

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Doron Jockey Club, LLC v. The Jockey Club Condominium
Apartments, Inc.

No. 3D24-0930 · No. 3D24-0930 · Decided May 21, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court judgment in an appeal involving Doron Jockey Club, LLC and The Jockey Club Condominium Apartments, Inc. The court cited standards concerning competent substantial evidence, appellate review of weighing evidence, and implied permission to enter premises.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Fernandez; Gordo; Lobree
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	May 21, 2025
DOCKET	3D24-0930
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	The legal sufficiency of the judgment is reviewed for competent substantial evidence. An appellate court may not reweigh evidence already weighed by the trial court.
PRECEDENTIAL VALUE	Published
PARTIES	Doron Jockey Club, LLC v. The Jockey Club Condominium Apartments, Inc.

TOPICS

- real estate
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

- real estate
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the circuit-court judgment was supported by competent substantial evidence.
2. Whether the appellate court could reweigh evidence that had already been evaluated by the trial court.
3. Whether permission to enter premises may be implied from custom, usage, or conduct.

HOLDINGS

1. The circuit-court judgment was legally sufficient and was affirmed.
2. The appellate court was not entitled to reweigh evidence that had already been weighed by the trial court.
3. Permission to come upon premises may be implied from custom, usage, or conduct.

KEY QUOTATIONS

“An appellate court is not entitled to reweigh the evidence which was already weighed by the trial court.”

“Permission to come upon one’s premises may be implied from custom, usage or conduct.”

FACTUAL BACKGROUND

The two-page per curiam opinion does not recite the underlying factual background. It identifies the appeal as arising from a circuit-court judgment and affirms that judgment.

PROCEDURAL HISTORY

Doron Jockey Club appealed a circuit-court judgment. The Third District Court of Appeal affirmed without a separate factual or legal analysis, citing authorities concerning competent substantial evidence, appellate review of evidence, and implied permission to enter premises.

DISPOSITION

affirmed

CASES CITED

- Tibbs v. State, 397 So. 2d 1120, 1123 (Fla. 1981)
- Noonan v. Snipes, 569 So. 2d 1381, 1381 (Fla. 2d DCA 1990)
- Boston Mfrs. Mut. Ins. Co. v. Fornalski, 234 So. 2d 386, 387 (Fla. 4th DCA 1970)
- Crowell v. Fla. Power Corp., 438 So. 2d 958, 959 (Fla. 2d DCA 1983)
- Florida Publ'g. Co. v. Fletcher, 340 So. 2d 914, 917-19 (Fla. 1976)

OPINION

Doron Jockey Club, LLC, Etc. v. the Jockey Club Condominium Apartments, Inc., Etc.

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 21, 2025. Not final until disposition of timely filed motion for rehearing. No. 3D24-0930 Lower Tribunal No. 22-844-CA-01 Doron Jockey Club, LLC, etc., Appellant, vs. The Jockey Club Condominium Apartments, Inc., Appellee. An Appeal from the Circuit Court for Miami-Dade County, Lisa S. Walsh, Judge. Pierce Schultz PLLC, and Pierce Schultz (Boca Raton), for appellant. Armstrong Teasdale LLP, Marlon Weiss, Jeffrey R. Lam, and Glen H. Waldman, for appellee. Before FERNANDEZ, GORDO and LOBREE, JJ. PER CURIAM. Affirmed. See *Tibbs v. State*, 397 So. 2d 1120, 1123 (Fla. 1981) (providing that legal sufficiency of a judgment is reviewed for competent substantial evidence); *Noonan v. Snipes*, 569 So. 2d 1381, 1381 (Fla. 2d DCA 1990) (“[A]n appellate court is not entitled to reweigh the evidence which was already weighed by the trial court.”); *Boston Mfrs. Mut. Ins. Co. v. Fornalski*, 234 So. 2d 386, 387 (Fla. 4th DCA 1970) (“Permission to come upon one’s premises may be implied from custom, usage or conduct.”); see also *Crowell v. Fla. Power Corp.*, 438 So. 2d 958, 959 (Fla. 2d DCA 1983); *Florida Publ’g. Co. v. Fletcher*, 340 So. 2d 914, 917-19 (Fla. 1976). 2