

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Brown v. Florida Health Sciences Center, Inc.

No. 2D2024-1384 (Fla. 2d DCA Feb. 4, 2026) · No. 2D2024-1384 · Decided February 4, 2026

SUMMARY

The Florida Second District Court of Appeal reversed a final summary judgment for Tampa General Hospital in a negligence action arising from an attack by a hospital patient. The court held that material factual disputes remained regarding whether Brown was a trespasser or invitee and whether the hospital owed her a duty based on the foreseeable risk created by the patient's escalating behavior and the hospital's control over him.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	LaROSE, Judge; NORTHCUTT, Judge; KELLY, Judge
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	February 4, 2026
DOCKET	2D2024-1384
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a final summary judgment entered for TGH in a negligence action arising from an attack on Brown by another hospital patient.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is proper only when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published state intermediate appellate opinion
PARTIES	Valerie Brown v. Florida Health Sciences Center, Inc., d/b/a Tampa General Hospital

TOPICS

- summary judgment
- premises liability
- duty of care
- negligence
- standard of review

PRACTICE AREAS

- negligence
- premises liability
- personal injury
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Brown's status as a trespasser or invitee could be resolved in TGH's favor on summary judgment.
2. Whether material factual disputes existed concerning whether TGH owed Brown a duty of care to protect her from the patient's attack.
3. Whether the evidence, including the patient's escalating behavior and TGH's history of patient attacks, created a foreseeable zone of risk sufficient to preclude summary judgment.

HOLDINGS

1. Brown's status could not be resolved on summary judgment because whether she remained within a reasonable time to complete the purpose of her visit, and whether TGH allowed her to remain, presented material factual issues for the jury.
2. The evidence created a triable issue whether TGH owed Brown a duty of care to protect her from the patient's conduct; TGH was not entitled to summary judgment based on the patient's lack of a specific diagnosis or TGH's asserted lack of precise knowledge of the condition.
3. Summary judgment for TGH was improper because genuine disputes of material fact remained concerning Brown's status, TGH's control over the patient, foreseeability of the risk, and whether TGH owed Brown a duty of care.

KEY QUOTATIONS

"Where a defendant's conduct creates a foreseeable zone of risk, the law generally will recognize a duty placed upon defendant either to lessen the risk or see that sufficient precautions are taken to protect others from the harm that the risk poses." (7)

"For a duty to arise, TGH need not have actual knowledge of the precise condition that the patient presented." (8)

"The existence of unresolved material factual issues precluded summary judgment for TGH." (9)

FACTUAL BACKGROUND

TGH admitted an adult patient whose mother and hospital staff reported hallucinations, agitation, confusion, wandering, and increasingly erratic behavior. TGH placed him in the same room as Brown's father, who was recovering from spinal surgery, despite the patient's continued disruptive conduct and repeated attempts to leave his bed. Brown repeatedly expressed concern to TGH staff and requested assistance or that her father be moved, but staff left her in the room while the patient remained uncontrolled; the patient then attacked her. Evidence also showed at least thirty-nine documented patient attacks on others at TGH during the preceding five years, and Brown's experts opined that TGH should have used restraints and additional psychiatric and security personnel.

PROCEDURAL HISTORY

Brown sued TGH for negligence, alleging that TGH failed to protect her from an unstable patient's attack. The circuit court granted TGH's motion for summary judgment, ruling that Brown was a trespasser and, alternatively,

that TGH owed her no duty and that the attack was not within a foreseeable zone of risk. Brown moved for reconsideration or rehearing, which the trial court partially denied while clarifying its reasoning. The Second District reversed because unresolved material factual issues precluded summary judgment.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The final summary judgment in favor of TGH is reversed. The unresolved factual issues are to be resolved in further proceedings, including by a jury where appropriate.

CASES CITED

- Post v. Lunney, 261 So. 2d 146, 147 (Fla. 1972)
- Fision Corp. v. Frueh, 369 So. 3d 1211, 1215 (Fla. 2d DCA 2023)
- SHM Cape Harbour, LLC v. Realmark META, LLC, 335 So. 3d 754, 758-59 (Fla. 2d DCA 2022)
- Lynn v. City of Fort Lauderdale, 81 So. 2d 511, 513 (Fla. 1955)
- Coolen v. State, 696 So. 2d 738, 742 n.2 (Fla. 1997)
- Byers v. Radiant Grp., L.L.C., 966 So. 2d 506, 509 (Fla. 2d DCA 2007)
- Arp v. Waterway E. Ass'n, 217 So. 3d 117, 120 (Fla. 4th DCA 2017)
- Wood v. Camp, 284 So. 2d 691, 695-96 (Fla. 1973)
- Bottita v. Fla. Power & Light Co., 534 So. 2d 1198, 1199 (Fla. 4th DCA 1988)
- Ruiz v. Wendy's Trucking, LLC, 357 So. 3d 292, 299, 301 (Fla. 2d DCA 2023)
- Knight v. Waltman, 774 So. 2d 731, 733 (Fla. 2d DCA 2000)
- Johnson v. Wal-Mart Stores E., LP, 389 So. 3d 705, 709 (Fla. 4th DCA 2024)
- McCain v. Fla. Power Corp., 593 So. 2d 500, 502 (Fla. 1992)
- Sturgill v. Lucas, 292 So. 3d 462, 465-66 (Fla. 2d DCA 2020)
- Boynton v. Burglass, 590 So. 2d 446, 448 (Fla. 3d DCA 1991)
- Estate of Rotell ex rel. Rotell v. Kuehnle, 38 So. 3d 783, 789-90 (Fla. 2d DCA 2010)
- Demelus v. King Motor Co. of Fort Lauderdale, 24 So. 3d 759, 761 (Fla. 4th DCA 2009)
- Nova Univ., Inc. v. Wagner, 491 So. 2d 1116, 1118 (Fla. 1986)