

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Brandon McConico v. Liquor Master, Inc., d/b/a Liquor Master #5,
Orange Liquors, Inc., and Blake Carlton Property, LLC

McConico · No. 6D2024-0999 · Decided May 15, 2026

SUMMARY

The Sixth District Court of Appeal of Florida affirmed the circuit court’s decision in favor of the appellees. The court relied on *Barrio v. City of Miami Beach*, concluding that an uninvited licensee faces an open and obvious danger from criminal assaults for which there is no duty to warn.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Nardella, J.; White, J.; Brownlee, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	May 15, 2026
DOCKET	6D2024-0999
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Orange County.
PRECEDENTIAL VALUE	published
PARTIES	Brandon McConico v. Liquor Master, Inc., d/b/a Liquor Master #5, Orange Liquors, Inc., Blake Carlton Property, LLC

TOPICS

- premises liability
- duty of care
- appellate procedure

PRACTICE AREAS

- premises liability
- personal injury
- appellate procedure

QUESTIONS PRESENTED

- Whether the circuit court correctly resolved the premises-liability duty issue involving an uninvited licensee and the danger of criminal assault.

HOLDINGS

1. As a matter of law, no duty to warn an uninvited licensee exists for the danger of crime and criminal assaults when that danger is open and obvious.

KEY QUOTATIONS

“the danger of crime and criminal assaults is an open and obvious danger for which there is no duty to warn”

FACTUAL BACKGROUND

The opinion provides no detailed factual recitation. Its cited rationale concerns whether a property owner or occupier owed a duty to warn an uninvited licensee of the danger of crime and criminal assaults.

PROCEDURAL HISTORY

McConico appealed a decision of the Orange County Circuit Court. The Sixth District Court of Appeal affirmed without an extended opinion, citing *Barrio v. City of Miami Beach*.

DISPOSITION

affirmed

CASES CITED

- *Barrio v. City of Miami Beach*, 698 So. 2d 1241, 1244 (Fla. 3d DCA 1997)

OPINION

Brandon McConico v. Liquor Master, Inc., D/B/A Liquor Master 5, Orange Liquors, Inc. and Blake Carlton Properties

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 6D2024-0999 Lower Tribunal No. 2021-CA-010459-O _____

BRANDON MCCONICO,

Appellant, v.

LIQUOR MASTER, INC., d/b/a LIQUOR MASTER #5, ORANGE LIQUORS, INC., and
BLAKE CARLTON PROPERTY, LLC,

Appellees. _____ Appeal from the Circuit Court for Orange County.

Eric J. Netcher, Judge. May 15, 2026 PER CURIAM. AFFIRMED. See *Barrio v. City of Miami Beach*, 698 So. 2d 1241, 1244 (Fla. 3d DCA 1997) (finding as a matter of law that the city breached no duty to plaintiff because, as to uninvited licensees, “the danger of crime and criminal assaults is an open and obvious danger for which there is no duty to warn”). NARDELLA, WHITE and BROWNLEE, JJ., concur. Erin P. Newell, of Open Book Appeals, Fort Lauderdale,

and Bruce W. Batts, of Batts Law Group, P.L.L.C., Orlando, for Appellant. Eleanor H. Sills, of Banker Lopez Gassler, P.A., Tallahassee, and Ezequiel Lugo, of Banker Lopez Gassler, P.A., Tampa, for Appellees.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED

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