

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

SILVER SPRINGS BOTTLED WATER
COMPANY,

Appellant/Cross-Appellee,

v.

Case No. 5D20-1249
LT Case No. 2016-CA-1680

TONIE BROADWAY AND JANALUISA
BROADWAY,

Appellees/Cross-Appellants.

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Opinion filed October 15, 2021

Appeal from the Circuit Court
for Marion County,
Edward L. Scott, Judge.

Jessica C. Conner, of Walker, Revels,
Greninger & Netcher, PLLC, Orlando,
and S. Renee Stephens Lundy, of Dean,
Ringers, Morgan & Lawton, P.A.,
Orlando, for Appellant/Cross-Appellee.

M. Shannon McLin, of Florida Appeals,
Orlando, and Peter G. Walsh, of David
W. Singer & Assoc., Hollywood, for
Appellees/Cross-Appellants.

PER CURIAM.

Silver Springs Bottled Water Company (“Silver Springs”) appeals the trial court’s order granting Tonie and Janaluisa Broadway’s (the “Broadways”) motion for new trial. In its order, the trial court identified several separate and independent grounds for a new trial—including the improper admission of evidence that Mr. Broadway had diabetes and a prior knee surgery.¹

We agree with Silver Springs that the evidence concerning diabetes was properly admitted because the Broadways invited the issue on direct examination. *See Segarra v. Mellerson*, 675 So. 2d 980, 983 (Fla. 3d DCA 1996).

However, based on our record and the arguments raised on appeal, we cannot conclude that the trial court abused its discretion when it ordered a new trial based on admission of the prior knee surgery issue. *See Brown v. Est. of Stuckey*, 749 So. 2d 490, 497–98 (Fla. 1999) (“When reviewing the order granting a new trial, an appellate court must recognize the broad discretionary authority of the trial judge and apply the reasonableness test to determine whether the trial judge committed an abuse of discretion.”); *Castlewood Int’l Corp. v. LaFleur*, 322 So. 2d 520, 522 (Fla. 1975) (“A heavy

¹ The Broadways cross-appeal the denial of their motion for new trial as to one ground. Given our disposition, we need not reach this issue.

burden rests on appellants who seek to overturn such a ruling, and any abuse of discretion must be patent from the record.” (citations omitted).

Accordingly, we affirm and remand for further proceedings.

AFFIRMED.

EISNAUGLE, HARRIS and WOZNIAK, JJ., concur.