

No.

25-593

Supreme Court, U.S.
FILED

OCT 22 2025

OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

GERALD SCOTT,

Petitioner,

v.

BOCA LANDINGS
HOMEOWNERS ASSOCIATION,

Respondent.

**On Petition for Writ of Certiorari
to the District Court of Appeal,
Fourth District, State of Florida**

PETITION FOR WRIT OF CERTIORARI

GERALD SCOTT
18768 Caspian Circle
Boca Raton, FL 33496
(561) 465-4783
gescott926@gmail.com

Petitioner Pro Se

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Does a state supreme court's practice of summarily denying discretionary review of Per Curium Affirmance (PCA), involving a Statute of Limitation defense, where the refusal to apply State Statute is challenged in violation of due process under the Fourteenth Amendment operate to deny a litigant property without due process of law?
2. Does a state's discretionary review system, which lacks transparency and consistently denies review to "pro Se" litigants raising federal questions concerning a lower court's disregard for state statute, violate the Equal Protection Clause of the Fourteenth Amendment by denying such litigants meaningful access to the courts?
3. Does a state Supreme Court discretionary review process, applied arbitrarily or inconsistently to the detriment of litigants raising federal claims, violate the Equal Protection Clause of the Fourteenth Amendment?

PARTIES TO PROCEEDINGS

Petitioner: Gerald Scott

Respondent: Boca Landings
Homeowners Association

RELATED PROCEEDINGS

*Boca Landings Homeowners Association v
Gerald Scott*, 50-2023-CC-005101XXXX-MB,
Circuit Court of the Fifteenth Judicial Circuit,
Palm beach County Florida (September 26 2024)

*Gerald Scott v Boca Landings Homeowners
Association* Florida Fourth District Court of
Appeal, No. 4D2024-2737 (May 14, 2025)

*Gerald Scott v Boca Landings Homeowners
Association* Florida Supreme Court, SC2025-
1081(July 24, 2025). Petition for Review
dismissed by the Clerk.

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OPINIONS BELOW

1. State Supreme Court Decision

Name of Court: Florida Supreme Court

Date of Decision: July 24, 2025

Citation or Docket Number: SC2025-1081.

Nature of Ruling: Denying Discretionary Review of the Florida District Court of Appeal PCA, declining to certify conflicts with Florida Statutes, precedent, other district courts and the Florida Supreme Court without a written explanation.

2. Intermediate Appellate Court Decision

Name of Court: Florida Fourth District Court of Appeal

Date of Decision: May 14, 2025

Citation or Docket Number: No. 4D2024-2737

Nature of Ruling: Affirmed trial Court's ruling; PER CURIAM. *Affirmed. Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150 (Fla. 1979).

3. Trial Court Decision

Name of Court: Circuit Court of the Fifteenth Judicial Circuit, Palm beach County Florida

Date of Decision: May 22 2024

Citation or Docket Number: 50-2023-CC-005101XXXX-MB

Nature of Ruling: Final Judgment granting foreclosure judgment of \$27,531.88 in favor of Respondent

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. §1257(a), to review the final judgment rendered by the Supreme Court of Florida on July 24 , 2025, when it denied discretionary review. This judgment of the highest court of the state presents substantial federal questions concerning due process and equal protection under the fourteenth amendment. The timing is calculated from the denial of discretionary review by the highest state court.

Relevant Dates

22nd October, 2024: Appellant (Petitioner) appealed to the 4th District Court of Appeal, the final foreclosure judgment of 26th September 2024, rendered by the trial court.

May 14th 2025, the 4th District Court of Appeal issued a Per Curium Affirmance (PCA) on the appeal to the foreclosure judgment rendered by the trial Court on 26th September 2024, without a written opinion.

May 19th 2025 Appellant (Petitioner) filed a motion for issuance of a written opinion and, separately, for rehearing and rehearing en banc.

June 5, 2025 the 4th District Court of Appeal denied Appellant's (Petitioner's) motion for issuance of a written opinion and, separately, for rehearing and rehearing en banc

June 16 2025, Appellant (Petitioner) filed a motion requesting a reconsideration of the order of the 4th District Court of Appeal denying Appellant's (Petitioner's) motion of May 19, 2025 for issuance of a written opinion and, separately, for rehearing and rehearing en banc.

July 7, 2025 the 4th District Court of Appeal ordered sua sponte that Appellant's (Petitioner's) June 16, 2025 motion is stricken as unauthorized.

July 21, 2025 Petitioner filed a petition for a Writ of Certiorari to the Florida Supreme Court.

July 24 2025: the Clerk of the Florida Supreme court dismissed the petition for a Writ of Certiorari on the grounds that the Supreme Court lacked jurisdiction to review the petition.

July 31, 2025: petitioner filed a petition for a review of the Clerk of the Florida Supreme court's order dismissing the petition for a Writ of Certiorari.

August 5, 2025: the Clerk of the Florida Supreme court's struck as unauthorized the petition for a review (renamed petition for reinstatement) of the clerk's order to dismiss the petition for review of its order to strike the petition for a writ of Certiorari

August 29, 2025: Florida Supreme Court issued a notice on Aug 29, 2025 stating that it had declined to accept jurisdiction. The notice declared that the "petition for certification of questions of law to the Florida Supreme Court [was] stricken as unauthorized," and that the court's jurisdiction was closed and threatening sanctions for further filings. This final action by the state's highest

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. §1257(a)

"Final judgments or decrees of a State's highest Court in which a decision could be had may be reviewed by the Supreme Court via writ of Certiorari in specified circumstances.

US constitution Amendment V and XIV

(Due process and equal protection clauses)

The Fourteenth Amendment of the United States Constitution provides in relevant Part: “[N]or shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of laws.”

Fla Stat §95.11(2) (b)

Fla Stat §95.11(2) (b), provides in relevant part:

“Actions other than for the recovery of real property shall be commenced as follows”:

(2) WITHIN FIVE YEARS:

(b)..... action on a contract, obligation, or liability founded on a written instrument shall be governed by.....

Florida Rules of Appellate Procedure 9.200(b) (5)

Statement of Evidence or Proceedings. If no report of the proceedings was made, or if the transcript is unavailable, a party may prepare a statement of the evidence or proceedings from the best available means, including the party’s recollection. The statement must be served on all other parties, who may serve objections or proposed amendments to it within 15 days of service. Thereafter, the statement and any objections or proposed amendments must be filed with the lower tribunal for settlement and approval. As settled and approved, the statement must be included by the clerk of the lower tribunal in the record.

Florida Constitution, Article V, Section §3(b) (3)

States in relevant part that the Florida Supreme

Court: “May review any decision that: conflicts with another District Court or Supreme Court decision on the same legal question”

STATEMENT OF THE CASE

This case concerns the action brought by the respondent Boca Landings Homeowners Association (BLHOA), against Petitioner, Gerald Scott, regarding a property in Palm Beach county Florida. The underlying action began in the Circuit Court of the Fifteenth judicial Circuit, Palm Beach county Florida, under Case No. 50-2023-CC-005101 XXXX-MB. On May 5, 2024 respondent, Boca Landings Homeowners Association (BLHOA) filed a complaint alleging unpaid assessment dating back to January 4, 2016. In that court, Petitioner raised the defense that the foreclosure action was barred by the applicable statute of limitation under Florida statute Fla. Stat §95.11(2) (b), which imposes a five-year statute of Limitation for actions on written contracts. Despite this on September 26 2024 the trial court entered a final judgment of foreclosure of \$27,531.88 in favor of respondent, effectively depriving Petitioner of his property interest without proper application of the law. The disregard of the mandatory statute of limitation by the trial granting judgment against Petitioner is the first procedural error and denial of due process right of Petitioner.

Petitioner then appealed this judgment to the Florida Fourth District Court of Appeal (DCA). In that appeal, due to the unavailability of a complete trial transcript, petitioner filed a Narrative Statement of Procedure (NSOP) pursuant to Florida Rule of Appellate Procedure 9.200(b) (5), documenting the

relevant facts and arguments from the trial including the statute of limitation. The DCA accepted and included the NSOP in the record. In the appeal Petitioner raised the PCA conflict with precedent and the NSOP as a due process issue. Nevertheless, on May 14 2025, the DCA issued *per curium* affirmance (PCA), citing *Applegate v Barnett bank of Tallahassee*, without a written opinion or any indication that it considered the facts presented in the NSOP or the statute of limitation issue. BLHOA never once mentioned the words “statute of limitation” during the trial or on any pleadings. The fact that the PCA relies on *Applegate* means it affirms “without opinion or comment.” This is not an internal Florida issue, but a practice that obstructs federal review and denies fair process.

Seeking to remedy this procedural injustice Petitioner filed for a discretionary review with the Florida Supreme Court, arguing that the PCA directly conflicted with Florida statute and precedent and effectively affirmed the lower court disregard of the statute of limitation. Petitioner also highlighted the federal due process implication of having a court disregard a mandatory statute of limitation and the denial of review without explanation. This conflict, Petitioner argued, showed the state’s arbitrary application of law, a denial of equal protection, and a violation of due process.

On July 24, 2025 the Florida Supreme Court denied discretionary review without opinion. Subsequently, the clerk of the Florida Supreme Court issued a notice on Aug 29, 2025 stating that it had declined to accept jurisdiction. The notice declared that the “petition for certification of questions of law to the Florida

Supreme Court [was] stricken as unauthorized,” and that the court’s jurisdiction was closed and threatening sanctions for further filings. This final action by the state’s highest court cemented Petitioner’s inability to obtain meaningful appellate review of a lower court’s refusal to apply a mandatory statute, in effect affirming a deprivation of due process. In the Petition to the Florida Supreme Court Petitioner argued the constitutional implications of denying discretionary review that denied petitioner a fair hearing.

The Florida Courts handling of this matter raises substantial questions concerning the application of state law and appellate procedure in a manner that implicates the 14th Amendment guarantee of Due process and equal protection. The PCA subsequent denial of discretionary review particularly given the state law conflicts and impact on Petitioner’s property right, are central to this petition.

REASONS FOR GRANTING THE PETITION

A. Conflict with Binding Precedent and Statutory law in Appeal Courts

The PCA issued by the 4th DCA directly conflicts with established Florida precedent interpreting Fla stat §95.11(2) (b), Florida Rule of Appellate Procedure 9.200(b) (5), and prior rulings from other Florida appellate Courts and the Florida Supreme Court. The refusal of the Florida Supreme Court to certify this conflict undermines the uniform application of state law, violates due process, denies litigants a coherent legal standard and the conflict cannot be resolved or reviewed. Despite the case implicating clear conflicts with

Florida Statutes the 4th DCA issued a PCA without written opinion providing no reasoning, no legal analysis, and no acknowledgment of these statutory violations. As a result the petitioner was denied a meaningful opportunity to challenge violations of the lower court's ruling or seek further review based on identifiable legal error.

Article V Section §3(b) (3) of the Constitution of Florida grants the Florida Supreme Court jurisdiction to review decisions that expressly or directly conflicts with other district courts or the Supreme Court itself. In this case, the PCA conflicts with established precedent from other Florida District Courts and prior rulings of the Florida Supreme Court on the interpretation and application of Fla St §95.11(2) (b), and Florida Rule of Appellate Procedure 9.200(b) (5), yet the Florida Supreme Court declined to certify conflict or provide any explanation, creating a breakdown in uniformity and undermining its constitutional role as the final arbiter of Florida law.

B. Denial of Due Process and Access to Appellate Review

By refusing to entertain jurisdiction or certify the conflict, the Florida Supreme Court effectively denied petitioner access to appellate review. This raises serious due process concerns under the Fourteenth Amendment, especially where the lower court's decision implicates statutory and constitutional protections.

The Florida Supreme Court doctrine as applied, violates the due process clause of the Fourteenth Amendment which guarantees not only notice and hearing, but a fair and transparent adjudication of

legal claims. See *Mullane v. Central Hanover Bank and Trust Co.*, 339 US 306 (1950), *Gideon v. Wainwright*, and *Caperton v. A.T. Massey Coal Co.*, 556 US 868(2009).

The Fourteenth Amendment guarantees due process of law, which includes the right to meaningful appellate review when substantial legal rights are at stake. The combination of a PCA without explanation and the Florida Supreme Court refusal to certify conflict, effectively foreclosed all avenues of legal redress. This procedural posture is particularly troubling where the underlying decision contradicts binding statutes and precedent. The petitioner was denied not only a fair hearing but also the ability to challenge the ruling in a meaningful way.

The issue of a PCA without written opinion becomes constitutionally problematic when it disregards binding statutory provisions and denies litigants a meaningful opportunity to be heard. Petitioner's case involved clear conflicts with:

- 28 U.S.C. 1257(a)
- US constitution Amendment V and XIV
- Fla Stat §95.11(2)(b)
- Florida Rules of Appellate Procedure 9.200(b) (5),
- Florida Constitution, Article V, Section §3(b) (3) Florida Constitution, Article V, Section §3(b) (3) which outlines the Supreme Court's jurisdiction over decisions that expressly affect constitutional of statutory interpretation.

C. Systemic Implications of PCA Practice

The widespread use the PCA practice

undermines uniformity in Florida law and has been criticized for obscuring legal reasoning and preventing meaningful appellate scrutiny. This case presents an opportunity to help ensure uniformity and for the court to address whether such practices conform to federal constitutional guarantees of fairness and transparency in judicial proceedings. The Florida constitution under Article V, section 3(b) (3), charges the Florida Supreme Court with the responsibility to ensure uniformity in the interpretation of law across the state's appellate districts. When DCAs issue PCAs without written opinions even in cases that conflict with established precedent - they effectively bypass this constitutional safeguard. Petitioner's case exemplifies this breakdown. The 4th DCA affirmed a decision that contradicts binding precedent interpreting Florida Statute §95.11(2) (b) and rule 9.200(b) (5), yet did so without explanation. The Florida Supreme Court declined review, citing no conflict, despite the clear statutory and constitutional tension. This leaves litigants in different districts subject to inconsistent legal standards, violating the principle of equal protection and eroding public confidence in the judiciary. Uniformity is not merely a procedural ideal - it is a constitutional imperative. Without it, the rule of law fragments, and justice becomes geographically arbitrary. This Court's review is necessary to restore coherence and consistency in Florida's appellate system.

This case raises issues of systemic importance affecting Florida's judicial integrity. Petitioner's

experience is not isolated. The issue of PCAs without written opinions has become a routine practice in Florida's appellate courts, creating a system where legal errors persist without explanation, correction, or accountability. This practice disproportionately affects pro se litigants, civil rights claimants, and those challenging government action- groups for whom access to meaningful appellate review is critical.

The lack of written opinion prevents uniform application of law not only —undermines transparency and accountability but also creates a dangerous precedent for other states and undermines public confidence in the judiciary,

D. Importance of Clarifying State Supreme Court Obligations

Article V, Section §3(b) (3) of the Florida Constitution provides that the Florida Supreme Court “shall” review decisions that expressly conflict with other District courts or the Florida Supreme Court itself. The refusal to act in this case raises questions about the enforceability of that mandate and the rights of litigants to invoke it. The discretionary jurisdiction under Article V, Section §3(b) (3) must be exercised consistently to avoid arbitrary outcomes.

E. Importance of Procedural Fairness.

Petitioner made a good-faith effort with the NSOP under Florida rules of Appellate Procedure 9.200(b)(5) to provide a complete record despite missing transcript and ensure that appellate court had access to the factual context of the case. The 4th DCA ignored or failed

to engage that record. The court's PCA without written opinion and without reference to the NSOP, deprived petitioner of meaningful appellate review and raises serious due process concerns. The appellate court disregard of the NSOP implicates both state procedural rights and federal constitutional protections under the Fourteenth Amendment. The procedural denial under 9.200 (b) (5) raises federal questions about access to appellate review.

F. Correcting Judicial Errors

The PCA shields judicial errors that violate federal statutes from review and undermines public confidence in the judiciary. This practice when used to affirm decisions that conflicts with statutory mandates creates a black box of appellate review and lacks transparency, accountability, and fairness. Litigants receive no explanation for adverse rulings, no precedent to guide future conduct, and no opportunity to challenge legal errors. This practice is especially harmful when, as here, the PCA conflicts with established statutory and constitutional law. This creates a barrier to justice, undermines transparency and integrity in the appellate process, and erodes public trust.

The US Supreme Court has long recognized that transparency and accountability are essential components of due process. In *Gideon v. Wainwright*, 372 US 355(1963), the court intervened precisely because the state court had failed to provide a meaningful avenue for redress. The same principle applies here: when the state courts use procedural devices to avoid

The state's Court's procedural rule was used to evade addressing federal claim. The Florida courts by using a PCA and then refusing discretionary review, essentially used their state procedure to foreclose a federal due process claim before it could be fully addressed. The Florida judiciary has failed to provide a neutral forum for federal claims, thus warranting US Supreme court review.

The Florida Supreme Court (FSC) discretionary review process has been criticized by legal scholars as arbitrary, subjective, lacking in transparency and may deny reviews to litigants with meritorious claims. In contrast, several states (such as California, New York, Texas and Washington) practice greater transparency and allow PCA reviews. This case shows that despite a demonstrable clash between statutory and case law, the decision was not based on neutral principles. The process itself becomes a due process violation.

The Florida Supreme court clerk's order stating that "jurisdiction in this matter is closed" and that no further filings will be accepted unequivocally constitutes a final judgment. The clerk's order was not merely an administrative step but constitutes a conclusive determination that the highest court could not hear the case. The threat of sanctions for future filings reinforces the finality of the decision, signaling the end of the State Court's process in the case. This establishes the "final judgment" requirement of 28 U.S.C. 1257(a). This forces the federal issue into the open, makes it ripe for

Supreme Courts review and strengthens the Due process claim. Being shut out of the state appellate process in such a definitive and unreviewable manner (from the state's perspective) is evidence of a procedural due process violation.

CONCLUSION

The Florida Supreme Court refusal to certify jurisdiction over a PCA that conflicts with established precedent and statutory law raises serious constitutional concerns.

Petitioner respectfully submits that this case presents an important question of federal law that warrants this Court's review.

WHEREFORE, Petitioner Gerald Scott respectfully prays that a writ of certiorari be issued to review the judgment and opinion of the Florida Fourth District Court of Appeal and the subsequent denial of certiorari by the Florida Supreme Court, thereby reversing and remanding the decisions below.

Respectfully Submitted:

Petitioner: Gerald Scott
18768 Caspian Circle
Boca Raton
Florida 33496
Telephone: 561-465-4783
Email: gescott926@gmail.com