

Third District Court of Appeal

State of Florida

Opinion filed December 14, 2022.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-833
Lower Tribunal No. 20-22163

U.S. Security Associates, Inc., et al.,
Appellants,

vs.

Eduardo Fernandez, et al.,
Appellees.

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

Carlton Fields, P.A., and Matthew J. Conigliaro (Tampa); and Adams | Coogler, P.A., and Robert L. Newman (West Palm Beach), for appellants.

Joel S. Perwin, P.A., and Joel S. Perwin; Alan Goldfarb, P.A., and Alan Goldfarb; and Warrior Law, P.A., and Liah Catanese, for appellees.

Before EMAS, HENDON and MILLER, JJ.

HENDON, J.

Affirmed. S. Fla. Coastal Elec., Inc. v. Treasures on Bay II Condo Ass'n, Inc., 89 So. 3d 264, 267 (Fla. 3d DCA 2012) (“In examining whether agency exists, the principal's actions are the primary indication of the relationship, and such examination is generally done by the trier of fact unless there is indisputably no connection between the principal and the agent.”); M.S. v. Nova S.E. Univ. Inc., 881 So. 2d 614, 617 (Fla. 4th DCA 2004) (“If the evidence raises any issue of material fact, if it is conflicting, if it will permit different reasonable inferences, or if it tends to prove the issue, it should be submitted to the jury as a question of fact to be determined by it.”); G4S Secure Sols. (USA), Inc. v. Morrow, 210 So. 3d 92, 94 (Fla. 2d DCA 2016) (holding while agency status is generally a question of fact, it may be decided as a question of law “in those cases where the party opposing summary judgment is unable to point to any conflicting facts or inferences to be drawn from the facts.”); Gradia v. Baptist Hosp., Inc., 345 So. 3d 385, 388 (Fla. 1st DCA 2022) (holding evidence supporting either an independent contractor or an agency relationship precluded summary judgment).