

Appeal FLORIDA

Case No. COCE-24-043069

(Fourth DCA Case No.

4D2024-2114 )

GODFREY

FORBES.,

vs. Petitioner,

CORAL VISTA INVESTORS

LLC., Respondent.

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PETITIONER'S BRIEF

On Petition for Review of a Decision of the County  
Civil Court

GODFREY FORBES  
godforbes@icloud.com  
8030 NW 96th Ter. Apt.  
104 Tamarac, Florida  
33321 Telephone (404)  
721-5952

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## TABLE OF AUTHORITIES

### \*\*Florida Statutes\*\*

- § 83.20(1) (Notice to Landlord for Failure to Maintain)
- § 83.23(2) (Tenant's Right to Withhold Rent)
- § 83.51 (Landlord's Maintenance Responsibility)
- § 83.60 (Defenses to Action for Possession)
- § 83.64 (Retaliatory Conduct by Landlord)
- \*\*Florida Constitution\*\*
- Article I, Section 21 (Right to Access Courts)
- \*\*United States Constitution\*\*
- Fourteenth Amendment (Due Process Clause)

## STATEMENT OF THE CASE AND FACTS

This appeal concerns significant legal violations, procedural missteps, discriminatory practices, and alleged corruption committed by Coral Vista Investors LLC (“Appellee”), which led to the wrongful eviction of Godfrey Forbes (“Appellant”). Appellant resided at Coral Vista Apartments and reported ongoing habitability issues—including toxic mold contamination, water intrusion, non-functional appliances, and ventilation problems—beginning in April 2024. Appellant made repeated complaints, orally and in writing, notifying Appellee about these issues, but they were left unresolved despite Appellee’s statutory and contractual obligations to maintain habitable premises.

Instead of resolving these serious habitability concerns, Appellee retaliated by filing an eviction complaint on July 12, 2024, shortly after Appellant filed complaints with government agencies such as HUD and the Florida Department of Agriculture and Consumer Services (FDACS). Throughout the legal proceedings, the trial court overlooked procedural and evidentiary issues, denying Appellant’s due process rights. Despite clear evidence of the Appellee’s retaliatory and discriminatory conduct, the trial court ruled in favor of the Appellee, leading to Appellant’s eviction on August 13, 2024.

## SUMMARY OF ARGUMENT

The trial court's judgment should be reversed due to the following reasons:

1. **\*\*Legal Violations of Florida's Landlord-Tenant Laws\*\***: Appellee's failure to maintain habitable premises, as required under Florida Statutes §§ 83.51 and 83.60, led to the unsafe living conditions experienced by Appellant. The trial court misapplied these statutes, ordering Appellant to pay full rent despite clear evidence of uninhabitable conditions, in violation of the law.
2. **\*\*Procedural Violations by the Trial Court and Appellee\*\***: Appellee engaged in misconduct, including improperly serving amended pleadings and presenting misleading evidence. The trial court failed to allow Appellant to fully present his defenses, including key evidence of retaliatory conduct and discrimination.
3. **\*\*Discrimination and Retaliatory Conduct by Appellee\*\***: Appellee's retaliatory eviction was in direct response to Appellant's legitimate complaints about habitability and safety violations. This conduct is prohibited by Florida Statutes § 83.64, yet the trial court failed to consider it.
4. **\*\*Corruption and Ethical Violations by Appellee\*\***: Appellee's misconduct extended beyond legal violations and discriminatory behavior, involving unethical attempts to cover up mold contamination and coerce Appellant into relinquishing his rights, leading to a breach of ethical and contractual obligations.

## ARGUMENT

### A. Legal Violations of Florida's Landlord-Tenant Law by Appellee

Florida Statutes § 83.51 establishes a landlord's duty to maintain habitable premises by ensuring compliance with health and safety standards. Appellee's failure to address ongoing water intrusion, mold contamination, ventilation issues, and non-functional appliances constitutes a clear breach of this duty. As detailed in the Complaint, Appellant provided ample notice of these violations, issuing a 7-day notice to cure on June 21, 2024.

Rather than taking the necessary steps to remedy these health and safety issues, Appellee attempted to shift responsibility to Appellant, even demanding that Appellant pay for mold remediation, despite Appellee's statutory obligations under § 83.60. The trial court erroneously disregarded these violations, ordering full rent payments without accounting for the diminished rental value caused by Appellee's non-compliance. Under § 83.60, rent should be reduced in proportion to the uninhabitable condition of the dwelling unit, which the court failed to apply.

### B. Procedural Violations by the Trial Court and Appellee's Misconduct

Appellee's misconduct and the trial court's procedural errors severely undermined Appellant's ability to present his case. Appellee failed to properly serve amended pleadings, denying Appellant the opportunity to respond and submit critical defenses. Furthermore, Appellee engaged in tactics intended to mislead the court, including altering maintenance records and removing maintenance requests from the tenant portal.

The trial court compounded these issues by excluding key evidence, including testimony regarding Appellee's retaliatory conduct and discriminatory practices. This procedural unfairness violated Appellant's right to due process under the Fourteenth Amendment and Article I, Section 21 of the Florida Constitution, which guarantee a fair and meaningful opportunity to be heard.

### C. Discrimination and Retaliatory Conduct by Appellee

Appellee's eviction suit was a direct retaliation against Appellant for exercising his legal rights to report health and safety violations. Under Florida Statutes § 83.64, landlords are prohibited from evicting tenants in retaliation for complaints about habitability or code violations. Appellant's complaints to HUD, FDACS, and other authorities on July 12, 2024, resulted in Appellee filing an eviction complaint that same day, demonstrating clear retaliatory intent.

Moreover, Appellee's discriminatory conduct is further evidenced by the unequal treatment Appellant received compared to other tenants, including the denial of the normal process for transferring tenants to other units after mold was discovered. The trial court failed to consider this crucial defense, allowing the retaliatory eviction to proceed unchecked.

### D. Corruption and Breach of Ethical Obligations by Appellee

Appellee's conduct throughout this case reflects not only a disregard for legal obligations but also a troubling pattern of unethical behavior. Appellee knowingly attempted to cover up serious mold contamination by using superficial fixes, such as painting over the affected areas, rather than addressing the root cause of the water intrusion. Appellee's refusal to provide transparent information and its attempts to coerce Appellant into signing a release of liability demonstrate a clear breach of ethical and contractual obligations.

Appellee's actions, including its use of duct tape as a substitute for drywall in certain areas, further exemplify the level of disregard for tenant safety. These unethical practices contributed to Appellant's exposure to harmful mold spores, resulting in personal injury and damage to his property.

## CONCLUSION

For the reasons outlined above, this Court should reverse the lower court's judgment of eviction, vacate the rent determination order, and dismiss Appellee's eviction complaint with prejudice. Appellant further requests that the Court award compensatory damages for the harm caused by Appellee's retaliatory and discriminatory conduct, including damages for personal injury, financial loss, and emotional distress. Appellee's conduct, which reflects clear violations of Florida law and constitutional protections, must not be allowed to stand unchallenged.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by email to Ryan R. McCain, [rmccain@barfieldpa.com](mailto:rmccain@barfieldpa.com), on this October 29th, 2024.

## CERTIFICATE OF COMPLIANCE

I certify that this document complies with the applicable formatting and length requirements under the Florida Rules of Appellate Procedure.

Respectfully, Godfrey Forbes