

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

James G. Lince, The Bartos Group, LLC and Todd R. Bartos, Esq. v.
Pelican Circle Association, Inc., et al.

No. 1D2024-0782 · No. 1D2024-0782 · Decided October 8, 2025

SUMMARY

The Florida First District Court of Appeal affirmed two final judgments awarding attorney’s fees and dismissed the appeal as to other orders granting summary judgment. The court held that the remaining orders were neither final orders nor appealable nonfinal orders, and did not qualify as partial final judgments.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Lewis, J.; Rowe, J.; Winokur, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	October 8, 2025
DOCKET	1D2024-0782
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from nine orders granting summary judgment on claims in the fourth amended complaint and two final judgments awarding attorney's fees.
STANDARD OF REVIEW	The court applied the jurisdictional and finality requirements governing review of final, nonfinal, and partial final orders.
PRECEDENTIAL VALUE	published and precedential
PARTIES	James G. Lince, The Bartos Group, LLC, Todd R. Bartos, Esq. v. Pelican Circle Association, Inc., Garris defendants, Watson defendants

TOPICS

- final judgment rule
- interlocutory appeal
- appellate procedure
- summary judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the orders merely granting summary judgment, without also entering judgment, were final orders subject to appellate review.
2. Whether the remaining orders were appealable nonfinal orders under Florida Rule of Appellate Procedure 9.130.
3. Whether the orders qualified as partial final judgments under Florida Rule of Appellate Procedure 9.110(k).
4. Whether the two final judgments awarding attorney's fees should be affirmed.

HOLDINGS

1. An order that merely grants a motion for summary judgment, without also entering judgment, is not a final order.
2. The remaining orders were not appealable nonfinal orders under Florida Rule of Appellate Procedure 9.130.
3. The remaining orders were not appealable as partial final judgments because they did not dispose of an entire case as to a party or a separate and distinct cause of action that was not interdependent with other pleaded claims.
4. The final judgments awarding attorney's fees to the Garris defendants and the Watson defendants were affirmed.

KEY QUOTATIONS

“The traditional test for finality is whether the decree disposes of the cause on its merits leaving no questions open for judicial determination except for execution and enforcement of the decree if necessary.” (2)

“A partial final judgment, other than one that disposes of an entire case as to any party, is one that disposes of a separate and distinct cause of action that is not interdependent with other pleaded claims” (2)

FACTUAL BACKGROUND

Lince raised claims in a fourth amended complaint. The circuit court entered nine orders granting summary judgment and later entered two final judgments awarding attorney's fees to the Garris defendants and the Watson defendants.

PROCEDURAL HISTORY

James G. Lince appealed nine summary-judgment orders and two final attorney-fee judgments from the Circuit Court for Walton County. The First District affirmed without comment the two attorney-fee judgments and dismissed the appeal as to the remaining orders because they were neither final orders nor appealable nonfinal orders or partial final judgments.

DISPOSITION

other

CASES CITED

- Hoffman v. Hall, 817 So. 2d 1057, 1058 (Fla. 1st DCA 2002)
- Cardiothoracic & Vascular Surgery, P.A. v. W. Fla. Reg'l Med. Ctr., 993 So. 2d 1060, 1061 (Fla. 1st DCA 2008)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
No. 1D2024-0782

JAMES G. LINCE, THE BARTOS GROUP, LLC and TODD R. BARTOS, ESQ., Appellants, v.
PELICAN CIRCLE ASSOCIATION, INC., et al., Appellees.

On appeal from the Circuit Court for Walton County. David W. Green, Judge.

October 8, 2025 PER CURIAM. James G. Lince seeks review of nine orders granting summary judgment on claims he raised in his fourth amended complaint and of two final judgments awarding attorney's fees. We affirm without comment the orders awarding attorney's fees to the Garris defendants and to the Watson defendants entered on February 19, 2024.

We dismiss the appeal as to the remaining orders because they are not final orders nor are they nonfinal orders appealable under Florida Rule of Appellate Procedure 9.130. See Fla. R. App. P. 9.130(a)(3) (listing the types of appealable nonfinal orders); Hoffman v. Hall, 817 So. 2d 1057, 1058 (Fla. 1st DCA 2002) ("The traditional test for finality is whether the decree disposes of the cause on its merits leaving no questions open for judicial determination except for execution and enforcement of the decree if necessary."); Cardiothoracic & Vascular Surgery, P.A. v. W. Fla. Reg'l Med.

Ctr., 993 So. 2d 1060, 1061 (Fla. 1st DCA 2008) (holding that an order that merely grants a motion for summary judgment, without also entering judgment, is not final). They are also not appealable as partial final judgments. Fla. R. App. P. 9.110(k) (explaining that "[a] partial final judgment, other than one that disposes of an entire case as to any party, is one that disposes of a separate and distinct cause of action that is not interdependent with other pleaded claims").

AFFIRMED, in part, DISMISSED, in part. LEWIS, ROWE, and WINOKUR, JJ., concur.
Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. Kristin Matthews and Todd R. Bartos of The Bartos Group, LLC, Tallahassee, for Appellants. Darryl Steve Traylor, Jr. and T.A.

Borowski, Jr., Borowski & Traylor, P.A., Pensacola; and Therese A. Savona of Cole, Scott & Kissane, P.A., Orlando, for Appellees. 2

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