

SUPREME COURT OF FLORIDA

Martinez v. Florida Power & Light Company

863 So. 2d 1204 (Fla. 2003) · No. SC01-1505 · Decided December 18, 2003

SUMMARY

The Supreme Court of Florida quashed the district court’s decision affirming judgment on the pleadings for Florida Power & Light Company in a negligence action arising from an inoperative streetlight and a child’s death. The court remanded for proceedings consistent with Clay Electric, including consideration of whether the utility assumed a specific legally recognized duty to maintain the streetlight with due care.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Anstead, Chief Justice; Pariente, Justice; Lewis, Justice; Quince, Justice; Shaw, Senior Justice; Cantero, Justice; Wells, Justice
JURISDICTION	Florida
DECIDED	December 18, 2003
DOCKET	SC01-1505
DISPOSITION	quashed
PROCEDURAL POSTURE	The Supreme Court of Florida reviewed a district court decision affirming the circuit court's grant of Florida Power & Light Company's motion for judgment on the pleadings in a negligence action arising from an inoperative streetlight.
STANDARD OF REVIEW	De novo review applies on remand; a motion for judgment on the pleadings is evaluated under the same standard as a motion to dismiss for failure to state a cause of action, accepting well-pleaded material allegations and fair inferences as true.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Ivan Martinez, et al., as personal representatives of Albert Martinez's estate v. Florida Power & Light Company

TOPICS

- negligence
- duty of care
- motion for judgment on the pleadings
- appellate procedure
- standard of review

PRACTICE AREAS

torts

negligence

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly granted Florida Power & Light Company's motion for judgment on the pleadings in the negligence action.
2. Whether the district court's affirmance should be quashed in light of the Supreme Court of Florida's contemporaneous decision in *Clay Electric Cooperative, Inc. v. Johnson* concerning a utility's potentially assumed duty to maintain streetlights.
3. What standard governs review of the judgment on the pleadings on remand.

HOLDINGS

1. The Supreme Court of Florida quashed the district court's decision and remanded for proceedings consistent with *Clay Electric*, which recognized that a utility may assume a specific, legally recognized duty to act with due care in maintaining streetlights.
2. On remand, review is *de novo*, and the court must treat all well-pleaded material allegations and fair inferences from the complaint as true and determine whether the complaint states a cause of action.

KEY QUOTATIONS

"In passing on such motion made by defendant all well pleaded material allegations of the complaint and all fair inferences to be drawn therefrom must be taken as true and the inquiry is whether the plaintiff has stated a cause of action by his complaint." (863 So. 2d at 1205)

"The test we apply in this instance is the same as if defendant has made a motion to dismiss the complaint for 'failure to state a cause of action'...." (863 So. 2d at 1205)

FACTUAL BACKGROUND

On November 4, 1996, Albert Martinez was crossing a two-lane road in early evening darkness when a sport utility vehicle struck and killed him. The collision occurred in an area where a streetlight was inoperative. His parents, acting as personal representatives of his estate, asserted a negligence claim against Florida Power & Light Company, the streetlight maintenance company.

PROCEDURAL HISTORY

The decedent's parents, acting as personal representatives of his estate, sued Florida Power & Light Company and others for negligence. The circuit court granted Florida Power & Light's motion for judgment on the pleadings, and the Third District Court of Appeal affirmed. The Supreme Court accepted review based on express and direct conflict, subsequently approved the relevant decisions in *Clay Electric*, and quashed the decision below.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The decision of the Florida Third District Court of Appeal is quashed, and the case is remanded for proceedings consistent with *Clay Electric Cooperative, Inc. v. Johnson*, applying de novo review and the stated judgment-on-the-pleadings standard.

CASES CITED

- *Martinez v. Florida Power & Light Co.*, 785 So. 2d 1251 (Fla. 3d DCA 2001)
- *Clay Electric Cooperative, Inc. v. Johnson*, Nos. SC01-1955 & SC01-1956, 2003 WL 22966277 (Fla. Dec. 18, 2003)
- *Johnson v. Lance, Inc.*, 790 So. 2d 1144 (Fla. 1st DCA 2001)
- *Lance, Inc. v. Johnson*, 790 So. 2d 1163 (Fla. 1st DCA 2001)
- *Reinhard v. Bliss*, 85 So. 2d 131, 133 (Fla. 1956)
- *Armstrong v. Harris*, 773 So. 2d 7, 11 (Fla. 2000)

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