

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Kely Bernardes v. Morrison Management Specialists, Inc.

Bernardes v. Morrison Management Specialists, Inc., No. 3D25-0692 · No. No. 3D25-0692 · Decided October 15, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court’s confirmation of an arbitration award in an employment-related dispute. The court relied on the absence of a timely challenge to the award, the presumption that a person signing a contract knows its contents, and the waiver of issues raised for the first time in a reply brief or not raised in the initial brief.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Emas; Miller; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 15, 2025
DOCKET	No. 3D25-0692
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Miami-Dade County Circuit Court confirming an arbitration award.
PRECEDENTIAL VALUE	published
PARTIES	Kely Bernardes v. Morrison Management Specialists, Inc.

TOPICS

- arbitration
- appellate procedure
- waiver
- contracts

PRACTICE AREAS

- arbitration
- civil procedure
- appellate procedure
- contracts

QUESTIONS PRESENTED

- Whether the circuit court properly confirmed the arbitration award.
- Whether issues raised for the first time in the reply brief or omitted from the initial brief could be considered on appeal.

HOLDINGS

1. The circuit court properly confirmed the arbitration award because no timely challenge, basis to vacate, modify, or correct the award, or viable issue outside the scope of arbitration was presented.
2. Issues raised for the first time in a reply brief or not raised in the initial brief are waived or abandoned and will not be considered.

KEY QUOTATIONS

“absent a basis to vacate, modify, or correct, or the presentation of an issue to the circuit court which had not been submitted to arbitration, the circuit court must confirm the arbitration award.”

“Issues raised for the first time in the reply brief are precluded from our consideration.”

FACTUAL BACKGROUND

The appeal concerned the circuit court's confirmation of an arbitration award. The opinion indicates that Bernardes did not timely challenge the award or present a viable issue to the circuit court that had not been submitted to arbitration. The court also relied on briefing-waiver principles concerning issues raised for the first time in a reply brief or omitted from the initial brief.

PROCEDURAL HISTORY

Bernardes appealed the circuit court's confirmation of an arbitration award. The Third District affirmed per curiam, citing the absence of a timely challenge or other stated basis to disturb the award and the waiver of issues not properly presented in the initial briefing.

DISPOSITION

affirmed

CASES CITED

- Zahav Refi LLC v. White Hawk Asset Mgmt., Inc., 395 So. 3d 556, 559 (Fla. 2d DCA 2024)
- Hinshaw v. Wachovia Bank, N.A., 935 So. 2d 86, 86-87 (Fla. 5th DCA 2006)
- Kendall Imps., LLC v. Diaz, 215 So. 3d 95, 101 (Fla. 3d DCA 2017)
- Rivero v. Rivero, 963 So. 2d 934, 938 (Fla. 3d DCA 2007)
- Raffay v. Longwood House Condo. Ass'n, Inc., 389 So. 3d 589, 593 (Fla. 3d DCA 2023)
- State v. City of Weston, 316 So. 3d 398, 408 (Fla. 1st DCA 2021)
- Rosier v. State, 276 So. 3d 403, 406 (Fla. 1st DCA 2019)