

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

KENNETH CLARK STEEL III,

Respondent.

Supreme Court Case No.  
SC24-1646

The Florida Bar File No.  
2023-00,164(4D)

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**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

The undersigned respondent, Kenneth Clark Steel III, files this Conditional Guilty Plea for Consent Judgment under R. Regulating Fla. Bar 3-7.9.

1. Respondent is and at all times relevant to this matter, was a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.

2. Respondent is acting freely and voluntarily in this matter, and tenders this plea without fear or threat of coercion. Respondent is not represented in this matter.

3. As to Florida Bar File No. 2023-00,164(4D), there has been a finding of probable cause by the Grievance Committee

4. The disciplinary measures to be imposed on respondent are:

A. A public reprimand to be administered in writing by the referee within 30 days of the Court's order approving the consent judgment.

B. Respondent must attend the Ethics School in person where scheduled by the bar within 6 months of the order approving this consent judgment and pay associated fees totaling \$750.00 before attendance.

C. Payment of The Florida Bar's costs.

5. The following allegations and rules provide the basis for the respondent's guilty plea and for the discipline to be imposed in this matter:

A. On September 22, 2017, Sandra J. Frank ("Mrs. Frank") hired respondent to represent her in a personal injury case involving an accident that occurred on July 29, 2017, at the Drury Inn in Valdosta, Georgia.

B. According to respondent, due to Mrs. Frank's continuing treatment, he did not issue a demand letter until the full extent of Mrs. Frank's injuries was known.

C. However, Mrs. Frank claims that both she and her husband repeatedly requested a copy of the demand letter

respondent told them he was working on from January 2018 until April 2020, when they were informed the statute of limitations had run in Georgia.

D. On April 9, 2020, Cannon Cochran, the insurer, advised respondent that it had closed its file, on the grounds that the two-year statute of limitations in Georgia had run.

E. Respondent admitted that he had calendared the case pursuant to the four-year Florida statute of limitations, instead of the two-year statute of limitations in Georgia.

F. On July 29, 2020, respondent filed suit against Drury Hotels, Inc., (“Drury”) in the Circuit Court in Duval County, Florida.

G. On September 1, 2020, counsel for Drury removed the case to the United States District Court for the Middle District of Florida.

H. On September 3, 2020, counsel for Drury filed a Motion to Dismiss, on the grounds that Mrs. Frank’s lawsuit was time barred pursuant to the Georgia statute of limitations.

I. On August 16, 2021, the Honorable Brian J. Davis, U.S. District Court Judge, entered an Order Granting the Motion to Dismiss, and dismissing the case with prejudice.

J. The Order Granting the Motion to Dismiss stated:

The Court is not persuaded that by Plaintiffs hypothetical situation wherein Defendant's negligence could have occurred as a result of an out-of-state policy not to mop up spilled water. First, any allegation to that effect is absent from the Amended Complaint. Second, even if it were present, the nexus between Florida and this case is still untenably weak. Likewise, the Court remains convinced that parties' relationship is focused on the site of the hotel - which also served as the place of Plaintiffs visit and subsequent injury - not the place from which Plaintiff booked the reservation. Moreover, Plaintiff provides no authority for this proposition.

K. Georgia's statute of limitations bars suit for torts brought more than two years after their accrual. Ga. Code §9-3-33. It is undisputed and discernible from the face of the Amended Complaint (Doc. 4) and docket that this case was brought more than two years after its accrual. Because Georgia law applies, this case is precluded by Georgia's statute of limitations.

L. On September 14, 2021, respondent filed a Notice of Appeal with the 11th Circuit Court of Appeal.

M. On September 2, 2022, the 11th Circuit affirmed the decision of the District Court.

N. In his response to the bar, respondent stated, "With the exception of not filing suit within the Georgia statute of limitations, this matter was handled with all due diligence and competence in the

investigation and preparation of personal injury claims for demand and litigation purposes.”

O. In addition, respondent stated, “With respect to the issue of the statute of limitations, the rulings of both the District Court and the Eleventh Circuit establish that I was indeed incorrect in proceeding under the Florida four-year statute of limitations as opposed to the Georgia two year statute of limitations.”

P. Respondent’s conduct as described above violated the following Rules Regulating The Florida Bar: 4-1.1 (Competence), 4-1.3 (Diligence), and 4-8.4(a) (Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another).

6. Respondent submits the following in mitigation:

- (2) absence of dishonest or selfish motive – Respondent did not benefit personally or otherwise;
- (5) full and free disclosure to the bar or cooperative attitude toward the proceedings – Respondent was forthcoming with the Bar and provided requested information;
- (12) remorse – Respondent expressed remorse to Bar counsel, admitted fault and requested the matter be resolved without the necessity of a trial.

7. The Florida Bar submits the following in aggravation:

- (9) substantial experience in the practice of law - respondent was admitted to The Florida Bar on May 7, 1993.

8. Respondent tendered a Minor Misconduct on January 22, 2018, in The Florida Bar File No. 2018-00,078(7B). However, as stated in Florida's Standards for Imposing Lawyer Sanctions Rule 3.2(b)(1), after 7 or more years in which no disciplinary sanction has been imposed, a finding of minor misconduct will not be considered as an aggravating factor.

9. The Florida Bar has approved this proposed plea as required by R. Regulating Fla. Bar 3-7.9.

10. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it has no effect and may not be used by the parties in any way.

11. If this plea is approved, respondent agrees to pay all reasonable costs associated with this case under Rule 3-7.6(q) in the amount of \$1,340.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent will pay interest on any unpaid costs at the statutory rate. Respondent further agrees these disciplinary costs are not dischargeable in any future proceedings, including, but not limited to, a petition for bankruptcy. Respondent will be delinquent and ineligible to practice law if the respondent does not satisfy the cost

judgment within 30 days of this order, unless The Florida Bar Board of Governors defers payment under R. Regulating Fla. Bar 1-3.6.

12. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is evidence of good faith and fiscal responsibility.

13. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 3rd day of March 2025.

/s/ Kenneth C. Steel, III  
Kenneth Clark Steel, III  
2064 Park Street  
Jacksonville, FL 32204-3810  
[steel@harrisguidi.com](mailto:steel@harrisguidi.com)  
Florida Bar No. 976131

Dated this 20th day of March 2025.

A handwritten signature in dark ink, appearing to read 'Baker Christian Chapman', followed by a long horizontal flourish.

Baker Christian Chapman, Bar Counsel  
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Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

The Honorable David S. Wainer, Referee, [sprice@circuit7.org](mailto:sprice@circuit7.org)

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