

FLORIDA THIRD DISTRICT COURT OF APPEAL

Lazaro Rodriguez v. Marciano Jaimes

Rodriguez v. Jaimes · No. 3D24-0937 · Decided November 5, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the dismissal order in an appeal involving negligence claims against construction-related defendants. The court explained that its de novo review of a dismissal order is limited to the complaint and reiterated that a negligence duty based on control of property requires a legal duty to protect against injury.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge SCALES; Judge MILLER; Judge BOKOR
JURISDICTION	Florida Third District Court of Appeal
DECIDED	November 5, 2025
DOCKET	3D24-0937
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of dismissal entered by the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	De novo review of an order dismissing a complaint; the appellate court looks no further than the complaint and treats all well-pled allegations as true.
PRECEDENTIAL VALUE	published
PARTIES	Lazaro Rodriguez, et al. v. Marciano Jaimes, et al.

TOPICS

- motions to dismiss
- premises liability
- negligence
- standard of review
- appellate procedure

PRACTICE AREAS

- civil procedure
- negligence
- premises liability
- appellate procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a legally sufficient negligence claim based on a duty arising from control of property.
2. Whether the trial court's dismissal order should be affirmed under the de novo standard governing review of a dismissal.

HOLDINGS

1. On de novo review of a dismissal order, an appellate court looks no further than the complaint and treats all well-pled allegations as true.
2. A duty to protect a person from injury on property is predicated on control of the property, including the right to control access; absent a legal duty, there is no cause of action for negligence.

KEY QUOTATIONS

“holding that an appellate court, in its de novo review of a dismissal order, looks no further than the complaint and “treat[s] as true all of the well-pled allegations of the complaint[.]” (at 2)

“The principal issue in any negligence action is whether the injury resulted from the defendant’s violation of a legal duty owed to the plaintiff. . . . Unless a legal duty has been abrogated, there can be no cause of action for negligence.” (at 2)

FACTUAL BACKGROUND

The opinion concerns a negligence claim arising from an injury allegedly connected to property and the defendants' relationship to or control of that property. The court relied on the principle that a duty to protect against injury on property depends on control of the property, including the right to control access. The two-page per curiam opinion does not provide additional factual detail.

PROCEDURAL HISTORY

The appellants appealed from the Circuit Court for Miami-Dade County in case number 23-1317-CA-01. The Third District Court of Appeal affirmed the dismissal.

DISPOSITION

affirmed

CASES CITED

- Chakra 5, Inc. v. City of Miami Beach, 254 So. 3d 1056, 1061 (Fla. 3d DCA 2018)
- Bechtel Corp. v. Batchelor, 250 So. 3d 187, 196 (Fla. 3d DCA 2018)
- Seitz v. Surfside, Inc., 517 So. 2d 49, 50 (Fla. 3d DCA 1987)