

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2023-1440

MICHAEL NAHOOM,

Appellant,

v.

FLORIDA LEAGUE OF CITIES,
INCORPORATED,

Appellee.

On appeal from the Circuit Court for Leon County.
J. Lee Marsh, Judge.

March 5, 2025

PER CURIAM.

AFFIRMED. *Gessner v. Southern Co.*, 396 So. 3d 908 (Fla. 1st DCA 2024) (holding that a plaintiff claiming private whistleblower protection under section 448.102(3), Florida Statutes, must allege an actual violation of a law, rule, or regulation, not just a “suspected violation,” in order to survive summary judgment); *see also* § 448.102(1), Fla. Stat. (“An employer may not take any retaliatory personnel action against an employee because the employee *has*: (1) *Disclosed*, or *threatened* to disclose, to any appropriate governmental agency, under oath, in writing, an

activity, policy, or practice of the employer that is in violation of a law, rule, or regulation.” (emphasis supplied)); *Washington v. Florida Dept. of Revenue*, 337 So. 3d 502, 509 (Fla. 1st DCA 2022) (“To establish a prima facie case under the Whistle-blower’s Act, a plaintiff *must* show that (1) prior to his or her termination, he or she *made a disclosure* protected by the Act” (emphasis supplied)).

ROWE, WINOKUR, and NORDBY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Marie A. Mattox and Ashley N. Richardson of Marie A. Mattox, P.A., Tallahassee, for Appellant.

Jeffrey D. Slanker and Michael P. Spellman of Sniffen & Spellman, P.A., Tallahassee, for Appellee; Cristine M. Russell of Rogers Towers, P.A., Jacksonville, for Amicus Curiae The Academy of Florida Management Attorneys, Inc.