

Third District Court of Appeal

State of Florida

Opinion filed May 27, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1658
Lower Tribunal No. 17-7412

Leonard Herman and Rella Herman,
Appellants,

vs.

Suzanne Herman,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Peter R. Lopez,
Judge.

Kimberly H. Schultz, P.A., and Kimberly H. Schultz, for appellants.

Law Offices of Megan D. Widmeyer, P.A., and Megan D. Widmeyer (Fort
Lauderdale), for appellee.

Before EMAS, C.J., and SCALES and GORDO, JJ.

EMAS, C.J.

Leonard and Rella Herman appeal an order dismissing their claims against Suzanne Herman for lack of personal jurisdiction. Following our de novo review of the record, Wendt v. Horowitz, 822 So. 2d 1252, 1256 (Fla. 2002), we affirm. See Bohlander v. Robert Dean & Assoc. Yacht Brokerage, Inc., 920 So. 2d 1226 (Fla. 3d DCA 2006) (reiterating: “The due process requirement of minimum contacts is not satisfied by a showing that a party has entered into a contract with a non-resident, or a showing that payment must be made in Florida”); deMco Tech., Inc. v. C.S. Engineered Castings, Inc., 769 So. 2d 1128, 1132 (Fla. 3d DCA 2000) (holding trial court may not exercise personal jurisdiction over defendants solely on the basis of their alleged failure to pay a promissory note in Florida); Alan Richard Textiles, Ltd. v. Vertilux, Inc., 627 So. 2d 529 (Fla. 3d DCA 1993); Ganiko v. Ganiko, 826 So. 2d 391 (Fla. 1st DCA 2002) (holding insufficient minimum contacts where the only evidence was that payor, while in Texas, entered into an oral loan agreement with mother-in-law (a Florida resident) over the phone; payment was to be made in Florida and some payments were made in Florida); Cornerstone Inv. Funding, LLC v. Painted Post Grp., Inc., 188 So. 3d 904 (Fla. 4th DCA 2016). See also Taylor v. Gutierrez, 129 So. 3d 415, 419 (Fla. 3d DCA 2013) (citing to Two Worlds United v. Zylstra, 46 So. 3d 1175, 1178 (Fla. 2d DCA 2010) for the proposition that “coming ‘to Florida only a few times a year to visit friends and family’ was insufficient to satisfy . . . due process requirements”); Reiss v. Ocean World, S.A.,

11 So. 3d 404 (Fla. 4th DCA 2009) (holding phone calls by out-of-state resident into Florida not sufficient to establish jurisdiction).