

responded
May 28, 2024 & responded
Tuesday June 16, 2024
Sunday Supreme Court of Florida

MONDAY, MAY 13, 2024

Bruce K. Florence, III,
Petitioner(s)
v.

SC2024-0645

Lower Tribunal No(s).:
312021CF000011AXXXXX

Eric Flowers, Sheriff,
Respondent(s)

Petitioner has submitted a "Petition for Redressive Grievance" which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred to the Circuit Court of the Nineteenth Judicial Circuit, in and for Indian River County, Florida, for consideration in the context of case number 312021CF000011AXXXXX. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition has been properly denominated as a petition for writ of habeas corpus. The transferee court should not interpret the transfer of this case as an indication that it must or should reach the merits of the petition. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

1 of 2

Appendix D Total of 2 pages

CASE NO.: SC2024-0645

Page Two

Any future pleadings filed regarding this case should be filed in the above mentioned circuit court at Post Office Box 1028, Vero Beach, Florida 32961-1028.

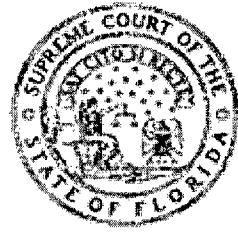
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

A True Copy

Test:

SC2024-0645 5/13/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0645 5/13/2024



LC

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INDIAN RIVER CLERK
BRUCE K. FLORENCE, III
ERIC FLOWERS

2 of 2

Appendix D Total of 2 pages

Supreme Court of Florida

WEDNESDAY, JUNE 26, 2024

Bruce K. Florence, III,
Petitioner(s)
v.

SC2024-0645

Lower Tribunal No(s).:
312021CF000011AXXXXX

Eric Flowers, Sheriff
Respondent(s)

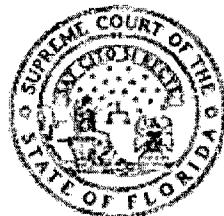
Petitioner's "Rehearing Motion Petition" is hereby dismissed on the Court's own motion based on petitioner's failure to timely file the proper certificate of service for said motion. Any and all pending motions are hereby denied as moot.

A True Copy

Test:

SC2024-0645 6/26/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0645 6/26/2024



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BRUCE K. FLORENCE, III
ERIC FLOWERS

1 of 1

Appendix G Total of 1 page

Supreme Court of Florida

WEDNESDAY, JULY 10, 2024

Bruce K. Florence, III,
Petitioner(s)
v.

SC2024-0799
Lower Tribunal No(s).:
312021CF000011AXXXXX

Eric Flowers, Sheriff,
Respondent(s)

Petitioner has submitted "A Petition for Redressive Grievance" which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred to the Fourth District Court of Appeal, for consideration as a notice of appeal from Nineteenth Judicial Circuit, case number 312021CF000011AXXXXX. The transfer of this case should not be construed as an adjudication or comment on the merits of the notice, nor as a determination that the transferee court has jurisdiction. The transferee court shall treat the notice as if it had been originally filed there on the date it was filed in this Court. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

Any future pleadings filed regarding this case should be filed in the above mentioned district court at 110 South Tamarind Avenue, West Palm Beach, FL 33401.

1 of 2

CASE NO.: SC2024-0799

Page Two

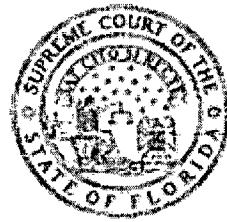
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION
AND, IF FILED, DETERMINED.

A True Copy

Test:

SC2024-0799 7/10/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0799 7/10/2024



KS

Served:

4DCA CLERK
INDIAN RIVER CLERK
BRUCE K. FLORENCE, III
ERIC FLOWERS

2 of 2

Appendix I Total of 2 pages

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

STATE OF FLORIDA,

FELONY DIVISION
CASE NO. 312021CF000011A

vs.

BRUCE KENDALL FLORENCE,

Defendant.

ORDER STRIKING PETITION FOR WRIT OF HABEAS CORPUS

THIS CASE came before the Court in chambers on pleading styled Petition for Writ of Habeas Corpus, dated March 31, 2024, and docketed on April 10, 2024. The Court finds and orders as follows.

On June 24, 2021, the Defendant entered a negotiated plea to false personation, corrupt by threat, and misuse of 911 or E911 System, in exchange for five months in jail followed by two years of probation with mental health court.¹ On March 28, 2023, DOC filed a probation violation report. The Court issued a no bond warrant. On May 5, 2023, DOC issued an addendum. The Court issued an amended warrant. To date the VOP warrant has not been executed.

Beginning in July 2023, the Defendant has filed a series of pleadings directed at his VOP case. Those motions were stricken by the Court because the VOP warrant had not been executed. Examination of the record reveals that the VOP warrant still has not been executed.

The Court has repeatedly admonished the Defendant not to file any further pleadings related to the violation of probation until the VOP warrant is executed, and has indicated that he could contact the Office of the State Attorney concerning execution of the VOP warrant.

In his recent petition, the Defendant states that he has been illegally detained for

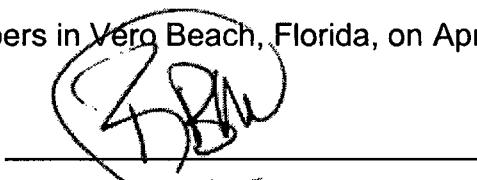
¹ The Court deleted the mental health court requirement on July 20, 2021.

more than 30 days on a criminal charge, although he does not indicate which charge, or where it is pending. He refers to a magistrate not giving him the presumption of release on non-monetary conditions of bail, and states that the magistrate failed to make proper inquiry into factors related to release. The Defendant's petition and prior motions indicate that he is being held at the Broward County Jail or another Broward County facility, but there is no indication that he is being held pursuant to the unexecuted VOP warrant in this case. This Court has no jurisdiction over any criminal case pending against the Defendant in Broward County.²

It is hereby

ORDERED that the Defendant's petition for writ of habeas corpus is STRICKEN.

DONE AND ORDERED in chambers in Vero Beach, Florida, on April 23, 2024



ROBERT MEADOWS
CIRCUIT JUDGE

² The Defendant refers to Arrest # 502400459, which is not a number related to his Indian River felony case.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, has been served either by eservice or U.S. Mail as indicated to the following persons, on April 23rd, 2024.

Copies to:

Bruce K. Florence, III
P.O. Box 9356
Fort Lauderdale, FL 33310

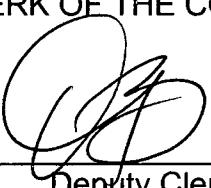
Bruce K. Florence, III
North Broward Bureau
P.O. Box 407037
Fort Lauderdale, FL 33340

Service via e-portal:

Chris Taylor
Assistant State Attorney
SA19eservice@sao19.org

Charlie Johnson
Office of the State Attorney
CJohnson@sao19.org

Ryan L. Butler
CLERK OF THE COURT

By: 
Deputy Clerk

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

STATE OF FLORIDA,

FELONY DIVISION
CASE NO. 312021CF000011A

vs.

BRUCE KENDALL FLORENCE,

Defendant.

/

**ORDER STRIKING PETITION FOR REDRESSIVE GRIEVANCE/PETITION FOR
WRIT OF HABEAS CORPUS**

THIS CASE came before the Court in chambers on pleading styled "A Petition for Redressive Grievance," dated April 21, 2024. The petition was docketed in the Florida Supreme Court on April 30, 2024, and assigned case number SC 2024-0645. On May 13, 2024, the Florida Supreme Court entered an order treating the petition as a petition for writ of habeas corpus, and transferred it to this Court, for consideration in the context of felony case number 312021CF000011AXXXX. The petition was docketed in this Court on May 14, 2024. The Court finds and orders as follows.

On June 24, 2021, the Defendant entered a negotiated plea in Indian River case number 312021CF000011AXXXX to false personation, corrupt by threat, and misuse of 911 or E911 System, in exchange for five months in jail followed by two years of probation with mental health court.¹ On March 28, 2023, DOC filed a probation violation report. The Court issued a no bond warrant. On May 5, 2023, DOC issued an addendum. The Court issued an amended warrant. To date the VOP warrant has not been executed.

Beginning in July 2023, the Defendant has filed a series of pleadings directed at his VOP case. Those motions were stricken by the Court because the VOP warrant had not been executed. Examination of the record reveals that the VOP warrant still has not been executed.

¹ The Court deleted the mental health court requirement on July 20, 2021.

The Court has repeatedly admonished the Defendant not to file any further pleadings related to the violation of probation until the VOP warrant is executed, and has indicated that he could contact the Office of the State Attorney concerning execution of the VOP warrant.

In his recent petition, the Defendant states that he has been illegally detained in this case for more than 30 days in this case without good cause. He also states that he is being held against his will due to an "unlawful decision" of a court in Indian River County and asks this Court to "dismiss all charges here in this case" as "not legally sufficient." The Defendant's petition and prior motions indicate that he is being held at the Broward County Jail or another Broward County facility, but there is no indication that he is being held there pursuant to the unexecuted Indian River VOP warrant in this case.² This Court has no jurisdiction over any criminal case pending against the Defendant in Broward County.³

It is hereby

ORDERED that the Defendant's petition for Petition for Redressive Grievance/Writ of Habeas Corpus is hereby STRICKEN.

DONE AND ORDERED in chambers in Vero Beach, Florida, on May 22, 2024



ROBERT MEADOWS
CIRCUIT JUDGE

² To the extent that the Defendant seeks postconviction relief in the underlying felony case, the Court has already found that such motions are untimely because filed more than two years after his judgment and sentence became final on July 26, 2021. See Amended Order Denying Motion for Postconviction Relief, Docket Entry 159, April 19, 2024.

³ The Defendant refers to Arrest # 502400459, which is not a number related to his Indian River felony case.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, has been served either by eservice or U.S. Mail as indicated to the following persons, on May 23, 2024.

Copies to:

Bruce K. Florence, III
P.O. Box 9356
Fort Lauderdale, FL 33310

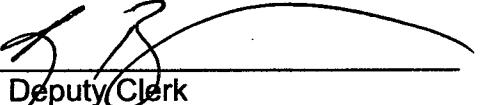
Bruce K. Florence, III
North Broward Bureau
P.O. Box 407037
Fort Lauderdale, FL 33340

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Assistant State Attorney
SA19eservice@sao19.org

Charlie Johnson
Office of the State Attorney
CJohnson@sao19.org

Ryan L. Butler
CLERK OF THE COURT

By: 
Deputy Clerk

Conflict of Interest +
personal Relationships

3
3 of 3

Appendix B Total of 3 pages

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

STATE OF FLORIDA,

FELONY DIVISION
CASE NO. 312021CF000011A

vs.

BRUCE KENDALL FLORENCE,

Defendant.

ORDER DENYING MOTION FOR POSTCONVICTION RELIEF

THIS CASE came before the Court in chambers on a motion styled Request for Review, dated December 20, 2023, and docketed in the Fourth District Court of Appeal on January 5, 2024, in case number 4D24-0024. On February 8, 2024, the Fourth District Court of Appeal entered an order transferring the motion/petition alleging ineffective assistance of counsel to the Circuit Court for the Nineteenth Judicial Circuit, in and for Indian River County, for further proceedings as a Florida Rule of Criminal Procedure 3.850 motion.¹ The Court finds and orders as follows.

On June 24, 2021, the Defendant entered a negotiated plea to false personation, corrupt by threat, and misuse of 911 or E911 System, in exchange for five months in jail followed by two years of probation with mental health court.² See Exhibit 1, Judgment and Sentence. The Defendant did not file a direct appeal, so his judgment became final on July 26, 2021.

On March 28, 2023, DOC filed a probation violation report. The Court issued a no bond warrant. On May 5, 2023, DOC issued an addendum. The Court issued an amended warrant. To date the VOP warrant has not been executed.

¹ The District Court also transferred an undated document styled as "Redressive Grievance," which contains allegations about conditions at the Indian River County Jail.

² The Court deleted the mental health court requirement on July 20, 2021.

Beginning in July 2023, the Defendant filed a series of pleadings directed at his VOP case. Those motions were stricken by the Court because the VOP warrant had not been executed. On July 19, 2023, the Court entered an order striking several pleadings, but advised the Defendant, "To the extent that the Defendant seeks to challenge his 2021 initial plea, the Defendant must file a motion that comports with the oath and content requirements of Florida Rule of Criminal Procedure 3.850(c)." The Court also advised the Defendant that he "may file a facially and legally sufficient Rule 3.850 motion within 60 days challenging the initial plea if he can raise valid claims in good faith." See Exhibit 2, July 19, 2023 Order.

The Defendant did not file a facially and legally sufficient Rule 3.850 motion challenging his initial plea within 60 days of the July 19, 2023 Order, nor did he seek any further extension from the Court. The December 20, 2023 "Request for Review," which the Court treats as a Rule 3.850 motion alleging ineffective assistance of counsel, is untimely filed. The motion is untimely because it was filed more than two years after the Defendant's judgment and sentence became final on July 26, 2021. See Fla.R.Crim.P. 3.850(b). The Defendant does not allege nor does this Court find any exceptions to the Rule 3.850 time requirement.

The document styled "Redressive Grievance" is stricken, with leave to file a legally sufficient civil action based on the allegations contained therein.

It is hereby

ORDERED that the Defendant's motion for postconviction relief is DENIED. The Defendant has thirty days to appeal.

DONE AND ORDERED in chambers in Vero Beach, Florida, on April 10, 2024.

 Apr 10, 2024

VICTORIA L. GRIFFIN
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order, including any attachments, has been served either by eservice or U.S. Mail as indicated to the following persons, on April 11, 2024.

Copies to:

Bruce K. Florence, III
96 SW Allapattah Road
Indiantown, FL 34956

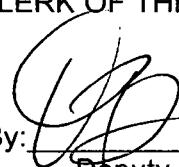
Bruce K. Florence, III
North Broward Bureau
P.O. Box 407037
Fort Lauderdale, FL 33340

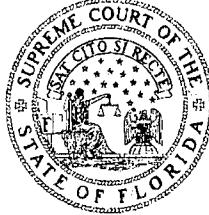
Service via e-portal:

Chris Taylor
Assistant State Attorney
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Charlie Johnson
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CJohnson@sao19.org

Ryan L. Butler
CLERK OF THE COURT

By: 
Deputy Clerk



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
JULIA BREEDING
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE

Wednesday, May 29, 2024

RE: Bruce K. Florence, III,
 Petitioner(s)

v.

Eric Flowers, Sheriff
Respondent(s)

Case Number: SC2024-0799
Lower Tribunal Case Number(s): 312021CF000011AXXXXX

Case Type: Original Proceedings - Writ - Habeas Corpus

The Florida Supreme Court has received the filed Petition for Redressive Grievance reflecting a filing date of May 28, 2024, which has been treated as a Petition for Writ of Habeas Corpus.

Please be sure to register for your Appellate Case Information System (ACIS) account. For more information on registering please visit <https://www.flcourts.gov/ACIS>.

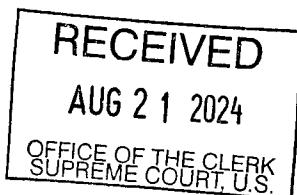
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cc:

1 of 1

INDIAN RIVER CLERK
BRUCE K. FLORENCE, III
ERIC FLOWERS

Appendix E Total of 1 page



West's Florida Statutes Annotated

Title XLVI. Crimes (Chapters 775-899)

Chapter 843. Obstructing Justice (Refs & Annos)

West's F.S.A. § 843.08

843.08. False personation

Effective: October 1, 2022

Currentness

A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Division of Investigative and Forensic Services, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, a school guardian as described in s. 30.15(1)(k), a security officer licensed under chapter 493, any member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission, any personnel or representative of the Department of Law Enforcement, or a federal law enforcement officer as defined in s. 901.1505, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In determining whether a defendant has violated this section, the court or jury may consider any relevant evidence, including, but not limited to, whether the defendant used lights in violation of s. 316.2397 or s. 843.081.

Credits

Added by Laws 1868, c. 1637, subc. 6, § 18; Rev.St.1892, § 2587; Gen.St.1906, § 3507; Rev.Gen.St.1920, § 5393; Comp.Gen.Laws 1927, § 7532; Laws 1953, c. 28118, § 3; Laws 1963, c. 63-433, § 1; Laws 1965, c. 65-148, § 1; Laws 1965, c. 65-199, § 1; Laws 1967, Ex.Sess., c. 67-2207, § 3; Laws 1969, c. 69-106, §§ 20, 25, 33, 35; Laws 1971, c. 71-136, § 1041; Laws 1973, c. 73-334, § 32; Laws 1977, c. 77-174, § 1; Laws 1979, c. 79-8, § 28; Laws 1988, c. 88-122, § 42; Laws 1988, c. 88-339, § 1; Laws 1989, c. 89-208, § 8; Laws 1994, c. 94-356, § 475. Amended by Laws 1995, c. 95-257, § 65, eff. June 11, 1995; Laws 1995, c. 95-283, § 9, eff. June 15, 1995; Laws 1996, c. 96-256, § 3, eff. Oct. 1, 1996; Laws 1999, c. 99-245, § 232, eff. July 1, 1999; Laws 2006, c. 2006-305, § 20, eff. July 1, 2006; Laws 2007, c. 2007-112, § 2, eff. July 1, 2007; Laws 2012, c. 2012-88, § 28, eff. July 1, 2012; Laws 2014, c. 2014-191, § 20, eff. July 1, 2014; Laws 2015, c. 2015-29, § 1, eff. Oct. 1, 2015; Laws 2019, c. 2019-22, § 2, eff. Oct. 1, 2019; Laws 2019, c. 2019-141, § 14, eff. July 1, 2019; Laws 2021, c. 2021-113, § 31, eff. July 1, 2021; Laws 2022, c. 2022-180, § 7, eff. Oct. 1, 2022.

Notes of Decisions (7)

1 of 1

West's F. S. A. § 843.08, FL ST § 843.08

RECEIVED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Appendix J - Total of 1 page

Current with laws, joint and concurrent resolutions and memorials through June 13, 2024, in effect from the 2024 second regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year)

End of Document

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Information contained in this document is not a final product of the Florida Revisor of Statutes and is subject to change.

Florida Statutes

843.08 False personation

Section 843.08

843.08. False personation. A person commits the offense of false personation if he or she, with intent to defraud,冒充 (mǎochōng) another person, uses a name or title which is not his or her own, or uses a name or title which is not his or her own and which is not that of another person, in such a manner as to cause another person to believe that he or she is the person so named or titled.

843.08. False personation. A person commits the offense of false personation if he or she, with intent to defraud,冒充 (mǎochōng) another person, uses a name or title which is not his or her own, or uses a name or title which is not his or her own and which is not that of another person, in such a manner as to cause another person to believe that he or she is the person so named or titled.

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West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)

Chapter 943. Department of Law Enforcement (Refs & Annos)

West's F.S.A. § 943.17

943.17. Basic recruit, advanced, and career development training programs; participation; cost; evaluation

Effective: July 1, 2022

Currentness

The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(a) Design, implement, maintain, evaluate, revise, or adopt a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, revise, or adopt an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, revise, or adopt a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(8).

(d) Design, implement, maintain, evaluate, revise, or adopt a specialized training program consisting of identified goals and objectives that enhance an officer's ability to perform his or her duties.

(e) Implement, administer, maintain, and revise a job-related officer certification examination for each discipline.

(f) Acknowledge any specialized training course approved by the commission prior to October 1, 1984, as an inservice training course under s. 943.175, except that the radar training course developed under former s. 943.14(14), Florida Statutes 1983, shall be considered an approved advanced training program course.

(g) Assure that entrance into the basic recruit training program for law enforcement and correctional officers be limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission. However, a person is not required to take the basic skills examination and assessment instrument

Appendix N- Total of 2 pages

before entering a law enforcement officer basic recruit training program if he or she is a veteran as defined in s. 1.01(14) or holds an associate degree or higher from an accredited college or university.

(2) The commission is encouraged to design, implement, maintain, evaluate, and revise criminal justice training courses, or to enter into contracts for such training courses, that are intended to provide for the safety and well-being of the citizens of and visitors to this state.

(3) The program shall be responsible for the accuracy of curriculum content through the identification and revision of typographical or grammatical errors, incorrect statutory citations, or information which can be identified as inaccurate by superior references. The commission shall be advised of any revision, and a copy of revised curricula shall be provided to all criminal justice training schools.

(4) The commission may, by rule, establish a sponsorship program for prospective officers. The rule shall specify the provisions of s. 943.13 that must be satisfied prior to the prospective officer's enrollment in a basic recruit training course. However, the rule shall not conflict with any laws or rules of the State Board of Education relating to student enrollment.

(5) The commission, in consultation with the Florida Violent Crime and Drug Control Council, shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. After January 1, 1995, every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

(6) Entrants into academies certified by the commission to instruct basic skills training are exempt from s. 1004.91.

(7) By July 1, 2022, the commission, in consultation with the Florida Council Against Sexual Violence, shall establish minimum standards for basic skills and continued education training for law enforcement officers that include a culturally responsive, trauma-informed response to sexual assault.

Credits

Added by Laws 1974, c. 74-386, § 7; Law 1978, c. 78-323, § 4; Laws 1980, c. 80-71, § 7; Laws 1981, c. 81-24, §§ 10, 24, 25; Laws 1984, c. 82-46, § 1; Laws 1983, c. 83-265, § 2; Laws 1984, c. 84-258, § 15; Laws 1986, c. 86-187, § 12; Laws 1987, ch. 87-186, §§ 5, 6; Laws 1991, c. 91-429, § 5; Laws 1993, c. 93-204, § 8; Laws 1993, c. 93-252, § 16; Laws 1995, c. 95-408, § 6. Amended by Laws 1997, c. 97-102, § 1635, eff. July 1, 1997; Laws 1997, c. 97-271, § 40, eff. July 1, 1997; Laws 1998, c. 98-94, § 18, eff. July 1, 1998; Laws 2000, c. 2000-187, § 2, eff. Jan. 1, 2001; Laws 2001, c. 2001-127, § 2, eff. July 1, 2001; Laws 2002, c. 2002-205, § 6, eff. July 1, 2002; Laws 2003, c. 2003-278, § 5, eff. July 11, 2003; Laws 2004, c. 2004-41, § 22, eff. May 12, 2004; Laws 2010, c. 2010-62, § 7, eff. July 1, 2010; Laws 2011, c. 2011-52, § 13, eff. July 1, 2011; Laws 2019, c. 2019-113, § 9, eff. July 1, 2019; Laws 2021, c. 2021-229, § 2, eff. July 1, 2021; Laws 2022, c. 2022-23, § 6, eff. July 1, 2022.

West's F. S. A. § 943.17, FL ST § 943.17

Current with laws, joint and concurrent resolutions and memorials through March 22, 2024, in effect from the 2024 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Anns)

Chapter 961. Victims of Wrongful Incarceration Compensation

West's F.S.A. § 961.01

961.01. Short title

Effective: July 1, 2008

Currentness

Sections 961.01-961.07 may be cited as the "Victims of Wrongful Incarceration Compensation Act."

Credits

Added by Laws 2008, c. 2008-39, § 1, eff. July 1, 2008.

West's F. S. A. § 961.01, FL ST § 961.01

Current with laws, joint and concurrent resolutions and memorials through May 29, 2024, in effect from the 2024 second regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

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Appendix K - Total of 1 page

KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Recognized as Unconstitutional by Consiglio v. State, Fla., May 09, 2002

KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Florida Statutes Annotated

Title XLVI. Crimes (Chapters 775-899)

Chapter 777. Principal; Accessory; Attempt; Solicitation; Conspiracy (Refs & Annos)

West's F.S.A. § 777.04

777.04. Attempts, solicitation, and conspiracy

Effective: July 1, 2008

Currentness

No crime being committed

(1) A person who attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof, commits the offense of criminal attempt, ranked for purposes of sentencing as provided in subsection (4). Criminal attempt includes the act of an adult who, with intent to commit an offense prohibited by law, allures, seduces, coaxes, or induces a child under the age of 12 to engage in an offense prohibited by law.

(2) A person who solicits another to commit an offense prohibited by law and in the course of such solicitation commands, encourages, hires, or requests another person to engage in specific conduct which would constitute such offense or an attempt to commit such offense commits the offense of criminal solicitation, ranked for purposes of sentencing as provided in subsection (4).

(3) A person who agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy, ranked for purposes of sentencing as provided in subsection (4).

(4)(a) Except as otherwise provided in ss. 104.091(2), 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is ranked for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944 one level below the ranking under s. 921.0022 or s. 921.0023 of the offense attempted, solicited, or conspired to. If the criminal attempt, criminal solicitation, or criminal conspiracy is of an offense ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023, such offense is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offense attempted, solicited, or conspired to is a capital felony, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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(c) Except as otherwise provided in s. 893.135(5), if the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Except as otherwise provided in s. 104.091(2), s. 379.2431(1), s. 828.125(2); or s. 849.25(4), if the offense attempted, solicited, or conspired to is a:

1. Felony of the second degree;

2. Burglary that is a felony of the third degree; or

3. Felony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) Except as otherwise provided in s. 104.091(2), s. 379.2431(1), s. 849.25(4), or paragraph (d), if the offense attempted, solicited, or conspired to is a felony of the third degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) Except as otherwise provided in s. 104.091(2), if the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) It is a defense to a charge of criminal attempt, criminal solicitation, or criminal conspiracy that, under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose, the defendant:

(a) Abandoned his or her attempt to commit the offense or otherwise prevented its commission;

(b) After soliciting another person to commit an offense, persuaded such other person not to do so or otherwise prevented commission of the offense; or

(c) After conspiring with one or more persons to commit an offense, persuaded such persons not to do so or otherwise prevented commission of the offense.

Credits

Laws 1868; c. 1637, subsec. 11, § 8; Rev.St.1892, § 2594; Gen.St.1906, § 3517; Rev.Gen.St.1920, § 5403; Comp.Gen.Laws 1927, § 7544; Laws 1971, c. 71-136, § 701; Laws 1972, c. 72-245, § 1; Laws 1973, c. 73-142, § 1; Fla.St.1973, § 776.04; Laws 1974, c. 74-383, § 12; Laws 1975, c. 75-298, § 5; Laws 1983, c. 83-98, § 1; Laws 1986, c. 86-50, § 2; Laws 1991, c. 91-224, § 170. Amended by Laws 1993, c. 93-406, § 4, eff. Jan. 1, 1994; Laws

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West's Florida Statutes Annotated

Title XLV. Torts (Chapters 766-774) (Refs & Annos)

Chapter 768. Negligence (Refs & Annos)

Part I. General Provisions

West's F.S.A. § 768.1355

768.1355. Florida Volunteer Protection Act

Effective: July 1, 2011

Currentness

(1) Any person who volunteers to perform any service for any nonprofit organization, including an officer or director of such organization, without compensation from the nonprofit organization, regardless of whether the person is receiving compensation from another source, except reimbursement for actual expenses, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under such volunteer services. Such person, and the source of any such compensation, if the volunteer is not acting as an agent of the source, shall incur no civil liability for any act or omission by such person which results in personal injury or property damage if:

(a) Such person was acting in good faith within the scope of any official duties performed under such volunteer service and such person was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances; and

(b) The injury or damage was not caused by any wanton or willful misconduct on the part of such person in the performance of such duties.

1. For purposes of this act, the term "nonprofit organization" means any organization which is exempt from taxation pursuant to 26 U.S.C. s. 501, or any federal, state, or local governmental entity.

2. For purposes of this act, the term "compensation" does not include a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), or other financial assistance, valued at less than two-thirds of the federal hourly minimum wage standard, paid to a person who would otherwise be financially unable to provide the volunteer service.

(2) Except as otherwise provided by law, if a volunteer is determined to be not liable pursuant to subsection (1), the nonprofit organization for which the volunteer was performing services when the damages were caused shall be liable for such damages to the same extent as the nonprofit organization would have been liable if the liability limitation pursuant to subsection (1) had not been provided.

(3) Members of elected or appointed boards, councils, and commissions of the state, counties, municipalities, authorities, and special districts shall incur no civil liability and shall have immunity from suit as provided in s. 768.28 for acts or omissions by members relating to members' conduct of their official duties. It is the intent of the Legislature to encourage our best and brightest people to serve on elected and appointed boards, councils, and commissions.

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(4) This section may be cited as the "Florida Volunteer Protection Act."

Credits

Added by Laws 1993, c. 93-139, § 1; Laws 1996, c. 96-399, § 50. Amended by Laws 2011, c. 2011-190, § 1, eff. July 1, 2011.

Notes of Decisions (8)

West's F. S. A. § 768.1355, FL ST § 768.1355

Current with laws, joint and concurrent resolutions and memorials through March 22, 2024, in effect from the 2024 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

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West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)

Chapter 943. Department of Law Enforcement (Refs & Annos)

West's F.S.A. § 943.04

*Basic Circuit EB
a43.17*

943.04. Criminal Justice Investigations and Forensic Science

Program; creation; investigative, forensic, and related authority

Effective: July 1, 2017

Currentness

(1) There is created a Criminal Justice Investigations and Forensic Science Program within the Department of Law Enforcement. The program shall be supervised by personnel who shall be employed by the department upon the recommendation of the executive director. Such personnel shall supervise, direct, coordinate, and administer activities of the program which are assigned by the executive director.

(2)(a) In carrying out the investigative services of the Criminal Justice Investigations and Forensic Science Program and under appropriate rules and regulations adopted by the department, upon written order of the Governor, or by direction of the Legislature acting by a concurrent resolution; and at the direction of the executive director, the department may investigate violations of any of the criminal laws of the state, and shall have authority to bear arms, make arrests and apply for, serve and execute search warrants, arrest warrants, capias, and other process of the court.

(b) Investigations may also be conducted in connection with the faithful execution and effective enforcement of the laws of the state with reference to organized crime, vice, racketeering, rioting, inciting to riot, and insurrection.

(c) The department may also engage in such other investigative activities as will aid local law enforcement officers in preventing or solving crimes and controlling criminal activity.

(d) All investigators employed by the department shall be considered law enforcement officers for all purposes. The executive director shall have the authority to designate the person occupying any appropriate position within the department as a law enforcement officer, if such person is qualified under the department's personnel regulations relating to agents and is certified pursuant to s. 943.1395(1), and all persons thus employed by the department shall be considered law enforcement officers for all purposes and shall be entitled to the privileges, protection, and benefits of ss. 112.19, 121.051, 122.34, and 870.05.

(3) Whenever it shall appear to the department that there is cause for the prosecution of a crime, the department shall refer the evidence of such crime to the officials authorized to conduct the prosecution.

(4)(a) The department is authorized to establish regional violent crime investigation coordinating teams composed of persons including, but not limited to, forensic investigators and law enforcement officers from both state and local criminal justice agencies. The functions of a regional violent crime investigation coordinating team include:

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1. Responding to violent crimes in a timely and comprehensive manner, utilizing analytic, forensic, investigative, and technical expertise and equipment to provide key support to local law enforcement agencies undertaking difficult violent crime investigations.

2. Facilitating communication and coordination among state and local criminal justice agencies, including facilitating and coordinating the use of state law enforcement resources for concentrated task force efforts in violent crime investigations constituting emergency situations within the region.

(b) Upon the request of a sheriff, a police chief, or other appropriate law enforcement administrator, the executive director may deploy a regional violent crime investigation team to assist a law enforcement agency in a violent crime investigation.

 (5) In carrying out the services of the Criminal Justice Investigations and Forensic Science Program and under appropriate rules and regulations adopted by the department, the department may:

(a) Adopt and recommend cooperative policies for coordinating the law enforcement work of all state, county, and municipal agencies that are responsible for law enforcement.

 (b) Assist local law enforcement agencies by providing consultation, research, and planning assistance, training, and field technical services and engage in other activities to aid local law enforcement officers in preventing and solving crimes and controlling criminal activity.

(c) Provide forensic services to state, local, and other law enforcement agencies and criminal justice agencies and adopt policies, procedures, and standards for operating state-operated crime laboratories.

(6)(a) In furtherance of the duties and responsibilities of the inspector general under s. 944.31, if the Department of Law Enforcement is conducting an investigation or assisting in the investigation of an injury to or death of an inmate which occurs while the inmate is under the custody or control of the Department of Corrections, the department is authorized to, before the initiation of a criminal proceeding relating to such injury or death, issue in writing and serve upon the Department of Corrections an investigative demand seeking the production of the inmate's protected health information, medical records, or mental health records as specified in s. 945.10(1)(a). The department shall use such records for the limited purpose of investigating or assisting in an investigation of an injury to or death of an inmate for which the records were requested. Any records disclosed pursuant to this subsection remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution in accordance with s. 945.10(2).

(b) The investigative demand must be specific and limited in scope to the extent reasonably practicable in light of the purpose for which the protected health information or records are sought and must include a certification that:

1. The protected health information or records sought are relevant and material to a legitimate law enforcement inquiry;

2. There is a clear connection between the investigated incident and the inmate whose protected health information and records are sought; and

Appendix P - Total of 2 pages

West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)
Chapter 943. Department of Law Enforcement (Refs & Annos)

West's F.S.A. § 943.131

943.131. Temporary employment or appointment; minimum basic recruit training exemptions

(2)b

Effective: July 1, 2021

Currentness

(1)(a) An employing agency may temporarily employ or appoint a person who complies with the qualifications for employment in s. 943.13(1)-(8), but has not fulfilled the requirements of s. 943.13(9) and (10), if a critical need exists to employ or appoint the person and such person is or will be enrolled in the next approved basic recruit training program available in the geographic area or that no assigned state training program for state officers is available within a reasonable time. The employing agency must maintain documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must attend the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. A person temporarily employed or appointed as an officer under this subsection must begin basic recruit training within 180 consecutive days after employment. Such person must fulfill the requirements of s. 943.13(9) within 18 months after beginning basic recruit training and must fulfill the certification examination requirements of s. 943.13(10) within 180 consecutive days after completing basic recruit training. A person hired after he or she has commenced basic recruit training or after completion of basic recruit training must fulfill the certification examination requirements of s. 943.13(10) within 180 consecutive days after completion of basic recruit training or the commencement of employment, whichever occurs later.

(b) In no case may the person be temporarily employed or appointed for more than 30 months. A person shall not be eligible to transfer to another employer while employed pursuant to this subsection. However, a person who is temporarily employed or appointed and is attending the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Fails or withdraws from a basic recruit training program within the time limits specified in this subsection;

2. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program within the time limits specified in this subsection; or

3. Is separated from employment or appointment by the employing agency within the time limits specified in this subsection.

(c) No person temporarily employed or appointed under the provisions of this subsection may perform the duties of an officer unless he or she is adequately supervised by another officer of the same discipline. The supervising officer must be in full compliance with the provisions of s. 943.13 and must be employed or appointed by the employing agency.

Appendix O- Total of 2 pages

(d) Persons employed under this subsection are subject to the provisions of s. 943.1395.

(e) Persons who have had a certification administered pursuant to s. 943.1395 revoked by the commission or have voluntarily relinquished such certification shall be ineligible for employment pursuant to this subsection.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency, training center, or criminal justice selection center must verify and document that the applicant has:

(a) Successfully completed a comparable basic recruit training program for the discipline in which the applicant is seeking certification in another state or for the Federal Government or a previous Florida basic recruit training program. Further, the employing agency, training center, or criminal justice selection center must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment or was a previously certified Florida officer provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section. The employing agency, training center, or criminal justice selection center shall submit documentation of satisfaction of this requirement to the commission; or

(b) Served in the special operation forces for a minimum of 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience, as measured from the separation date from the special operations forces to the time a complete application for an exemption under this subsection is submitted. The employing agency, training center, or criminal justice selection center shall further verify and document the specific training and experience the applicant received during his or her special operations forces service that is relevant to law enforcement. The employing agency, training center, or criminal justice selection center shall submit documentation of satisfaction of these requirements to the commission.

(3) The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency, training center, or criminal justice selection center. The commission may require an exempt applicant to complete additional training as it deems appropriate based on the applicant's prior training and experience.

(4) Within 1 year after receiving an exemption, an applicant who is exempt from completing the commission-approved basic recruit training program must:

(a) Complete all additional required training as required by the commission.

(b) Demonstrate proficiency in the high-liability areas as defined by commission rule.

(c) Complete the requirements of s. 943.13(10).

If the proficiencies and requirements of s. 943.13(10) are not met within the 1-year period, the applicant must seek an additional exemption as provided in this subsection. Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8) and must fulfill the requirements of s. 943.13(10).

Appendix O - Total of 2 pages

West's Florida Statutes Annotated

Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Refs & Annos)

Chapter 943. Department of Law Enforcement (Refs & Annos)

(c)

West's F.S.A. § 943.0321

943.0321. The Florida Domestic Security and Counter-Terrorism Intelligence Center and the Florida Domestic Security and Counter-Terrorism Database

Effective: October 1, 2017

Currentness

(1)(a) There is created within the Department of Law Enforcement the Florida Domestic Security and Counter-Terrorism Intelligence Center.

(b) The Florida Domestic Security and Counter-Terrorism Database is created within the Florida Domestic Security and Counter-Terrorism Intelligence Center.

(2) The intelligence center shall:

(a) Gather, document, and analyze active criminal intelligence and criminal investigative information related to terrorism, as defined in s. 775.30, including information related to individuals or groups that plot, plan, or coordinate acts of terrorism, as defined in s. 775.30, and that operate within this state or otherwise commit acts affecting this state;

(b) Maintain and operate the domestic security and counter-terrorism database; and

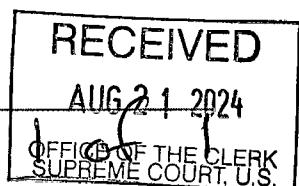
(c) Provide support and assistance to federal, state, and local law enforcement agencies and prosecutors that investigate or prosecute terrorism, as defined in s. 775.30.

(3)(a) The database shall include active criminal intelligence information and active criminal investigative information submitted by federal, state, or local law enforcement agencies and prosecutors and information that is available from other law enforcement databases.

(b) The database shall be capable of performing data review and processing that may reveal patterns, trends, and correlations indicative of potential or actual terrorism activity within or affecting this state.

(c) The department shall establish methods and parameters by which information and data are transferred to the department for inclusion in the database. Information developed in or through the use of the database shall be made available to federal, state, and local law enforcement agencies and prosecutors in a manner defined by the department and as allowed by state or federal law or rule.

Appendix Q - Total of 1 page



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

July 2, 2024

BRUCE K. FLORENCE, III,
Petitioner(s)

v.

STATE OF FLORIDA,
Respondent(s).

CASE NO. - 4D2024-1377
L.T. No. - 312021CF000011A

BY ORDER OF THE COURT:

ORDERED that Petitioner's June 28, 2024 motion is stricken as not in compliance with Florida Rule of Appellate Procedure 9.420(d) in that there is no certificate of service or the certificate of service does not comply in substance with the requirements of Florida Rule of General Practice and Judicial Administration 2.516(f). You are notified of the requirement to serve the Attorney General's Office with a copy of everything you file with this court and to indicate in the certificate of service that you served the Attorney General's Office at the address below. The address is:

Department of Legal Affairs
1515 North Flagler Drive,
Suite 900
West Palm Beach, Florida 33401

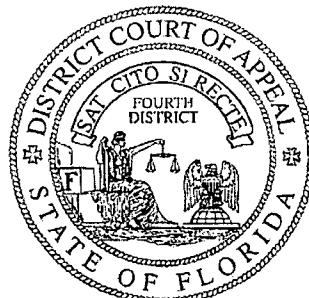
Petitioner may re-file the document with a proper certificate of service which indicates service on the Attorney General's Office within fifteen (15) days from the date of this order.

Served:
Crim App WPB Attorney General
Bruce Florence
Indian River State Attorney

CT

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.

Lonn Weissblum
LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2024-1377 July 2, 2024



1 of 1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

June 18, 2024

BRUCE K. FLORENCE, III,
Petitioner(s)
v.

CASE NO. - 4D2024-1377
L.T. No. - 312021CF000011A

STATE OF FLORIDA,
Respondent(s).

BY ORDER OF THE COURT:

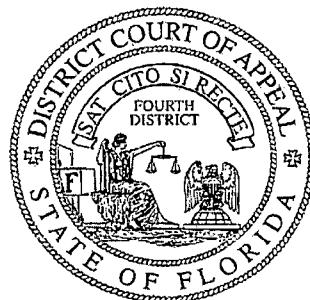
ORDERED sua sponte that Petitioner's June 17, 2024 "Motion for Post Conviction Relief Florida Rule 3.850a1" and "Motion to Dismiss Florida Rule 3.19004" are stricken as unauthorized without prejudice to filing a proper post-disposition motion in this court.

Served:
Crim App WPB Attorney General
Bruce Florence
Indian River State Attorney

CT

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.

Lonn Weissblum
4D2024-1377
LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2024-1377 June 18, 2024



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