

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

**BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ PC, and
MARCUS M. MAPLES,**
Appellants,

v.

BEDESCHI AMERICA, INC.,
Appellee.

No. 4D2026-0164

[September 30, 2026]

Appeal of a nonfinal order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Reid P. Scott, II, Judge; L.T. Case No. 502025CA002568XXXAMB.

Lauren V. Purdy, Nicole K. Atkinson, and David R. Atkinson of Gunster, Yoakley & Stewart, P.A., West Palm Beach, for appellants.

C. Alan Lawson and Harold E. Patricoff Jr. of Lawson Huck Gonzalez, PLLC, Coral Gables, for appellee.

KLINGENSMITH, J.

Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. (“the law firm”) and Marcus M. Maples (collectively “the lawyers”) appeal from a nonfinal order denying their motion to dismiss Appellee Bedeschi America, Inc.’s (“the client”) legal malpractice action for lack of personal jurisdiction. We reverse and remand for a limited evidentiary hearing under *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499 (Fla. 1989).

The client, a Florida corporation headquartered in Boca Raton, retained the lawyers in connection with a Texas construction project and a dispute that led to litigation and arbitration in Texas. The client later sued the lawyers for legal malpractice. In support of personal jurisdiction, the client submitted the declaration of its vice president of operations, who stated that the lawyers had provided legal advice to the client in Florida, lawyer Maples twice visited the client’s Boca Raton headquarters to provide legal

advice, and the client relied on that advice when making important decisions concerning the dispute and related proceedings.

The lawyers submitted sworn evidence disputing whether the alleged malpractice had occurred in Florida or arose from conduct there. Maples acknowledged the Florida meetings and communications, but described those as general status and strategy meetings regarding the Texas dispute and arbitration. Maples stated that no advice given during those meetings constituted an operative negligent act or omission, and denied that the client's malpractice claim arose from the Florida communications.

After a non-evidentiary hearing, the trial court found that the lawyers' communications directed into Florida and Maples' Florida meetings related "directly to the conduct alleged to constitute legal malpractice." The trial court denied the motion to dismiss.

A trial court's ruling on a motion to dismiss for lack of personal jurisdiction is reviewed de novo. *Wendt v. Horowitz*, 822 So. 2d 1252, 1256–57 (Fla. 2002). Under *Venetian Salami*, if the defendant files a legally sufficient affidavit contesting the jurisdictional allegations, the burden shifts to the plaintiff to present sworn proof supporting a basis for jurisdiction. When the parties' sworn submissions cannot be reconciled, the trial court must conduct a limited evidentiary hearing to resolve the disputed jurisdictional facts. *Venetian Salami*, 554 So. 2d at 502–03; *Ware v. Citrix Sys., Inc.*, 258 So. 3d 478, 482 (Fla. 4th DCA 2018).

Here, the trial court relied in part on general jurisdiction under section 48.193(2), Florida Statutes (2025), which provides "[a] defendant who is engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, is subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity."

The law firm is incorporated in Tennessee and has its principal place of business there. Its Florida contacts do not render it essentially at home in Florida. See *Daimler AG v. Bauman*, 571 U.S. 117, 139 (2014) (explaining that the test for general jurisdiction is whether the corporation's contacts with the forum are so continuous and systematic as to render it essentially at home in the forum state). Maples is domiciled in Alabama. Accordingly, section 48.193(2) does not provide a basis for general jurisdiction.

The trial court also relied on section 48.193(1)(a)6.a., which provides specific jurisdiction when an act or omission by a defendant outside

Florida causes injury to persons or property within Florida. This provision, however, does not provide a basis for jurisdiction, because the client's alleged injuries are economic in nature. *Aetna Life & Cas. Co. v. Therm-O-Disc, Inc.*, 511 So. 2d 992, 994 (Fla. 1987) (holding that this provision contemplates "personal injury or physical property damage").

The remaining statutory basis for the court's ruling is section 48.193(1)(a)2., which applies when a defendant commits a tortious act in Florida. A tortious act may be committed through communications directed into Florida, but the cause of action must arise from those communications. *Wendt*, 822 So. 2d at 1260.

The client's declaration states that the lawyers provided legal advice in Florida concerning the dispute, and the client relied on that advice in making important decisions concerning the dispute and related proceedings. Maples' declarations, by contrast, acknowledge the Florida meetings and communications, but deny any of those involved, or gave rise to, any conduct alleged as malpractice.

Thus, these sworn submissions cannot be reconciled as to whether the client's malpractice claim arises from the Florida communications and meetings. Therefore, the trial court was required to conduct a limited evidentiary hearing. See *Venetian Salami*, 554 So. 2d at 503. Accordingly, we reverse and remand for a limited evidentiary hearing to resolve the disputed jurisdictional facts.

Reversed and remanded for an evidentiary hearing.

SHEPHERD and SHAW, JJ., concur.

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Not final until disposition of timely-filed motion for rehearing.