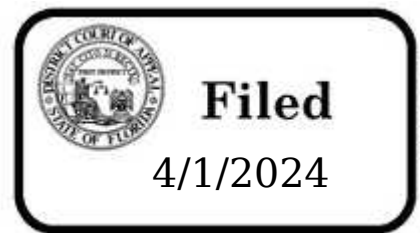


Exhibit 1



IN THE DISTRICT COURT OF APPEAL  
THE FIRST DISTRICT COURT OF APPEAL  
OF FLORIDA

CASE NO. 1D23-3166

L.T. CASE NO. 2020-CA-367

Northwest Florida Black Business  
Investment Corporation, Inc., a Florida  
Not-for-Profit Corporation, et al.,

Appellants,

vs.

The Jefferson Firm, PLLC, a Florida LLC,  
Nehemiah Jefferson, an individual, Darrell  
Wills, an individual, and Hillard  
Goldsmith, an individual,

Appellees.

\_\_\_\_\_ /

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**AMENDED/CORRECTED APPELLANTS' INITIAL  
BRIEF**

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## **PRELIMINARY STATEMENT**

In this Amended/Corrected Initial Brief, Appellants Northwest Florida Black Business Investment Corporation, Inc. et al., refer to themselves as "Appellants" or "Plaintiffs" or "NWFBBIC" or the "last name" of an individual Appellant. Appellants refers to Appellee Hillard Goldsmith as "Goldsmith," Appellee Darrell Wills, as "Wills," Appellees Nehemiah Jefferson and the Jefferson Firm, PLLC as "Jefferson." Appellants refer to the Record on Appeal with the prefix "R." followed by the exhibit and page number and the court docket with prefix "Dkt." and page number where noted.

## **STATEMENT OF THE CASE**

Appellants filed their initial complaint on February 21, 2020 with attachments containing Appellees' defamatory statements. R. pp. 098-130, 029-81, 082-083, 084-089, 090-094, 095, 096, 097. On October 28, 2020 Appellants filed an amended complaint with approximately one hundred and twelve (112) pages of attachments and on November 3, 2020 Appellants filed a corrected amended complaint with approximately one hundred and thirteen (113) pages of attachments. R. pp. 203-386, 387-571.

Appellee Goldsmith filed on November 16, 2020 his motion to strike, answer to the amended complaint, and affirmative defenses. R. pp. 572-588.

Appellee Jefferson filed on November 30, 2020 their motion to dismiss, motion to strike and answers and affirmative defenses. R. pp. 589-621.

Appellee Wills filed on April 12, 2021 his answer and affirmative defenses to the amended complaint. R. pp. 726-761.

On October 8, 2020, Judge Dodson granted Goldsmith's motion to dismiss related to Appellants' comingling of counts and giving Appellants 20 days to file an amended complaint.

On April 8, 2020, Judge Flury entered an order granting Will's motion for an extension to file his answer to the complaint within twenty (20) days of the order. R. p. 179. Appellee Wills failed to file his answer to the complaint within the twenty (20) timeframe, filing his answer a year after the Judge Flury's order.

On March 11, 2021, Judge Smith entered an order denying Wills' motion to dismiss and for summary judgment, stating,

1. The Court does not find that Plaintiffs' causes of action to be without merit and filed primarily because Durrell Wills had exercised the constitutional right of free speech in connection with a public issue. See Florida Statutes, Section 768.295(3) [The Strategic Lawsuits Against Public Participation [SLAPP Act] and hearing transcript.
2. The Plaintiffs have a constitutional right of access to the courts.
3. The Court denies Mr. Wills' motion to dismiss and his motion for summary judgment.

4. Appellee Darrell Wills shall file his answer to the Amended Complaint within 30 days of this order's date.

R. pp. 724-725.

The trial date was set for the week of November 13, 2023, pursuant to a July 24, 2023 second amended order setting trial. R. pp. 2474-2480.

On November 15, 2023, Judge Marsh' entered his handwritten order, denying Appellants' October 23, 2023 motion to modify September 19, 2023 order, stating that the trial court considered all filings date November 6, 2023 and earlier. R. pp.4889-5685; 6425.

On November 15, 2023, Judge Marsh entered a summary judgement order in favor of Goldsmith. R. pp. 1148-1152.

On November 15, 2023, Judge Marsh entered a summary judgement order in favor of Jefferson. R. pp. 6378-6411.

On November 15, 2023, Judge Marsh entered a summary judgment order in favor of Wills. R. pp. 6423-6424.

## **ISSUES ON APPEAL**

1. The trial court erred in applying the May 1, 2021, Florida Rule of Civil Procedure 1.510, Summary Judgment rule change to Appellant's complaint that was filed before May 1, 2021.
2. The trial court erred when it relied upon the Whistleblower Act, Fla. Stat. 112.3187-112.31895 (2020) to grant Appellees Goldsmith and Wills' summary judgment motions where no employment relationship or Appellees Goldsmith, Jefferson and Wills were not employed by or an agent for the Appellants or where neither of the Appellees pled the Whistleblower act as an affirmative defense.
3. The trial court erred when it relied upon the Whistleblower Act, Fla. Stat. 112.3187-112.31895 (2020) to grant Appellees Goldsmith and Wills' summary judgment motions concluding that their speech to the City Commission, County Commission, Department of Economic Opportunity, Sheriff's office, Tallahassee Police Department, Federal Bureau of Investigation, or other agency are protected where none of the aforementioned agencies were parties to the litigation.

4. The trial court erred in granting Appellees Goldsmith and Wills' summary judgment motions on the "immunity as to state entity" because of defamatory statements finding that Appellant NWFBBIC was a state agency or public official or public figure because it received state funding in part.
5. The trial court erred in granting Appellees Goldsmith, Jefferson, and Wills' summary judgment motions for summary judgment, because defamatory statements were "pure opinion."
6. The trial court erred in granting summary judgment in favor of Appellees Jefferson and Wills' that there no undisputed material facts to establish that Appellant cannot prove the falsity of the published statements, that Jefferson acted with knowledge, reckless disregard, or negligence as to the falsity of the published statements or acted with malice.
7. The trial court erred that Appellants did not suffer actual damages, because of the Appellees' defamatory statements.<sup>1</sup>

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<sup>1</sup> The Appellants' interrogatories responses to damages was not included in the Record On Appeal. Appellants Sherwood Brown,

## **SUMMARY OF ARGUMENTS**

The trial court erred in applying the May 1, 2021, Florida Rule of Civil Procedure 1.510 (c), to grant the Appellees' summary motions; inappropriately required the Appellants to show actual malice and relied inappropriately on the Whistle-blower Act.

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Harold Knowles, individually, and NFLBBIC suffered damages. Appellants will file a motion to supplement the record.

## ARGUMENTS

### **I. The Trial Court Erred In Applying The May 1, 2021, Florida Rule Of Civil Procedure 1.510, Summary Judgment Rule Change And Used A Standard Of Review Inconsistent With the First District Court of Appeal Case Law.**

The trial court erred when it granted the Appellees' summary judgments by using the amended Florida Rule of Civil Procedure 1.510(c). The amended rule became effective on May 1, 2021. The pre-May 1, 2021 law, is applicable in this appeal as the complaint was filed on February 21, 2020. R. pp. 098-130. Thus, *Celotex Corp. v. Catrett*, 477 U.S. 317, (1986) does not apply to this case. *Garbark v. Gayle*, 312 So. 3d 1286, 1288 n.\* (Fla. Dist. Ct. App. 2021) ("Effective May 1, 2021, the Florida Supreme Court has amended Florida Rule of Civil Procedure 1.510(c) to adopt the summary judgment standard of *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). See *In re: Amendments to Florida Rule of Civil Procedure 1.510*, 309 So.3d 192 (Fla. 2020). That standard does not apply in this case, which predates the amendment.").

In this case the First District Court of Appeals applies the de novo standard of review to determine whether there are genuine issues of material fact and whether the trial court properly applied the correct rule of law. *Futch v. Wal-Mart Stores*, 988 So. 2d 687, 690, (Fla. Dist. Ct. App. 2008); *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So.2d 126, 130 (Fla. 2000); *Sierra v. Shevin*, 767 So.2d 524, 525 (Fla. 3d DCA 2000). A summary judgment is appropriate only when there is not the slightest doubt as to any issue of material fact. *Aloff v. Neff-Harmon, Inc.*, 463 So.2d 291, 294 (Fla. 1st DCA 1984). The facts must be viewed most favorably to appellant. *See Moore v. Morris*, 475 So.2d 666, 668 (Fla. 1985) ("The law is well settled in Florida that a party moving for summary judgment must show conclusively the absence of any genuine issue of material fact and the court must draw every possible inference in favor of the party against whom a summary judgment is sought."). The *Moore* opinion further states:

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 issues, it should

be submitted to the jury as a question of fact to be determined by it. *Id.*

As the First District Court explained in *Nazzal v. Florida Department of Corrections*, 267 So. 3d 1094, 1096 (Fla. 1st DCA 2019), the Court “review the final summary judgment under the de novo standard of review. Summary judgment is appropriate when there are no genuine issues of material fact, and the moving party is entitled to judgment as a matter of law.” See *White v. Discovery Commc'ns*, 365 So. 3d 379 (Fla. Dist. Ct. App. 2023); *Futch v. Wal-Mart Stores, Inc.*, 988 So. 2d 687, 690 (Fla. 1st DCA 2008).

Additionally, the trial court applied the incorrect used the actual malice standard in granting the summary judgments. Contrary to trial court, Appellants do not need to prove actual malice; they need only show that Appellees acted negligently. See *Miami Herald Publishing Co. v. Ane*, 458 So. 2d 239, 242 (Fla. 1984) (“We hold that it is sufficient that a private plaintiff prove negligence and answer the certified question in the negative.”).

**II. The Trial Court Erred When It Relied Upon The Whistle-blower Act, Fla. Stat. 112.3187-112.31895 (2020) To Grant Appellees Goldsmith, Jefferson, And Wills’ Summary**

**Judgment Motions, Where Neither Of The Appellees Pled The Whistle-blower Act As An Affirmative Defense Or Counterclaim, Where No Employment Relationship existed Or Where Appellees Goldsmith And Wills Were Not Employed By Or An Agent For The Appellants.**

The trial court's summary judgment orders were imbued by its misapplication, and misinterpretation of the Whistle-blower Act, which is shown most prominently in the Goldsmith's summary judgment order<sup>2</sup>. The trial infused the Appellees claimed whistle blower in its order, citing to passages in Appellees Jefferson and Wills transcripts that included the word "whistleblower" nine times related to 1) JB Williams, the former executive director, "might be stealing from you too;" 2) Appellants were "public figures, because they got money for the State of Florida;" 3) "informing "people to hopefully get

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<sup>2</sup> Appellants' Amended/Corrected Initial Brief addresses all of the issues in each summary judgment order; however, it is difficult to segment each summary judgment order, because the trial court incorporated the Jefferson and Goldsmith's summary judgement orders into the Wills' summary judgment order.

law enforcement involved;” 4) posting on Facebook to “informed the general public about the concerns;” and 5), picketing to the public to have the state, who had given money to NWFLBBIC to ensure that everything had been correctly with the funds. R. pp. 6400-6401. For moment setting aside that the selected testimony is cited without context including Appellants’ deposition testimony, the Whistleblower Act, contrary to the trial court’s ruling, is an inappropriate vehicle to shield the Appellees’ defamatory statements. The trial court’s expansive and liberal view/construction of this defamation action is the Florida Supreme Court’s 2001 *Irven* case, holding that the Whistleblower Act is remedial and thus should be construed liberally in favor of granting access to the remedy. *Irven v. Dep’t of Health & Rehab Servs.*, 790 So. 2d 403, 405 (Fla. 2001). However, a liberal construction should not extend to the point that it frustrates the legislative intent or is unmoor to the text of the law. *See Irven v. Dept. of Health*, 790 So. 2d 403, 406 (Fla. 2001) (“Nolan v. Moore, [ 88 So. 601 (Fla. 1920)], reminds us that since the statute is remedial in nature it should be construed so as to afford the remedy clearly intended. On the other hand, it should not be extended to create rights of action not within the intent of the

lawmakers as reflected by the language employed when aided, if necessary, by any applicable rules of statutory construction. *Klepper v. Breslin.*”) [Emphasis added.] The trial court interpretation of *Irven. Supra*, exceeds that permitted by law.

Appellees Goldsmith, Jefferson, and Wills claim that their reports<sup>3</sup> to the Department of Economic Opportunity, a state agency, is protected by the Florida Whistleblower Statute, Sections 112.3187-112.31895, Florida Statutes. The trial court erroneously adopted their position. The trial court erred for several reasons:

- Appellees Goldsmith, Wills, and Jefferson did not plead a Florida Whistle Blower affirmative defense in their answers. R. pp. 168-169 (Goldsmith); 757-760 (Wills); 159-161 (Jefferson).

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<sup>3</sup> A "report" of mismanagement is not "free speech." "The court does not find that Plaintiffs causes of action to be meritless and filed primarily because Wills had exercised the constitutional right of free speech in connection with a public issue. See Florida Statute Section 768.295(3)[SLAAP Act] ... ." [Insert added.] R. pp. 724-725.

- Appellees are not employees or independent contractors.
- Plaintiff Northwest Florida Black Investment Corporation, Inc. is not a state agency.
- Plaintiffs' Sherwood Brown, Harold Knowles, Ronnie Adams, Keithen Mathis, and Keith Bowers are not a state agency as they are suing as individuals.
- The statute of limitations has run on the affirmative defense.

A. Failure to Plead The Whistleblower Act As An Affirmatives Defense

Appellee Goldsmith filed his answer and affirmatives on April 6, 2020. R. pp. 168-169. He pleaded six affirmative defenses. Goldsmith failed to plead the Whistle-blower Act as an affirmative defense among his six affirmative defenses. Appellee Wills filed his answer and affirmative defenses on April 12, 2021. R. pp. 757-760. He pleaded twenty-one (21) affirmative defenses. He did not plead the Whistle-blower Act as an affirmative defense. Appellee Jefferson filed his answer and affirmative defenses on November 30, 2020. He asserted eleven (11) affirmative defenses. R. pp. 159-161. Jefferson

did not assert the Whistle-blower Act as an affirmative defense. Section 10 of Florida Statute Chapter 112.3187 make clear that the Act is an affirmative defense. It reads,

“It shall be an affirmative defense shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee’s or person’s exercise of rights protected by this section.)

In Florida, a party's failure to plead an affirmative defense result in a waiver of that defense. *See Deer Brooke S. Homeowners Ass'n v. Battles*, 304 so. 3d 40, 41 (Fla. Dist. Ct. App. 2020) ("Because the Battles first raised the statute of limitations defense in their motion for summary judgment, and not in their pleadings, summary judgment on this ground was error. "); *Langford v. McCormick*, 552 So. 2d 964, 967 (Fla. 1st DCA 1989) ("Appellee did not plead undue influence as an affirmative defense at any point in the proceedings. He never attempted to amend the pleadings to raise this issue either before or during trial. It is well settled that an affirmative defense must be pleaded, or it is waived.")

B. Appellees Are Not Employees Or Independent Contractors.

Appellee Wills was not an employee/independent contractor with Appellants when he meet with Appellant NWFLBBIC in July 2017. R. pp. 4014-4017. In the years preceding July 2017, he was a sports agent employed/contracted with the largest sport agent in the world, such as SFX and IMG. R. pp. 4013, 4017, 4024. He worked for IMG for 5 years, departing the company because of a dispute that involve \$2M. R. pp. 4017, 4024. He left the company in 2006/2007. T. pp. 4019, 4022, 4028.

Appellees Goldsmith's deposition testimony shows his employment history. None of his jobs included any employment with Appellants. T. pp. 3055-3061.

Appellees Jefferson were not an employee/independent contractor with Appellants. A review of his deposition transcript reveals that he worked a variety of bank industry , investment, insurance and real estate jobs, before becoming licensed if bars in Florida (2015), District of Colombia (2016) and Texas (2023). R. pp. 5404-5406. None of his jobs were with Appellants.

The plain reading of demonstrates that Appellees are not employees under the Public Whistle-blower Act. Florida Statutes, 112.3187, Section (3)(b), reads as follows,

Employee” means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

Nor were the Appellees independent contractor of a public agency. Florida Statutes, 112.3187, Section (3)(b), reads as follows,

Independent contractor” means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency.

The trial court erred when it found that the Appellees were entitled to the protection of the Whistle-blower Act.

C. Plaintiff Northwest Florida Black Investment Corporation, Inc. is not a state agency, nor it is a public figure; thus, the negligent standard applies.

NWFLBBIC is not a public agency or public figure<sup>4</sup>. The trial erred in finding that the Appellant is a public agency/public

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<sup>4</sup>Appellant Sherwood Brown affidavits shows that he never voluntarily, placed himself in the public eye on any matter of public

figure when it granted Goldsmith's motion for summary judgement, using the actual malice standard. The Whistle-blower Act defines who is a public agency. Florida Statutes, Section 112.3187 (3)(a) reads.

“Agency” means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

Appellant NWFLBBIC is not included the definition of a public agency or public figure. It is not a state, regional, county local or municipal government entity or a political of any of the aforementioned entities or a political subdivision of any of the list

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importance and he never observed any past or present Board Members placed themselves voluntarily in the public eye on any matter of public importance. R. p. 6037.

entities. Importantly, there is nothing in Florida Statutes Section 288.7094- Black Business Investment Corporation- to support the trial court conclusion of law. A certified black investment corporation is eligible to make applications for loans, subject to the funds being used for purposes and under general guidelines set out in the legislation, which include quarterly reports to the state department. The State does not appoint the board of directors of a black business investment corporation. All the law requires is that investment corporations demonstrate that their board of directors "includes citizens of the state experienced in the development of black business enterprises." In sum, from a review of the statute there is an absence of any delegation by the state or a local government of executive or legislative authority nor is there evidence that a black investment corporation is an instrumentality of the State.<sup>5</sup>

This target legislation does not differ from the State's small business loan program or other State initiatives designed to promote

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<sup>5</sup> To the extent required, this legal analysis is equally applicable to the individual board members, suing in their individual capacity.

the economic development of State and local communities. None of these entities, including the NWFLBBIC, are subject to the control of the day-to-day operation to be termed a public agency. *Plancher v. Cf UCF Athletics Ass'n, Inc.*, 175 So. 3d 724, 725 (Fla. 2015) (“In its analysis, the Fifth District discussed *Shands Teaching Hospital & Clinics, Inc. v. Lee*, 478 So.2d 77 (Fla. 1st DCA 1985), *Prison Rehabilitative Industries & Diversified Enterprises, Inc. v. Betterson*, 648 So.2d 778 (Fla. 1st DCA 1994), and *Pagan v. Sarasota County Public Hospital Board*, 884 So.2d 257 (Fla. 2d DCA 2004), and noted that “[t]he key factor in determining whether a private corporation is an instrumentality of the state for sovereign immunity purposes is the level of governmental control over the performance and day-to-day operations of the corporation.” *Id.* at 1106. ”); *Keck v. Eminisor*, 104 So. 3d 359 (Fla. 2012).

Here, the negligent standard applies. The Appellees knew that the defamatory statements related to their conduct and fitness as a corporation, or individual boards were not statements of opinion; rather they were defamatory. Wills stated Appellants did not know of

their wrongdoings of the former executive director, JB Willaims. He testified in his deposition,

A Well, Mr. Goldsmith and I sat with Harold Knowles at his office July 5, 2017. I do remember that date. I know it was after that. That we presented some information to him at that time that we didn't think that he knew of. That's why we presented it to him. I've known Mr. Knowles quite a long time. I didn't think he would know anything about this information that we had found out ...

R. p. 4943.

Nevertheless, September 10, 2020 Media Release, Appellees Jefferson Wills, Jefferson and Goldsmith defamed Appellants, a private lending institution, stating that engaged in “racketeering,” “stealing” and “predatory lending and corruption at its best,” “let’s play a game called what from this deal?,” authorizing a counterfeit Northwest Florida banks account- Northwest Flrd Black Bs/B.J. Beckham- to deposit fund to Abundant Living Faith Ministries, where JB Williams

is the Pastor by board members harming the “very people” the Legislature “intended to help.” R. pp. 691-692. The Media Release stated that the former executive director-JB Williams- deposited in excess of over \$100,000 into NWFLBBIC’s bank account from their company EOS over a 16-year period of time for rent.

Appellees’ defamatory statements continued after the September 10, 2018 Media Release throughout 2019, defamatory statement, as “Mathis, Ronnie Adams, Why Did You Allow JB Williams & Cecelia Williams to Rape & Pillage The Clients of North West Florida Black Business Investment Corporation & Do Nothing?”<sup>6</sup>

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<sup>6</sup> Appellees knew and failed to disclose countervailing facts in the Media Release and Facebook posting, such as EOS’s President September 26, 2017 letter stating the rents payments to NWFLBBIC were authorized, R. p. 6158 ; and that the Tallahassee Police Department and the State Attorney did charge Appellants with a crime related to the EOS, R. pp. 0701-0712.

Bolstering their defamatory statements against Appellants, Appellees with a lie, Appellees they never entered into “any rental agreement (written nor verbal). R. p. 0693. This lie was contained in Appellees’ verified complaint, paragraph 37, to the court, wherein Appellees Wills and Goldsmith that

In any event, as noted, EOS did not rent any space at the property at anytime, but rather conduct its operations out of the residence of Goldsmith.

R. p. 0502.

In the November 2016 Tallahassee Police Department Supplemental Report into fraud claims that JB Williams did not have authority to pay rent for the use of Appellants’ office or their business, EOS, Wills and Goldsmith admitted on November 1, 2016, that in 1999 they agreed to allow JB Williams to utilize their signature stamps to submit payroll checks to employees; pay bills related to the day-to-day business operations. R. p. 703. The official police report show that an issue of genuine fact, character, and

credibility<sup>7</sup> related to the use of the Appellants' offices and that JB Williams was permitted to transfer rental payments from Appellees' Regions Bank to the account of NWFLBBIC. This "transfer of rental payment" conflict with Appellees' Will and Goldsmith's 2002 statement, in the same police supplemental report, that in 2002, that they agreed EOS would operate administratively out of Appellants' offices at "no charge." R. p. 0704. Most important is the statement that "EOS would operate administratively" out of Appellants' offices. This statement conflicts with their verified complaint filed on December 15, 2017 in the Circuit Court in Leon County. In the verified complaint they stated that EOS "conduct its operations out of the residence of Goldsmith." Attached to the

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<sup>7</sup> Wills' Chapter 7 voluntary bankruptcy petition couple with Auquan Boldin's-Baltimore Raven wide receiver-2011 Complaint for Damages and Determination of Dischargeability of Debts, which resulted in a judgment of \$280,115.28, also goes to his motivation to defame Appellants. R. pp. 6039-6040.

verified complaint was signed notarized affirmation from Wills and Goldsmith stating to the Circuit Court,

Under penalties of perjury, we, DARRELL WILLS and HILLIARD GOLDSMITH III declare that we have read the foregoing, and the facts alleged therein are true and correct to the best of our knowledge and belief.

R. pp. 0548,0549

Appellant Brown's affidavit/declaration refutes and creates a genuine dispute regarding Appellees' defamatory statements. He stated that

- a. In each of the years identified in the chart, the Corporation's outside independent auditor audit the Corporation's finances. The audits did not show or reveal that funds were misappropriated. The audits were cleaned audits.
- b. Even after the Defendants published false statements of wrongdoing, pilfering and theft of state funds, the Department of Economic

Opportunity has not inquired of the Corporation to account for any funds or initiated an investigation.

c. Defendants published their false statement of fact that the Corporation stole state funds, charged illegal interest rates to its loan customers, and engaged in racketeering to local and State governments.

d. The Corporation Board Members are volunteer members and are selected because of their financial knowledge and expertise, legal background, and demonstrated community involvement in the areas served by the Corporation.

e. Any wrongdoings by any one or more Board Members would expose each member to personal liability under F.S. §617.0830.

These facts and circumstances described in the Amended/Corrected Initial Brief clearly demonstrate there is sufficient doubt as to one or more issues of material fact in this case.

### **Conclusion**

In the instant case, the trial erred and failed to follow the case law in the First District Court of Appeal; the text of the Whistle-blower Act and the application of the Florida Supreme Court decision related to the Whistle-blower Act. Accordingly, Plaintiffs asks this Court to reverse the trial court's summary judgment orders.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Appellant's Amended/Corrected Initial Brief has been furnished by EMAIL this 31<sup>st</sup> day of March 2024 to all counsel of record:

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## **CERTIFICATE OF COMPLIANCE**

The undersigned attorney hereby certifies that this computer-generated Amended/Corrected Initial Brief was prepared using Bookman Old Style 14-point proportionally spaced font in accordance with Florida Rule of Appellate Procedure 9.045(b)(e); and has 4,817 words and thus complies with and does not exceed the 13,000-word count limit set forth in Florida Rule of Appellate Procedure, as calculated by the word-processing system used to prepare the Amended/Corrected Initial Brief and the Initial Brief does not exceed fifty (50) pages.

/s/ Jack L McLean Jr