

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Florida Department of Law Enforcement v. Johnson

Florida Department of Law Enforcement v. Johnson · No. 1D2024-0549 · Decided November 19, 2025

SUMMARY

The Florida Department of Law Enforcement sought certiorari review of a trial court order requiring production of emails listed on the Department’s privilege log in an employment discrimination and retaliation case. The First District Court of Appeal held that the trial court improperly made a blanket determination regarding the attorney-client privilege and work-product doctrine instead of individually reviewing each document in camera. The court also held that the record did not establish the need and undue hardship required for compelled disclosure of protected work product, granted the petition, and quashed the order.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Rowe; M.K. Thomas; Nordby
JURISDICTION	Florida First District Court of Appeal
DECIDED	November 19, 2025
DOCKET	1D2024-0549
DISPOSITION	quashed
PROCEDURAL POSTURE	The Florida Department of Law Enforcement petitioned for a writ of certiorari to review a trial court discovery order compelling production of emails identified on the Department's privilege log.
STANDARD OF REVIEW	Certiorari review applies when the petitioner establishes a departure from the essential requirements of law resulting in material injury that cannot be corrected on postjudgment appeal. Certiorari is appropriate when a trial court orders disclosure of privileged information.
PRECEDENTIAL VALUE	Published precedential opinion; the court also states that an unelaborated per curiam decision without opinion has no precedential value.
PARTIES	Florida Department of Law Enforcement v. Angela Johnson

TOPICS

discovery dispute

writ of certiorari

civil procedure

appellate procedure

ada / disability

PRACTICE AREAS

civil procedure

appellate procedure

employment law

disability discrimination

retaliation

QUESTIONS PRESENTED

1. Whether the trial court departed from the essential requirements of law by making a blanket privilege determination based on the attorney's general role rather than considering each email individually and its context.
2. Whether the trial court improperly ordered production of claimed work-product materials without a showing of need and undue hardship under Florida Rule of Civil Procedure 1.280(b)(4).
3. Whether certiorari was an appropriate remedy for the trial court's order compelling disclosure of potentially privileged information.

HOLDINGS

1. The trial court departed from the essential requirements of law by making a blanket determination that none of the emails were privileged based solely on the attorney's purported role as a de facto human-resources officer. The court was required to consider each document individually and examine its context to determine whether it involved the rendition of legal services or was otherwise protected.
2. The trial court improperly ordered production of the emails as work product without a showing that Johnson had a need for the materials in preparing her case and was unable without undue hardship to obtain their substantial equivalent by other means. The record contained no adequate showing satisfying those requirements.
3. Certiorari relief was appropriate because the order compelling disclosure of potentially privileged information constituted a departure from the essential requirements of law causing the type of irreparable harm that cannot be remedied on plenary appeal.

KEY QUOTATIONS

"The trial court conducted an in camera inspection. But it failed to consider each document individually to determine whether the documents were privileged." (at 2)

"To determine whether the documents were privileged, the trial court had to consider each document individually." (at 3)

"The record before us fails to reveal any showing by Johnson that would permit disclosure of the Department's privileged communications under Rule 1.280." (at 4)

FACTUAL BACKGROUND

Angela Johnson's employment-discrimination and retaliation claims generated discovery requests for emails concerning her job performance, attendance, leave, fitness for duty, performance evaluations, and termination or resignation. The emails were made or received by James Martin, the Department's Deputy General Counsel, who

also handled human-resources matters because the Department routed such matters through its general counsel's office. After an in-camera inspection, the trial court treated all of Martin's emails as nonprivileged based on his alleged de facto human-resources role and ordered their production.

PROCEDURAL HISTORY

Angela Johnson sued the Department for disability discrimination and retaliation and sought discovery of emails involving the Department's Deputy General Counsel. The trial court conducted an in-camera inspection but made a blanket determination that the attorney was acting as a de facto human-resources officer, ordered production of all listed emails, and alternatively ordered production of work-product materials based on a purported lack of alternative means of obtaining the information. The Department sought certiorari review, and the First District granted the petition and quashed the order.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The trial court's order is quashed. The opinion does not expressly state additional remand instructions, but any further privilege determination must involve an individualized in-camera review and application of the Rule 1.280(b)(4) requirements.

CASES CITED

- Shands Teaching Hosp. & Clinics, Inc. v. Beylotte, 357 So. 3d 307, 308 (Fla. 1st DCA 2023)
- Emed Urgent & Primary Care, P.A. v. Rivas, 335 So. 3d 766, 767 (Fla. 1st DCA 2022)
- Butler v. Harter, 152 So. 3d 705, 709-10 (Fla. 1st DCA 2014)
- Coates v. Akerman, Senterfitt & Eidson, P.A., 940 So. 2d 504, 506 (Fla. 2d DCA 2006)
- Hagans v. Gatorland Kubota, LLC/Sentry Ins., 45 So. 3d 73, 76 (Fla. 1st DCA 2010)
- Upjohn Co. v. U.S., 449 U.S. 383, 390 (1981)
- Florida Department of Business & Professional Regulation v. Blackman, 292 So. 3d 1156 (Fla. 1st DCA 2020)
- Maradriaga v. 7-Eleven, 35 So. 3d 109, 110 (Fla. 1st DCA 2010)
- Hoch v. Rissman, Weisberg, Barrett, 742 So. 2d 451, 458 (Fla. 5th DCA 1999)
- Am. Integrity Ins. Co. of Fla. v. Venable, 324 So. 3d 999, 1000-01 (Fla. 1st DCA 2021)
- Chipotle Mexican Grill, Inc. v. Quinones, 240 So. 3d 5, 6 (Fla. 4th DCA 2018)
- Metric Eng'g, Inc. v. Small, 861 So. 2d 1248, 1250 (Fla. 1st DCA 2003)