

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Mills v. Kinnan and Pumphrey v. Kinnan

Mills and Pumphrey · No. Nos. 2D2024-0891, 2D2024-0896 · Decided April 4, 2025

SUMMARY

The Florida Second District Court of Appeal consolidated Rick Mills's and Troy Pumphrey's petitions for certiorari review of an order denying their motions for summary judgment. The court held that the petitioners were entitled to common-law absolute immunity from the Kinnans' malicious prosecution claims because the claims were based on allegedly false statements made within the scope of the petitioners' official duties. The court granted the petitions and quashed the challenged portion of the trial court's order.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Atkinson, J.; Northcutt, J.; Khouzam, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	April 4, 2025
DOCKET	Nos. 2D2024-0891, 2D2024-0896
DISPOSITION	quashed
PROCEDURAL POSTURE	Petitions for writ of certiorari seeking review of an order denying the petitioners' motions for summary judgment on their claimed entitlement to common-law absolute immunity from malicious prosecution claims.
STANDARD OF REVIEW	Certiorari requires a departure from the essential requirements of law, resulting in material injury for the remainder of the proceedings that cannot be corrected on postjudgment appeal. The latter two elements are jurisdictional and must be considered first. When the record conclusively demonstrates that a public official is entitled to immunity from suit, denying summary judgment on that ground is a departure from the essential requirements of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Rick Mills, Troy Pumphrey v. Joseph Kinnan, Linda Kinnan

TOPICS

writ of certiorari

summary judgment

appellate procedure

civil procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the denial of common-law absolute immunity is reviewable by certiorari because immunity protects public officials from having to defend a suit at all.
2. Whether public officials are absolutely immune from malicious prosecution claims when the claims are premised on allegedly false statements made or caused to be made within the scope of their official duties.
3. Whether allegedly false, misleading, malicious, or legally insufficient reports take conduct outside the scope of a public official's duties.

HOLDINGS

1. The court has certiorari jurisdiction to review the trial court's denial of Mills's and Pumphrey's claimed absolute immunity because immunity from suit protects them from having to defend the action at all, and that injury cannot be remedied by an appeal after final judgment.
2. A public official's absolute immunity is determined by the underlying conduct rather than the label of the cause of action. When a malicious prosecution claim is premised on allegedly false statements made within the scope of the official's duties, absolute immunity protects the official from the claim.
3. The record conclusively established that Mills's and Pumphrey's investigations, preparation of misconduct reports, and communications to the Department of Education occurred within the scope of their respective official duties.
4. The alleged falsity, misleading nature, maliciousness, or legal insufficiency of the reports did not place Mills's or Pumphrey's conduct outside the scope of their duties and did not defeat absolute immunity.

KEY QUOTATIONS

"Absolute immunity provides immunity from suit. As such, being forced to defend the suit is itself a material injury to an immune public official." (5)

"Thus, decisional authority clearly establishes that it is not the specific type of cause of action against a public official that gives rise to absolute immunity; rather, it is liability for statements made by a public official within the scope of his or her duties that is precluded by the immunity." (8)

"But this argument (a tacit admission that the task of submitting complaints of misconduct to the Department of Education was in fact within the scope of their duties) conflates whether their conduct was tortious with whether their conduct was within the scope of their duties." (13)

"Conduct is within the scope of one's employment if it is the type of conduct which the employee is hired to perform—not if the conduct satisfies applicable performance standards." (16)

FACTUAL BACKGROUND

Rick Mills was the Manatee County School Board's superintendent, and Troy Pumphrey was an investigator in the School Board's Office of Professional Standards. Pumphrey conducted investigations into alleged misconduct by Joseph Kinnan, prepared reports and misconduct forms, and sent materials to the Florida Department of Education; Mills supervised the process and participated in disciplinary decisions and reporting. The Department of Education found probable cause and filed an administrative complaint against Kinnan, but the complaint was later voluntarily dismissed. Kinnan and his wife alleged that Mills and Pumphrey fabricated allegations and thereby caused the administrative complaint, asserting malicious prosecution claims against them.

PROCEDURAL HISTORY

Joseph and Linda Kinnan sued Rick Mills and Troy Pumphrey for malicious prosecution based on allegedly false misconduct reports and related communications to the Florida Department of Education. Mills and Pumphrey moved for summary judgment, asserting absolute immunity, but the Circuit Court for Manatee County denied the motions in relevant part. The Second District consolidated their certiorari petitions, granted relief, and quashed the portion of the order denying immunity.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The portion of the trial court's summary judgment order denying Mills and Pumphrey absolute immunity from the malicious prosecution claims is quashed. The opinion does not state additional remand instructions.

CASES CITED

- Parkway Bank v. Fort Myers Armature Works, Inc., 658 So. 2d 646, 648 (Fla. 2d DCA 1995)
- Williams v. Oken, 62 So. 3d 1129, 1132-33 (Fla. 2011)
- Stephens v. Geoghegan, 702 So. 2d 517, 521-25 (Fla. 2d DCA 1997)
- Fla. State Univ. Bd. of Trs. v. Monk, 68 So. 3d 316, 318 (Fla. 1st DCA 2011)
- Crowder v. Barbati, 987 So. 2d 166, 167 (Fla. 4th DCA 2008)
- Jenne v. Maranto, 825 So. 2d 409, 415 (Fla. 4th DCA 2002)
- Haines City Community Development v. Heggs, 658 So. 2d 523, 528 (Fla. 1995)
- Cassell v. India, 964 So. 2d 190, 192, 194-96 (Fla. 4th DCA 2007)
- Harrison v. South Broward Hospital District, 382 So. 3d 695, 698 (Fla. 4th DCA 2023)
- Gay v. Jupiter Island Compound, LLC, 358 So. 3d 780, 786-88 (Fla. 4th DCA 2023)
- City of Stuart v. Monds, 10 So. 3d 1134, 1134 (Fla. 4th DCA 2009)
- Prins v. Farley, 208 So. 3d 1215, 1217-18 (Fla. 1st DCA 2017)
- Lock v. City of W. Welbourne, No. 6:12-cv-680, 2015 WL 1880732, at *27 (M.D. Fla. Apr. 24, 2015)

- *Debrincat v. Fischer*, 217 So. 3d 68, 70 (Fla. 2017)
- *Alamo Rent-A-Car, Inc. v. Mancusi*, 632 So. 2d 1352, 1355 (Fla. 1994)
- *City of Miami v. Wardlow*, 403 So. 2d 414, 416 (Fla. 1981)
- *Goetz v. Noble*, 652 So. 2d 1203, 1205 (Fla. 4th DCA 1995)
- *Alfino v. Department of Health & Rehabilitation Services*, 676 So. 2d 447, 449 (Fla. 5th DCA 1996)
- *Craft v. John Sirounis & Sons, Inc.*, 575 So. 2d 795, 796 (Fla. 4th DCA 1991)
- *Barr v. Mateo*, 360 U.S. 564, 572, 575 (1959)
- *Gregoire v. Biddle*, 177 F.2d 579, 581 (2d Cir. 1949)
- *Reyes ex rel. Barcenas v. Roush*, 99 So. 3d 586, 589 (Fla. 2d DCA 2012)
- *Williams Island Ventures, LLC v. de la Mora*, 246 So. 3d 471, 475 (Fla. 3d DCA 2018)
- *Van v. Unifund CCR, LLC*, 154 So. 3d 522, 522 n.1 (Fla. 5th DCA 2014)
- *Cameron v. Jastremski*, 246 So. 3d 385, 388 (Fla. 4th DCA 2018)
- *Allstate Insurance v. Kaklamanos*, 843 So. 2d 885, 889-90 (Fla. 2003)
- *Ivey v. Allstate Insurance*, 774 So. 2d 679, 682 (Fla. 2000)
- *Orthopedic Center of South Florida v. Sode*, 274 So. 3d 1127, 1128-29 (Fla. 4th DCA 2019)
- *Illinois Union Insurance v. McGinley*, 50 Fla. L. Weekly D119, 2025 WL 21587, at *2 (Fla. 2d DCA Jan. 3, 2025)

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