably acknowledge that many lawyers are using AI too. I certainly am. Used appropriately, AI can summarize documents, organize timelines, help analyze financial information, generate ideas, and produce a very good first draft. It can save an enormous amount of time. That gives us more time to do the things that actually require a lawyer.

Of course, the lawyer remains the lawyer. The Florida Bar Ethics Opinion 24-1 makes that clear. Using generative AI does not change our obligations regarding confidentiality, competence, accuracy, independent professional judgment, supervision, or reasonable fees. If ChatGPT invents a case and we file it with the court, "ChatGPT told me so" is not going to be a particularly persuasive explanation.

And that may be the most important point. AI is changing the practice of law, but I don't believe it is going to replace family lawyers. Information is becoming easier than ever to obtain. But knowing what the law says has never been the hardest part of practicing family law.

ChatGPT can list the statutory factors for alimony. It cannot sit across from someone after a 25-year marriage and recognize that what sounds like anger may really be fear about what life will look like next. It can draft a parenting plan. It cannot always recognize that spending $10,000 fighting over one additional overnight may not be in anyone's best interest. It can identify a legal argument. It cannot always tell you whether making that argument is a good idea.

Family law requires judgment, strategy, credibility, negotiation, patience, and a basic understanding of people. Those things are difficult to put into an algorithm.

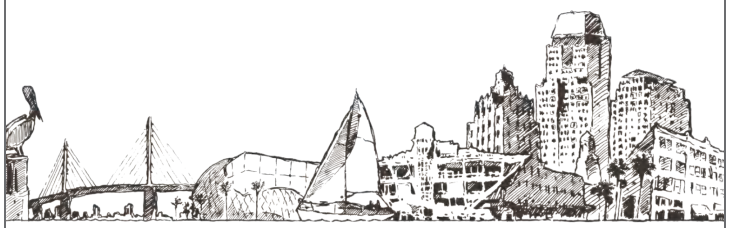
So, the next time a client begins a consultation with, "Well, I asked ChatGPT . . .," resist the urge to cringe. Ask what it said. Then do what good family lawyers have always done: apply the law, experience, judgment, and a healthy dose of common sense.

For now, at least, there is still no app for that.

Christina Stokes is a partner at Stokes Law Firm, LLC., where she practices primarily in family law and serves as a Guardian ad Litem. She is fluent in Spanish and has a particular interest in the intersection of technology and the practice of family law. She can be reached at christina@stokeslawfirm.com.

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Challenge Coins in Veterans Court



By Bruce Denson

In Pinellas County we have an excellent Veterans Treatment Court. This special division allows qualifying veterans who are facing misdemeanor or non-violent felony charges to enter into a treatment program for substance abuse or mental health. Admission is controlled by the State Attorneys Office. It is a voluntary program closely monitored by the court and administered by Bay Pines VA Healthcare System. Completion of the program typically requires an evaluation, active participation in appropriate counseling, frequent court dates, and random urine testing.

Once a veteran completes the treatment program and the court enters an order dismissing the charges against them, the veteran is presented in court with a challenge coin. Typically, the coin is presented by Darron Hymes, a Navy veteran himself. And with a small touch of formality he tells them,



"Challenge coins are given to veterans to recognize each other in theater. They're also given in recognition of what is done in the field. This challenge coin has been presented to you on behalf of the Sixth District Court and the Department of Veteran Affairs in hopes that this challenge coin is a reminder of everything that you've gained and the positivity you've brought. We give you this coin to remind you of the progress that you have made in life."

The idea is for a graduating veteran to have a physical reminder in their pocket for times when they need a little focus. Feeling a small object in their pocket can bring them into the present moment and promote a feeling of accomplishment.

Alchoholics Anonymous members also have coins they call chips or medallions. These are small tokens that mark days or years of sobriety. The chips symbolize commitment to staying sober, recognition of progress, hope, and accountability. Many consider their 24-hour chip to be the most significant, as recovery starts with a single decision and is done one day at a time. The roman numerals in the triangle of the chip in this article marks 46 years of sobriety for one of my favorite clients.

I wear a Miraculous Medal. It is a small oval pendant with the Blessed Virgin Mary on the front. It was given to me in a time of struggle by a short Catholic lady with an instruction to wear it and put my trust in God.[1] I don't believe the medal itself to be miraculous, but it is a small reminder from time to time of where to direct my attention.

These touchstones have no real powers in themselves.[2] Challenge coins, chips, worry beads, and medals are not magic talismans. They have no power by themselves or any monetary value. But they can serve as a way to focus our attention. A physical prompt for our mental intentions.

You might want to consider putting a touchstone like this in your pocket or around your neck so that the next time you are bored instead of reaching for your phone and sending your thoughts in a myriad of directions, you touch something that draws your attention to a place you want to focus.

Bruce Denson is a criminal defense attorney in St. Petersburg, FL.

1. It is rather amazing what those little Catholic ladies carry around in their purses. She also anointed me with some oil from St. Charbel, the miracle monk of Lebanon. I'm not sure what else she had in her handbag.
2. "Touchstone" originally referred to a stone used to test the purity of gold. Over time, the word evolved to mean something that serves as a standard of value or a point of focus.



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You are not alone. You have a PAL with the St. Pete Bar.

William Griffin
Over 50 Years of Advocacy

By Charles M. Samaha

A testament to professionalism and longevity, William "Bill" Griffin celebrated his 56th year as a member of The Florida bar in May 2026.

Bill was born in Letts, Iowa, a small, agricultural town with a population then, and now, of only a few hundred people. He was raised on the family farm where he tended to the crops and livestock, which included corn, pigs, sheep, and cows as well as numerous cats and dogs. When Bill was in the fourth grade, the family moved to Texas, and later they moved to Colorado where his father operated a tourist destination for trout fishing. For Bill's junior year in high school the family relocated to Venice, Florida, and then returned to Iowa for his senior year.



He received his business administration and law degrees from the University of Iowa. Bill's first job out of law school was in a Chicago bank's trust department for two years. However, having tasted Florida's more temperate climate, he moved to St. Petersburg and worked in the trust department at the First National Bank on 4th Street and Central. About two years later he joined the Wilbur Stone's law firm, which became the Stone & Griffin law firm, and practiced in the area of trust and estates, which continues today. He recently became of counsel at the Johnson, Pope, Bokor, Ruppel, & Burns law firm.

Bill finds the law extremely interesting, especially in his area of practice as every case is quite different. He has met very interesting people over the years, such as one man who was a guard at the palace of Czar Nicholas II. If Bill were to offer one piece of advice, it would be to organize your financial affairs to make matters easier for one's beneficiaries.

He has two sons, Ryan and Nicholas, who are both attorneys, and a daughter, Whitney, who is a speech therapist at a local private school. Ryan, who is also with Johnson Pope, served as the 2023-2024 St. Petersburg Bar Association President. As noted by Ryan, "My father didn't tell me how to practice law; he lived it every day and let me watch him do it. It is such a full-circle moment and opportunity to now be able to practice together with him at Johnson Pope."

When he is not practicing law, Bill enjoys Florida living such as walking our beautiful beaches. Bill is also a co-owner of local restaurants and concepts: The Mandarin Hide, Trophy Fish, El Cap, and Perry's Porch.

Hats off to you Bill Griffin, for all your continued service to our community!

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The Effect of Recent Amendments to Florida Rules of Civil Procedure



By Gabriella Lopez

As of September 1, 2026, the Florida Rules of Appellate Procedure require practitioners to include additional statements and citations in appellate briefs.[1] In particular, Rule 9.210(b)(3) requires a "jurisdictional statement" and 9.210(b)(6) (renumbered) requires a citation to preservation. Attorneys who frequent Floida's Sixth District are likely familiar with these requirements, as they have been a necessary practice in that district since May 2024.[2]

Rule 9.210(b)(3) – Jurisdictional Statement

Rule 9.210(b)(3) requires "a jurisdictional statement including: (A) the basis for claiming that the judgment or order appealed from is final; or (B) if nonfinal, the basis for claiming that the judgment or order appealed from is otherwise appealable, including the procedural rule and/or statutory provision upon which jurisdiction rests along with a concise statement of the relevant facts establishing jurisdiction . . . ." The requirements of this rule are evident from the language. But practically, for appellees, the jurisdictional statement can have the same effect as a motion to dismiss. Therefore, the establishment of this rule may impact the way practitioners approach motions to dismiss.

Rule 9.210(b)(6) – Citation to Preservation

Rule 9.210(b)(6) now requires "for each issue presented, argument with citation to appropriate authorities, a citation to the record on appeal where the issue was preserved, and a statement of the applicable appellate standard of review." The difference here from the prior version of the rule is the requirement of "a citation to the record on appeal where the issue was preserved." For appellants, this rule emphasizes the necessity to evaluate preservation at the beginning of the briefing process, rather than the first mention being in the reply brief.

The commonality among these amendments is to encourage both parties to evaluate appeals in depth prior to utilizing significant judicial resources.

Effect on Answer Briefs

Notably, Rule 9.210(b), discussed above, governs "Contents of Initial Brief." However, Rule 9.210(c), governing "Contents of Answer Brief," states "[t]he answer brief must be prepared in the same manner as the initial brief, provided that the statement of the case and of the facts may be omitted, if the corresponding section of the initial brief is deemed satisfactory." Reading these rules in tandem, the question becomes: Should an answer brief include a jurisdictional statement and preservation citations? A close reading of these rules suggests this question should be answered in the affirmative. The burden of establishing jurisdiction and preservation regularly falls on the appellant. However, the language of 9.210(c) expressly addresses omission of the statement of the case and facts. The rule's failure to do the same for the jurisdictional statement or the citations to preservation leads to the conclusion that it is likely best practice to include these new portions in answer briefs.

Gabriella Lopez is an associate attorney in the Appellate Group at Banker Lopez Gassler P.A. Outside of work she volunteers as an attorney coach for local high school mock trial and moot court teams.

1. In Re: Amends. to Fla. R. of App. Pro., No. SC2025-0241, 434 So. 3d 978 (Fla. 2026).
2. Fla. 6th Dist. Ct. App. Admin. Order No. A024-01 (May 30, 2024).

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How a Tort Reform Bill Gave a New Tool to Property Owners





By Jon Mayhugh and Leah Ellington

When House Bill 837 was signed into law on March 21, 2023, it was clear that it was going to have a substantial impact on nearly every attorney's practice in the State of Florida going forward. Practitioners immediately focused on the most dramatic and sweeping changes, such as the shortened statute of limitations for general negligence, the shift to a modified comparative fault standard, and major overhauls to bad-faith litigation. This resulted in March 2023 breaking the record for the number of documents filed through the E-Filing Portal in a single month.

Less noticeably, a powerful statutory tool included in House Bill 837 designed specifically to shield property owners from negligent security claims was also enacted: Florida Statute §768.0706. Could this also be the answer to such liability in a condominium setting?

Historically, multifamily residential property owners have faced intense exposure when third-party criminal acts occurred on their premises, with resulting claims typically falling under the doctrine of passive premises liability. Section 768.0706 fundamentally alters this dynamic by establishing an incentive-based safe harbor. If an owner or principal operator of a multifamily residential property (defined as five or more dwelling units) "substantially implements" a statutory checklist of security measures, they earn a presumption against civil liability for third-party criminal acts committed on the property by non-employees.

The Statutory Safe Harbor Checklist

To earn this defensive presumption, the property owner bears the burden of proving the substantial implementation of the following security measures exactly as outlined in the statute:

- A security camera system at points of entry and exit which records, and maintains as retrievable for at least 30 days, video footage to assist in offender identification and apprehension.
- A lighted parking lot illuminated at an intensity of at least an average of 1.8 foot-candles per square foot at 18 inches above the surface from dusk until dawn, or controlled by a photocell or similar electronic device.
- Lighting in walkways, laundry rooms, common areas, and porches that is illuminated from dusk until dawn or controlled by a photocell.
- At least a 1-inch deadbolt in each dwelling unit door.
- A locking device on each window, each exterior sliding door, and any other doors not used for community purposes.
- Locked gates with key or fob access along pool fence areas.
- A peephole or door viewer on each dwelling unit door that does not include a window or does not have a window next to the door.

As of January 1, 2025, the owner must have a crime prevention through environmental design (CPTED) assessment that is no more than three years old. This assessment must be performed by a law enforcement agency or a designated Florida CPTED Practitioner, and the owner must remain in substantial compliance with its findings.

As of January 1, 2025, the owner must provide proper crime deterrence and safety training to its current employees. Furthermore, for any employee hired after January 1, 2025, this training must be completed within 60-days of their hire date. The training must familiarize employees with the security principles and be reviewed at least every three years.

Importantly, §768.0706 expressly does not create a private cause of action or establish a new legal duty of care; it functions exclusively as a defense for the property owner or management company.

When paired with companion statute Fla. Stat. §768.0701, which requires juries to apportion fault to all contributing persons, including the intentional criminal actor in premises liability suits, §768.0706 gives property owners a multi-layered shield against massive judgments.

To deploy this defense effectively, preparation must occur long before a lawsuit is served. Because the burden of proof rests entirely on the property owner to demonstrate "substantial implementation," defense counsel and property managers should establish a clear documentary audit trail. This means maintaining camera retention logs, lighting inspection reports, CPTED certificates, and detailed employee onboarding logs demonstrating training compliance within the statutory 60-day hiring window.

In addition to entities such as owners of apartment complexes taking advantage of this statute, condominium associations may be able to utilize §768.0706 as well. A condominium consisting of five or more dwelling units on one parcel of land (with a distinct parcel identification number) is included in the definition of "multifamily residential property" found in §768.0706. Assuming that a condominium association may be considered an "owner or principal operator" under this statute,

if the condominium association substantially implements the security measures described above then it will have a presumption against liability in connection with criminal acts that occur on the premises which are committed by third parties who are not employees or agents of the association.

However, implementation of most of these security measures would result in material alterations of the common elements, which in many condominiums would require a vote of the association membership, depending on whether and how the declaration of condominium addresses material alterations. That, and the fact that §768.0706 is not entirely clear regarding whether a condominium association is considered an "owner or principal operator", may be why many associations have not implemented the measures of this statute. And unless statutory amendments are enacted in this regard, that will likely remain the case.

Jon Mayhugh is a partner at Battaglia, Ross, Dicus & McQuaid, P.A., where he serves as the head of the firm's real estate group. His practice is centered on advising clients through a variety of corporate and real property matters. He handles cases and transactions across multiple jurisdictions, representing clients in both Florida and North Carolina.

Leah Ellington is a Florida Bar Board Certified Expert in Condominium and Planned Development Law. She represents HOAs, Condominium Associations, and Cooperatives in the Tampa Bay area, Manatee and Sarasota Counties, and beyond.

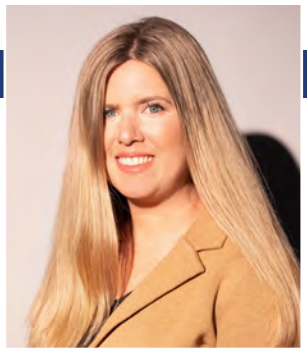
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Aging in Place and the Prevention of Senior Homelessness



By Julie Podolsky

"Aging in place" refers to allowing an older adult to remain safe and independent in their own home and community for as long as possible, as opposed to being forced to move due to financial hardship, disability, or eviction. Lack of support can also create a barrier to a senior aging in place. The National Center on Law and Elder rights emphasizes that the concept encompasses more than just staying in one's house. Successful aging in place requires (in addition to stable housing) access to healthcare, transportation, food, home-based care and services and, most importantly for this audience, legal protections.[1]

The issues that lead to senior homelessness often start gradually. Examples of issues that can lead to senior homelessness include a rent increase that exceeds a senior's fixed income; an eviction or foreclosure (possibly related to a reverse mortgage); the loss of a spouse or caregiver; an unexpected medical expense; loss or denial of social security benefits (SSDI or SSI), Medicaid, SNAP or housing assistance; elder abuse, including financial exploitation; a necessary disability accommodation that a landlord refuses; and problems with mobile homes or subsidized housing.[2] The list goes on.

How Gulfcoast Legal Services is Helping

Gulfcoast Legal Services, in partnership with the American Bar Association, is proud to announce the Next 50 Project, an initiative dedicated to helping adults age 50 and older remain safe, informed, and independent by increasing access to legal information and resources. As part of this project, we have developed a series of professionally designed educational brochures addressing common legal issues that impact older adults, including landlord-tenant matters, scams and financial exploitation, reverse mortgages, and other topics that can affect an individual's ability to age in place. We are also presenting continuing legal education (CLE) programs focused on topics as part of the project. The topics include landlord/tenant, probate and estate planning, foreclosure, and bankruptcy.

How You Can Help

Volunteer to take a case with Gulfcoast Legal Services in any of these areas: eviction defense, landlord-tenant advocacy, foreclosure assistance, public benefits assistance, probate administration or addressing financial exploitation.

Provide financial assistance to print informational brochures developed by the American Bar Association and Gulfcoast Legal Services.

Julie Podolsky currently serves with Gulfcoast Legal Services, where she focuses on pro bono attorney recruitment, community partnerships, and expanding legal resources for Gulfcoast clients as the Deputy Director of the Pro Bono Department.

1. National Center on Law and Elder Rights *Partnerships and Home & Community Based Services*, October 2024.
2. American Bar Association, *How to Support Older Adults Through Legal Advocacy,* August 2026.









Puppy Fun! St. Petersburg Bar Association Past President Hutch Pinder and his family are enjoying their new Golden Retriever puppy, Parker!




Sweet Baby!
Ron and Maria Gregory are beyond excited and blessed to welcome granddaughter Sophia Maria Chambers on August 18, 2026. Congratulations to their daughter and son-in-law, Anastasia and Ellis Chambers. The happy grandparents enjoy visiting Sophia every few weeks in Gainesville.

Mentorship and Connection!
St. Petersburg Bar Association (SPBA) President Elect Catherine Henry and Past President Jounice Nealy-Brown enjoyed connecting with past SPBA Journey to Esquire Scholarship recipients Forest Sutton and Logan Jackson at the Practice Pathways Panel hosted by Stetson's Black Law Students Association (BLSA). Congratulations to BLSA President Jasmon Stuart on hosting a great event!

Would you like to share something good? Submit to Melissa Byers at Mbyers@stpetebar.com







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PFAWL Inspiring Women Lawyers and Building Connections



By Alexis Selvy

PFAWL hosted its annual fall membership drive at FloridaRAMA in September. If you're interested in joining PFAWL, please visit our website PFAWL.org and see what makes PFAWL such a special community of women in the legal profession. Build meaningful connections, grow your professional network, get involved in your community, and surround yourself with women who support, inspire, and empower one another. As a member of PFAWL, you also gain free CLE opportunities, access to events, community, and membership to the Florida statewide organization FAWL. PFAWL's September social was at the Study Lounge in St Pete, and it was a fun event to meaningfully connect with colleagues. Stay tuned on PFAWL's website, newsletter, or social accounts for details on the next one!



The Accountants, Banking, Lawyers, and Engineers (ABLE) annual reception was held in October at the Feather Sound Country Club where an engaging discussion with distinguished professionals took place as they shared insights into current trends and offered valuable career insights. This was an opportunity to learn from leaders and connect with fellow professionals. Founded in 1987, ABLE is a collaborative network aimed at fostering connections among women professionals in accounting, banking, law, and engineering. The state-wide organization FAWL held a Seasons of Building conference and CLE program in October at the Le Meridien with the Hillsborough County chapter, HAWL, in Tampa. Attendees heard enlightening discussion topics such as: *What They Don't Teach You In Law School, The Business of Law—What No One Explains, Law Careers Aren't Linear, AI as a Career Multiplier, Not a Threat, Pro Bono Opportunities for Attorneys, and Mental Health: Practicing with Empathy with Professionalism Component.*

Member Highlights:

Congratulations to PFAWL member Elizabeth "Liz" Constantine on winning the election for Circuit Court Judge for the Sixth Judicial Circuit of Florida! PFAWL President Jennifer Codding launched a new law practice Codding Law, P.A. in St. Petersburg with a focus on real estate law. She is licensed to practice law in New Hampshire and Florida. PFAWL Public Relations Director Alexis Selvy met the application requirements, passed the board certification exam, and is now board certified in construction law by The Florida Bar.

Upcoming Events:

Please visit PFAWL's website for details of the annual holiday party. We'd love to see you there! We also encourage you to sign up for our monthly e-newsletter and e-mail list, as events are being added regularly. Follow us on social media or contact us at pfawl.org.

Alexis Selvy is the Public Relations Director on the PFAWL board. Alexis is a Florida board certified construction law attorney. She practices in the areas of construction law, consumer fraud, and commercial civil litigation matters. She practices law at Dogali Selvy Law, P.A. in Clearwater and serves on the Clearwater Bar Foundation Board of Trustees. Alexis can be reached at aselvy@dogalilaw.com.

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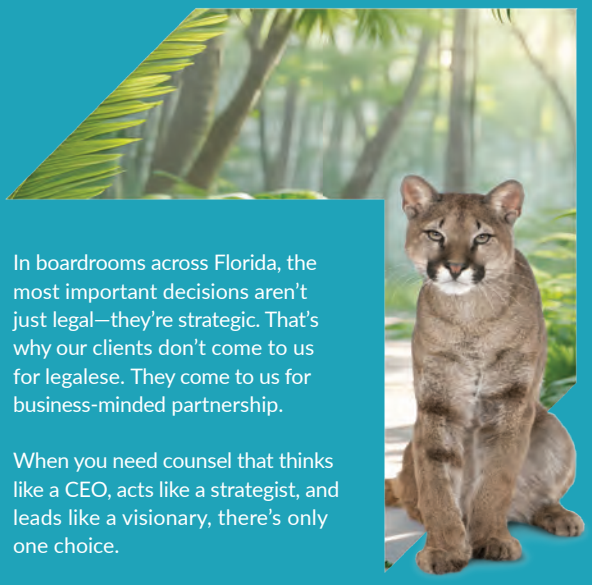
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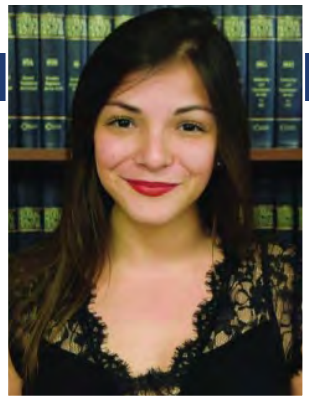
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A Message from the YLS President

Beyond the Billable Hour



By Amy Currotto

In my previous Young Lawyers Section (YLS) President's Message, ***Fostering Longevity Among Young Lawyers,*** I noted that relationships are not only the building blocks of life, but also key to sustaining a long-term career. Lawyers are trained to prioritize cases over their personal lives. They often prioritize rigid court deadlines and juggle the constant pressure of billable hours. Despite this, I believe that the legal field is fundamentally a human business and that a fulfilling career includes the cultivation of personal relationships. Behind the adversarial nature of litigation, lawyers are navigating the same unique stressors. This unique shared experience is exactly why stepping away from your desk to build a community with your fellow lawyers is not simply a social outlet—it's a professional necessity.



Gathering at your local St. Pete Bar event provides an opportunity to share struggles and support one another in the profession. It's realizing you are not alone. The beauty of legal community involvement is that it rewards individuals who put themselves out there. The connections transcend professional camaraderie and deeply impact your personal life. As an example, consider former YLS Vice-President Tyler Caley's journey. Like many young attorneys, Tyler attended SPBA's mid-week mixer hosted at Trophy Fish to build his practice and meet colleagues. While Tyler walked away with several business cards, he also met his future wife, Ashley Keelefas, another St. Pete Bar member attending the mid-week mixer. What started as a conversation about their respective practices turned into a deep connection. I recently had the honor of attending Tyler and Ashley's wedding in Istanbul, Turkey. They tied the knot on September 22, 2026.

The law will always be a demanding profession, but it does not need to be a lonely one.

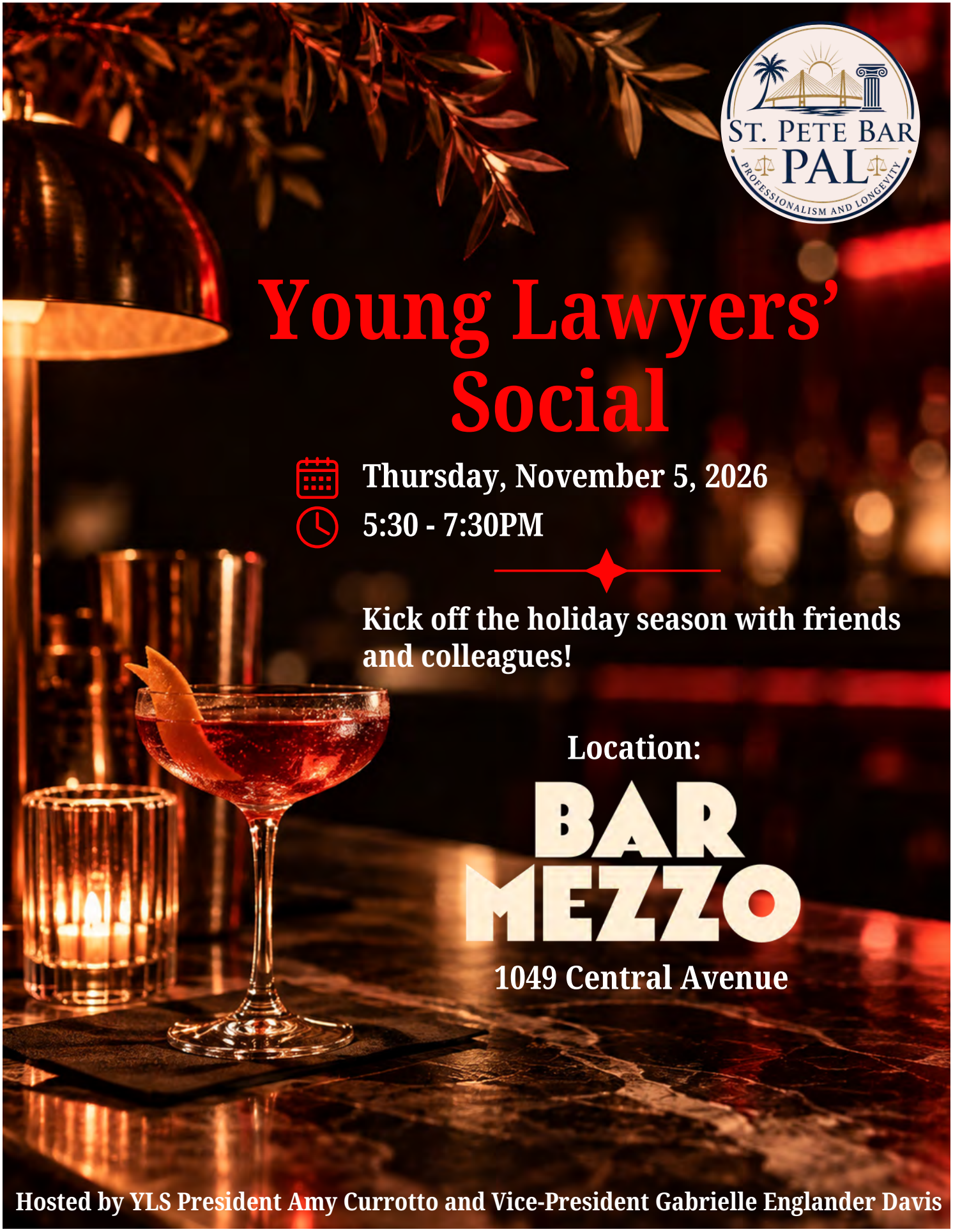


My aspiration this year is to prioritize opportunities to build personal relationships with our colleagues. I encourage all the young lawyers to join me in reengaging professionalism to support longevity and the well-being of our fellow colleagues.

YLS Vice Chair, Gabrielle Englander Davis, and I invite you to take an active role in the St. Pete Bar's many social events hosted to strengthen camaraderie. Kickoff the holiday season by joining us at the November 5, 2026 YLS Social hosted at Bar Mezzo. Keep an eye on the SPBA website and consider registering for an event. We look forward to connecting soon!

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Thursday, November 5, 2026
5:30 - 7:30PM
Kick off the holiday season with friends and colleagues!
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Hosted by YLS President Amy Currotto and Vice-President Gabrielle Englander Davis



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35 Years on the Journey toward Justice COMMUNITY LAW PROGRAM

Caveat Lessee – Let the Renter Beware



By Gay L. Inskeep

"This is a bunch of BS," my son said as he placed the legal pad on the kitchen counter. He had just finished reading a list of highlights from a lease he was considering for a small house in St. Petersburg. Some of the restrictions that bothered him included: no guest stays longer than 72 hours, no fire pits, no generators, no rechargeable equipment, and no candles inside the house. A couple of the more substantive issues that got under his skin were the ten percent late fee imposed if the rent was paid after the fourth day of the month, the landlord's ability to issue a three-day notice if the rent wasn't paid on the 1st, and a requirement for the tenants to give 60 days' notice before the lease end if they didn't intend to continue the lease for a second year—despite having a written agreed date upon which the lease ended.

Florida is widely considered a landlord-friendly state, perhaps one of the most landlord-friendly in the country. Most of the above-noted provisions, even some of the more heavy-handed ones, are quite common in leases. It is easy for a landlord to start and finalize eviction proceedings; it is less easy for tenants to seek relief from errant landlords. Tenants do have some rights, but they are few and not well-known. Where can a tenant turn for help to learn and enforce their rights?

If you answered the Community Law Program (CLP), you are right. CLP has a lawyer, Brooks Fusselman, on staff who specializes in landlord/tenant issues, and who coordinates with other community housing resources such as the Homeless Leadership Alliance, Boley Center, St. Vincent de Paul, Habitat for Humanity, and the St. Petersburg Library System. At a recent event at the Lawyers in Libraries program at the James Weldon Johnson library, tenants explained common challenges to Fusselman that they experienced with landlords. The top concerns seemed to be unresponsiveness to issues such as pest control, broken appliances, non-functioning air conditioning units (interestingly, working A/C is not a right in Florida, unless specifically stated in a lease), broken windows, and other needed repairs. Fusselman explained that for tenants to move forward with requesting landlord action, the tenant must be current on rent. If that criterion is met, then the tenant has a couple of options. The first is to document the problems with photos and notify city code enforcement. The second is to file a complaint with the courts for rent reduction as a possible remedy.

Another interesting issue raised at the tenant session was that an increase in rent is considered a lease modification, so it must be in writing with thirty days' notice. Also, when a written lease ends, if it is not renewed in writing but the tenant and the landlord agree to continued habitation, the lease becomes month-to-month. A final important piece of information was that a tenant should never opt-in to receive notice from a landlord via e-mail. Many people do not check their e-mail messages frequently enough and consequently may miss an important deadline. Also, e-mail messages can get caught in spam folders or disappear into cyber space. Because timeframes are usually short, a tenant should always request written notice via regular mail. (Side note: when my son ultimately signed the lease I referenced in the first paragraph, it was very difficult for him to opt out of legal notice by e-mail. The property manager filled out the electronic lease in such a manner that guided him to opt-in. When he declined, he got a bit of a runaround but ultimately was able to opt out and the landlord is now required to send notice by regular mail.)

In addition to addressing housing and tenant rights, the Lawyers in Libraries program has also included topics such as elder law, wills, advanced directives, probate law, and record sealing/expungement. The librarians who coordinate the program request topics based on community feedback, which typically creates a built-in audience when the sessions take place. St. Petersburg Library locations typically used for the program are the James Weldon Johnson Community Library, 1059 18th Ave. S., and the President Barack Obama Main Library, 3745 9th Ave. N. There is no cost to participate, but registration through the library's website is encouraged.

If you have any questions about the Lawyers in Libraries or other programs, please contact the CLP office at **727-582-7480** or by email at clunsford@lawprogram.org.

Finally, the CLP welcomes monetary donations through https://shorturl.at/Y6RF5.

Gay Inskeep is a retired Trial Courts Administrator for the Sixth Judicial Circuit and a member of the Community Law Program Board.

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A Thousand Words

If a photo is worth a thousand words, muralist Ralph Gilbert's mural speaks volumes. A beautiful tapestry of storytelling, the long-anticipated mural was mounted in the Second District Court of Appeal Courthouse in July 2026.



Gilbert shared his thought process and inspiration in creating this beautiful artwork:

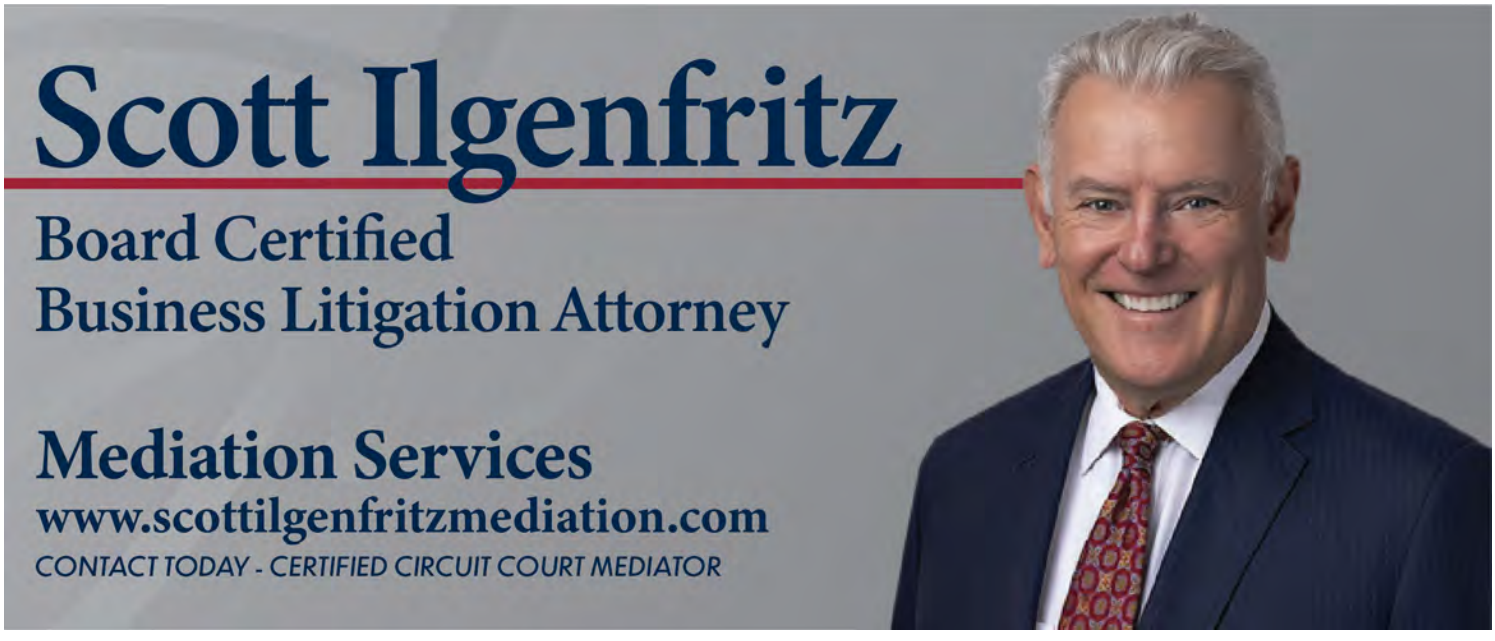
"This mural is painted in oils on canvas, mounted overhead in the rotunda, the court's main entrance. The theme is judicial, which would be challenging under any circumstances, but particularly in a court of appeal. This is a court in which the main activities are reading and writing. There are no trials, defendants, witnesses, juries or evidence. So, the challenge was to create a sense of movement and drama, to incorporate the architecture of the new courthouse, to refer to the surrounding landscape, to bring color and life to an institutional space, and to honor the dignity of the court and its processes."

Based in Atlanta, Gilbert is an experienced painter whose work captures diverse cultures, history, and connection to communities. Previous large public projects include the Los Angeles Metropolitan Transportation Authority; the Lilly Library of Indiana University; the Key West City Hall; the Milton S. Hershey Medical Center of Pennsylvania State University; the St. Paul Union Depot in Minnesota; the Piedmont Park Conservancy in Atlanta; and a series of 24 paintings for the Milken Family Foundation in Santa Monica, California.

Gilbert has succeeded in bringing color, movement, and humanity to a place where justice is most often expressed through the written word.

Fun Fact: *St. Petersburg Bar Association Executive Director Melissa Byers' son, Noah Byers, was one of a two-person team that Gilbert commissioned through the Salvador Dali Museum to mount the artwork.*















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What's it like to be in a huddle strategizing football plays with Lynn Swann and Terry Bradshaw? St. Petersburg Bar Association (SPBA) members were treated to an uplifting, behind the scenes presentation with Hall of Famer Lynn Swann at the October membership luncheon! From personal stories that included guidance in approaching business with integrity, to a breakdown of football plays that led to four Super Bowl championships, this was a must-see event! Members also connected and offered condolences to special guests Lois and George Cozzi and Michael Montgomery, family of past SPBA leader Steven Cozzi.
























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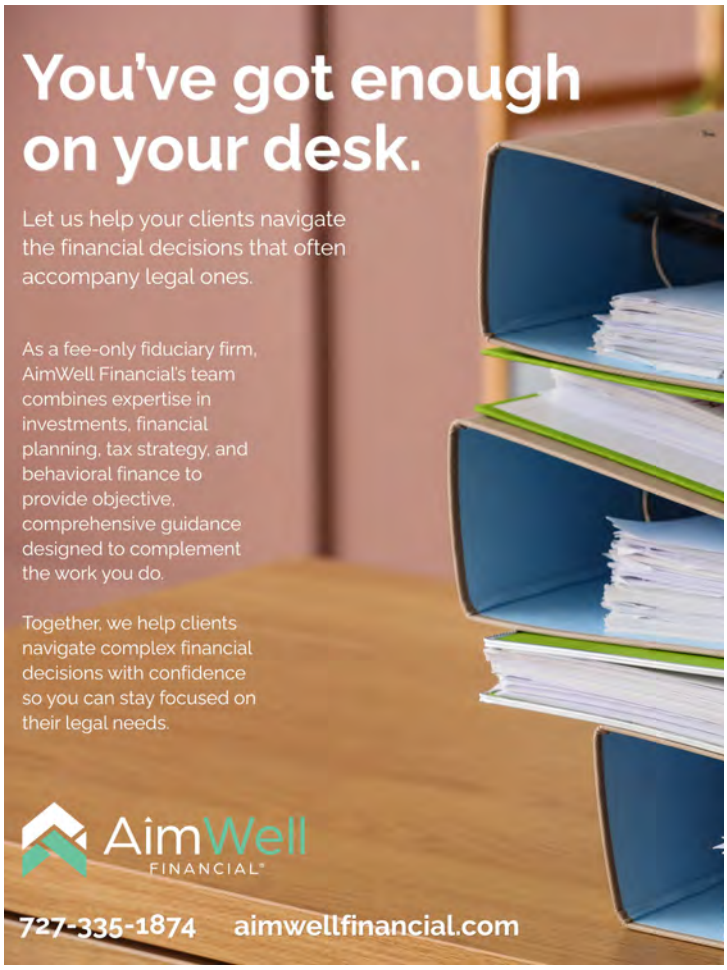


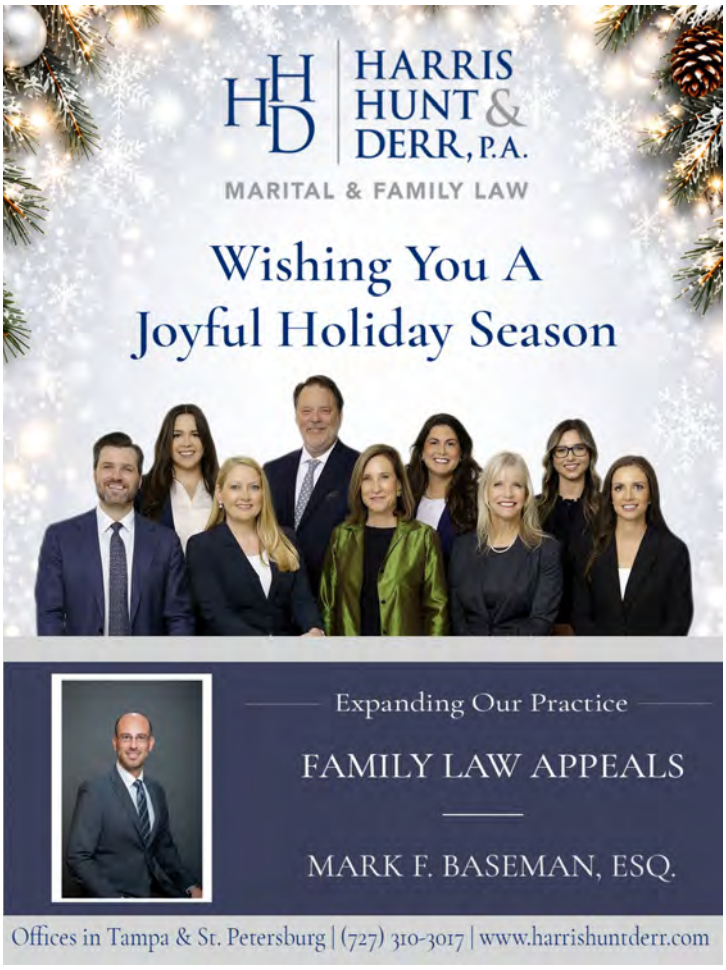












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Bite Back: Handling the Uninsured Bed Bug Injury Case



By Andres I. Beregovich

Florida's peak travel season brings millions of travelers into hotels, motels, resorts, and short-term rentals. Lawyers receive the inevitable call: "I was bitten by bed bugs. Do I have a case?" Then comes the coverage problem: the operator is uninsured, or its liability policy excludes infestation claims.

Lawyers are reluctant to handle uninsured cases. But "uninsured" should not mean "worthless." Before declining the case, bite back and determine whether there is a viable claim, a collectible defendant, and a path to resolution.



A hotel guest is a business invitee. The premises operator must use reasonable care to maintain safe premises and warn of concealed dangers that are or should be known to it. For the guest, the case seems simple: bed bugs were in the room, bites occurred, and the property should be responsible. That is the client's lived reality, but not necessarily the legal reality. Presence and injury may prove a dangerous condition and causation; they do not automatically prove negligence. The claimant must also establish that the property knew or should have known of the infestation and failed to inspect, investigate, warn, isolate, treat, or remove the room from service. That evidentiary gap is where these cases are won or lost.

In *St. Joseph's Hospital v. Cowart,* a patient was bitten by a black widow spider concealed in a hospital gown.[1] The court reversed a plaintiff's verdict because there was no evidence of deficient pest control, infestation, prior black-widow sightings, or feasible means of preventing spiders from entering. *Cowart's* lesson is straightforward: prove notice or an unreasonable response, not merely the bite.

Bed bugs require a different factual analysis. They are not a cleanliness problem and generally do not wander inside from outdoors. They are hitchhikers carried by prior guests on luggage, clothing, shoes, and personal belongings. Liability turns on the property's inspection, complaint-escalation, documentation, treatment, and re-rental practices.

Prior-incident discovery is critical. *Universal City Development Partners, Ltd. v. Williams* teaches that prior incidents must be substantially similar, reasonably close in time, and appropriately limited. Seek pre-incident complaints involving the same room, adjoining rooms, floor, or building; pest-control records; work orders; room-out-of-service records; employee reports; treatment recommendations; and communications among ownership, management, franchisors, booking platforms, contractors, and insurers.[2]

Coverage is not collectability. Investigate every potentially responsible entity: the property owner, operator, management company, franchisee, pest-control contractor, housekeeping contractor, and rental host. Obtain management agreements, leases, vendor contracts, indemnity provisions, corporate records, and certificates of insurance. A defendant may own real estate, receive substantial booking revenue, maintain operating accounts, or possess contractual indemnity rights. One policy exclusion does not establish that every defendant, policy, or indemnitor is unavailable.

Interview the claimant and preserve evidence immediately. Secure dated photographs, videos, communications, booking records, receipts, medical records, scar progression, witness information, and any specimen. Determine what employees said, whether another room was offered, whether the property acknowledged bed bugs, and whether charges were refunded. Send a focused preservation letter before complaint records, surveillance, room histories, and pest-control evidence disappear.

An uninsured case demands disciplined economics. Identify assets early, focus discovery on notice and remediation, retain experts proportionately, and present a settlement demand grounded in proof and collectability. Uninsured settlements may be nominal, but they are possible.

Andres I. Beregovich grew up immersed in the hotel industry, gaining firsthand knowledge of guest operations and services, safety, and quality control. Today, Andres represents individuals injured at Florida hotels, motels, resorts, and vacation rentals, including victims of bed bug infestations. He combines insider industry knowledge with legal experience and a commitment to safer guest environments.

1. *St. Joseph's Hospital v. Cowart,* 891 So. 2d 1039 (Fla. 2d DCA 2004).
2. *Universal City Development Partners, Ltd. v. Williams,* 963 So. 2d 351 (Fla. 5th DCA 2007.



PROFESSIONALISM CHALLENGES?

Contact the Local Professionalism Panel (LPP)

PRIORITY

To address, in a confidential manner, unprofessional attorney conduct that has not risen to the level of necessitating a formal complaint with The Florida Bar.

PANEL

12 members ("Intermediaries" including a "Contact Attorney") appointed by the Sixth Circuit Chief Judge.

PRIVATE

All referrals and communications within the LPP are confidential.

PROCESS

- Bar members (Referring Party) may initiate an unprofessional conduct referral related to a member (Referred Party) of The Florida Bar by contacting the Contact Attorney.
- The Contact Attorney will contact an Intermediary and describe the referral.
- The Intermediary may contact the Referred Party to discuss a resolution, contact another Intermediary, decide there is no unprofessional conduct or insufficient information, or refer the matter to The Florida Bar.
- When the matter has been resolved, the Intermediary will contact the Referring Party to share the resolution.

PROFESSIONALISM REFERRALS

Contact Andy Sasso
MacFarlane, Ferguson, McMullen

abs@macfar.com
727.444.1409

See Administrative Order 2025-033

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Your Support Makes Justice Possible

As we reflect on this past year, we are reminded that every membership, sponsorship, event ticket, and donation represents an investment in our community. Because of your generosity, the St. Petersburg Bar Foundation continued its mission to fund, develop, and promote efforts that strengthen the legal profession while improving public understanding of and access to the judicial system.

This year, together, we:

- Awarded $11,000 in community grants to five local nonprofit organizations advancing justice and legal education.
- Supported law-related education and professionalism programs for more than 100 attorneys, judges, and legal professionals, helping strengthen the integrity of our profession through our annual Professionalism Seminar.
- Brought a day of bowling, laughter, and unforgettable memories to nearly 100 children in the dependency system through our annual Holidays in July event.
- Continued to expand access to justice by supporting programs that educate, serve, and empower our community.

These accomplishments were only possible because of supporters like you.
As we look ahead, the need continues to grow. Every dollar donated helps fund grants for organizations serving our neighbors, supports educational programs that elevate professionalism within the legal community, creates meaningful experiences for children in foster care, and advances initiatives that make our justice system more accessible for everyone.

Help Shape What's Next

As you consider your year-end charitable giving, we invite you to make the St. Petersburg Bar Foundation part of your plans. Whether renewing your membership, making a one-time gift, or becoming a sponsor, your support directly impacts the people and programs that make our community stronger.
Together, we are honoring our profession, serving our neighbors, and ensuring that justice remains accessible to all. Thank you for making a difference this year—and for helping us build an even stronger community in the year ahead. Go to our website or scan the QR code below to learn how you can make a difference.

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