

# Third District Court of Appeal

## State of Florida

Opinion filed June 10, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D20-368  
Lower Tribunal No. 18-42450

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**City of North Miami Beach, etc.,**  
Appellant,

vs.

**City of Miami Gardens, etc.,**  
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Mavel Ruiz, Judge.

Shubin & Bass, P.A., and John K. Shubin, Katherine R. Maxwell, and Ian E. DeMello, for appellant.

Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., and Eugene E. Stearns, Matthew C. Dates, and David T. Coulter, for appellee.

Before SALTER, LOGUE, and GORDO, JJ.

ON MOTION TO DISMISS

LOGUE, J.

This matter comes before us on Appellee’s motion to dismiss this appeal as moot. On appeal, Appellant seeks review of an order denying its motion to dismiss on the basis of sovereign immunity. While we have jurisdiction pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(F), we agree that this appeal became moot when, pursuant to another provision of the same order under review, Appellee filed an amended complaint. As a result, the initial complaint which Appellant asks this Court to conclude should have been dismissed is no longer operative.

We have previously dismissed appeals under similar circumstances. Falcone v. Laquer, 132 So. 3d 1171, 1172 n.1 (Fla. 3d DCA 2014) (dismissing an appeal from an order to deny arbitration under a second amended complaint because it “became moot when the third amended complaint was filed.”). The same reasoning applies here. See, e.g., Wilner Hartley & Metcalf, P.A. v. Howard & Assocs., 65 So. 3d 620, 621 (Fla. 1st DCA 2011) (“The Motion to dismiss the Verified Substitute Amended Complaint was rendered moot by the trial court’s order allowing the filing of the Verified Third Amended Complaint.”); Vanderberg v. Rios, 798 So. 2d 806, 807 (Fla. 4th DCA 2001) (concluding that “the filing of the amended complaint rendered the legal sufficiency of the original complaint moot.”)

Dismissed.