



Charles C. Hart II, P.A.

Charles C. Hart II, Esq.
Attorney at Law

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Orlando, Florida 32801

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February 5, 2025

Chair Travis Drew Eden Mydock
Mydock Law
309 Kingsley Lake Dr Ste 904
Saint Augustine, FL 32092-3048
Sent via Electronic Mail to: tmydock@mydocklaw.com

RE: Charles C. Hart II's Application for Seventh Judicial Circuit's County Court
Vacancy

Dear Chair Mydock:

Let this letter serve to confirm your receipt of the completed Application for Seventh Judicial
Circuit's County Court vacancy for Charles C. Hart II, Esq. and a redacted copy of same.

Please confirm receipt of my application.

Please feel free to contact me at the listed addresses with any questions or comments.

Can you please confirm receipt of this application packet?

Best regards,

A handwritten signature in blue ink, appearing to read 'Charles C. Hart II', with a long horizontal flourish extending to the right.

Charles C. Hart II, Esq.
charleshartlaw@gmail.com
Office: (321) 363-4959

APPLICATION FOR NOMINATION TO THE SEVENTH CIRCUIT COURT

Instructions: Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.

Full Name: Charles C. Hart II **Social Security No.:** [REDACTED]

Florida Bar No.: 0044111 **Date Admitted to Practice in Florida:** 9/24/2007

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

Charles C. Hart II, P.A. **Position:** Attorney and President/CEO

Mailing address: 424 East Central Blvd. #406; Orlando, Florida 32801
Office address: 1307 South International Parkway, Suite 1091-A
Lake Mary, Florida 32746

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number), and your preferred email address.

Address: [REDACTED]
[REDACTED]

Lived here at the Paramount Building since January 2021
(Approximately 4 years)
Lived in Florida since June 1993 (Approximately 31 years and 7 months)

Cell: (407) 497-0494
Office: (321) 363-4959
Email charleshart2@gmail.com

3. State your birthdate and place of birth.

[REDACTED]; San Antonio, Texas

4. Are you a registered voter in Florida (Y/N)? Yes
5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

Florida Bar admitted September 24, 2007 to present.

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

No.

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

Schools	Class Standing	Dates of Attendance	Degree
University of Florida College of Law	GPA 3.35; graduated cum laude	Fall 2005 – Spring 2007	Juris Doctorate
Florida International College of Law	3 rd in class; GPA 3.44	Fall 2004 – Spring 2005	Attended my first year of law school at FIU College of Law then transferred to the University of Florida College of Law
University of South Florida	1 st in class; GPA 3.73	Spring 2003 – Spring 2004	Masters of Accountancy
Louisiana State University	GPA 4.0	Spring 2001 (Spanish 1) and Fall 2002 (Spanish 2)	I only attended via correspondence classes to complete foreign language graduation requirements at the University of South Florida and the University of Florida
University of South Florida	USF GPA 3.77; overall graduation GPA 3.48	Fall 1999 – Fall 2002	Bachelor of Science; Major: Accounting and Minor: Business Economics
University of Florida	GPA 3.24	Fall 1993 – Fall 2002	Bachelor of Arts; Major: Political Science
Matthew C. Perry High School; Iwakuni, Japan	3 rd in class	Fall 1989 – Spring 1993	High School Degree

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

- Florida Blue Key, inducted in Fall 2006
- State Chairman, College Republican Confederation of Florida (2 terms, 1997-1998)
- Ex-officio Board member, Republican Party of Florida Executive Committee (1997-1998)
- Northern Vice Chairman, College Republican Confederation of Florida (2 terms, 1995-1996)
- Chairman, University of Florida College Republicans (4 terms, 1994-1998)
- Vice Chairman, Gators for Bush (1994)
- Vice Chairman, Gators for Dole (1996)
- Northern Vice Chairman, Florida Youth for Dole (1996)
- Assistant Research Editor, Florida Journal of International Law, Spring 2006
- Vice President, John Marshall Bar Association, University of Florida (2006-2007)
- Chief of Staff, Fall 2006 – Spring 2007 University of Florida Honor Court
- Deputy Chief Public Defender, Spring 2006 University of Florida Honor Court
- Prosecutor, Fall 2005 University of Florida Honor Court
- Sponsorship Coordinator, 2006 University of Florida Gator Growl
- Student Senator, University of Florida (1993)
- Student Senator, University of South Florida (2001- 2002)
- Rules Committee Chairman, Student Senate, University of South Florida (2002)
- Vice President, Beta Alpha Psi, USF Chapter (Spring 2003)
- Beta Alpha Psi, Accounting Professional Fraternity, inducted 2002
- National Honor Society, inducted in 1991
- Delta Chi, Greek Social Fraternity, inducted in 2006

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.

Legal employment

Position	Name of Firm	Address	Dates
Attorney and President/CEO	Charles C Hart II, P.A.	9300 Conroy Windermere Road, Ste. 369; Windermere, Florida 34786	August 2008 – present
Attorney for the Public Defender	Office of the Public Defender Eighteenth Judicial Circuit	101 Eslinger Way; Sanford, Florida 32772-8004	April 2023 – July 2024

Contract Attorney	Office of Conflict and Civil Regional Counsel for the Fifth District	101 Sunnyside Road, Ste. 310; Casselberry, Florida 32707	July 2008 – June 2011
Associate Attorney	Chase Freeman, P.A.	1525 International Parkway., Suite 4021; Lake Mary, Florida 32746	May 2008 – August 2008
Certified Legal Intern After sworn into Florida Bar Assistant State Attorney	Office of the Public Defender for the 18 th Judicial Circuit	101 Eslinger Way; Sanford, Florida 32773	August 2007 – May 2008
Certified Legal Intern ***Unpaid, part of legal Clinic through the University of Florida College of Law	Office of the Public Defender for the 8 th Judicial Circuit	P.O. Box 2820; Gainesville, Florida 32602	January 2007 – May 2007
Certified Legal Intern ***Unpaid, part of legal Clinic through the University of Florida College of Law	Office of the State Attorney for the 8 th Judicial Circuit	120 West University Avenue; Gainesville, Florida 32601	May 2006 – August 2006

Pre-Admission to the Florida Bar employment

Date	Position	Employer	Address
January 2007 – May 2007	Certified Legal Intern ***Unpaid, part of legal Clinic through the University of Florida College of Law	Office of the Public Defender for the 8 th Judicial Circuit	P.O. Box 2820; Gainesville, Florida 32602
August 2006 – May 2007	Accounting Professor	Santa Fe Community College	3000 NW 83 rd Street, Building C, Room 106; Gainesville, Florida 32606-6210
May 2006 – August 2006	Certified Legal Intern ***Unpaid, part of legal Clinic through the University of Florida College of Law	Office of the State Attorney for the 8 th Judicial Circuit	120 West University Avenue; Gainesville, Florida 32601
October 2005 – May 2006	Research Assistant	UF College of Law	P.O. Box 117633; Gainesville, Florida

			32611
May 2005 – August 2005	Research Assistant	FIU College of Law	11200 SW 8 th Street, RDB Suite 1055; Miami, Florida 33199
August 2004 – December 2006	Head Campus Representative (Miami) and Campus Representative (Gainesville)	PMBR	Miami address: 10840 SW 84 th Street E5; Miami, Florida 33173 Gainesville address: 2330 SW 35 th Place #88; Gainesville, Florida 32608
August 2004 – August 2005 (Miami) May 2007 – July 2007 (Gainesville)	Head Campus Representative (Miami) and ID Checker (Gainesville)	Barbri	Miami address: 10840 SW 84 th Street E5; Miami, Florida 33173 Gainesville address: 2330 SW 35 th Place #88; Gainesville, Florida 32608
August 2003 – May 2004	Independent Accounting Tutor	Self-employed	13131 North 20 th Street #101; Tampa, Florida 33608
May 2003 – July 2003 and May 2004 – July 2004	Internal Auditor	University of South Florida Office of Inspector General (name later changed to Office of Audit and Compliance)	4202 East Fowler Avenue, NEC 252; Tampa, Florida 33620
August 2002 – May 2004	Student Research Assistant promoted to Teaching Assistant	University of South Florida School of Accountancy	4202 East Fowler Avenue, BSN 3403; Tampa, Florida 33620-5500
August 2001 – October 2001	Accounting Assistant	University of South Florida College of Medicine	12901 Bruce B. Downs Boulevard, MDC 2; Tampa, Florida 33612
May 2001 – June 2001	Accounting Temp	Accounting Solutions	4830 West Kennedy Boulevard; Tampa, Florida 33609
January 2001 – May 2001	Student Senate Rules Committee Chairman	University of South Florida Student Senate	4202 East Fowler Avenue, CTR 246; Tampa, Florida 33620
January 2001 –	Seasonal Tax Preparer	Liberty Tax Service	13608 University Plaza;

March 2001			Tampa, Florida 33613
January 2001 – December 2003	Tutor/Study Hall Monitor	University of South Florida Athletic Enrichment Center	4202 East Fowler Avenue, ATH 2300; Tampa, Florida 33620
August 2000 – October 2000	Accounting Intern	Davel Communications	10120 Windhorst Road; Tampa, Florida 33619
July 2000 – August 2004 and January 2005 – December 2006	Test Question Writer	Bisk, Incorporated	9417 Princess Palm Avenue; Tampa, Florida 33619
August 1999 – August 2000	Production Assistant	WUSF 89.7 FM	4202 East Fowler Avenue, TVB 100; Tampa, Florida 33620- 6902
March 1999	Management Trainee	Premier Car Rental	3333 North Main Street; Gainesville, Florida 32609
September 1998 – November 1998	Member Representative	Better Business Bureau	3010 SW 23d Terrace #88; Gainesville, Florida 32608 4417 Beach Blvd., Suite 202; Jacksonville, Florida 32207
July 1998 – September 1998	Management Trainee	Aaron's Rental Purchase	2564 NW 13 th Street; Gainesville, Florida 32609
June 1998 – August 1999	Radio Announcer and Audio Board Operator	WSKY 97.3 FM and WKTK 98.5 FM	3600 NW 43 rd Street, Suite B; Gainesville, Florida 32606
February 1998 – April 1998	Telephone Survey Taker	University of Florida Bureau of Economic and Business Research	Post Office Box 117145; Gainesville, Florida 32611-7145
June 1997 – August 1997	Telemarketing Manager	ProSecurity	13377 Southern Precast Drive; Alachua, Florida 32615
April 1997 – June 1997	Part Time Telemarketer promoted to Full Time Receptionist	Scott Alarm	3501 SW Archer Road, #260; Gainesville, Florida 32608

10. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you

are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

Throughout my career, I have always wanted to help people. I have worked as an Assistant State Attorney, Regional Conflict Counsel, and a Public Defender. I have represented clients in Dependency, Family, and Civil case matters. Right now, in private practice, I help everyday people with general legal matters, specifically matters involving criminal and guardianship law. I go to court often and help clients find justice for their problems.

11. What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates) was:

	Court		Area of Practice
Federal Appellate	_____ %	Civil	<u>5</u> %
Federal Trial	_____ %	Criminal	<u>35</u> %
Federal Other	_____ %	Family	<u>5</u> %
State Appellate	_____ %	Guardianship	<u>35</u> %
State Trial	<u>100</u> %	Other:	<u>20</u> %
		Dependency	
		(5%)	
		Probate (5%)	
		Criminal	
		Juvenile (10%)	
State Administrative	_____ %		
State Other	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation: Not applicable.

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	<u>19 jury trials</u>	Non-jury?	<u>50+ non-jury trials</u>
Arbitration?	<u>0 hearings</u>	Administrative Bodies?	<u>30+ hearings</u>
Appellate?	<u>0 cases</u>		

I have tried to keep a good record of my administrative hearings and bench trials but have lost count as I have done so many over the years in DUI Administrative hearings, Dependency trials, Family Law trials, Guardianship and Probate trials, Small Claims trials, and Civil Litigation.

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

None.

14. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended, or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

Not applicable.

15. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain full.

None.

16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Court Case Numbers	Judge	Counsel and Phone Numbers
<u>State of Florida v.</u> <u>Jerry Dickerson</u> 2023-MM-001079 Criminal Misdemeanor	Judge Mark Herr (Seminole County)	Richard Parker, Esq. Assistant State Attorney (407) 665-6000 Christina Vicari, Esq. Assistant State Attorney (407) 665-6000

		<p>cvicari@sa18.org</p> <p>Michael Schoenberg, Esq. Co-Counsel Assistant Public Defender (407) 665-4524 mschoenberg@pd18.net</p>
<p><u>Helen Gilchrist v. Cornelius Davis and Katrina Southward</u> 2013-CA-003178 Civil Litigation</p>	<p>Judge James Baxley (Lake County)</p>	<p>Alan Taylor, Esq. Co-Counsel Alan Taylor, esq. (407) 992-8740 ataylororlando@gmail.com</p> <p>Cornelius Davis Defendant cccministry05@gmail.com</p> <p>Katrina Southward Defendant purplerain1711@gmail.com</p> <p>I do not have a phone number for Davis or Southward.</p>
<p><u>State v. Amanda Lytle</u> 2023-MM-003347-A Criminal Misdemeanor</p>	<p>Judge Wayne Culver (Seminole County)</p>	<p>Heidi Pozek, Esq. Assistant State Attorney (407) 665-6000 HPozek@sao9.org</p> <p>Dylan Howeller, Esq. Co-Counsel Assistant Public Defender (407) 665-4524 dhoweller@pd18.net</p>
<p>In re: [REDACTED] [REDACTED] Guardianship</p>	<p>Christine Arendas (Osceola County)</p>	<p>Krishna L. Domenech, Esq. Attorney for the Petitioner (689) 205-5891 kdomenech@nardellalaw.com</p>
<p>In re: [REDACTED] [REDACTED] Guardianship</p>	<p>Judge Mike Murphy (Orange County)</p>	<p>Christi McCullars, Esq. Attorney for the Petitioner (321) 662-5377 christi@mccullarslaw.com</p>

<p>In re: [REDACTED] Guardianship</p>	<p>Judge Mark Blechman (Orange County)</p>	<p>Eric Yankwitt, Esq. Attorney for the Petitioner (954) 600-2274 yankwittlawfirm@gmail.com</p> <p>Amanda Kania, Esq. Attorney for the Wife (813) 535-7848 ank@kaniaelderlaw.com</p>
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17. For your last six cases, which were either settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Private Counsel Cases		
<u>Court Case Numbers</u>	<u>Judge</u>	<u>Counsel and Phone Numbers</u>
<p>In re: [REDACTED] Probate</p>	<p>Judge Mark Blechman (Orange County)</p>	<p>Alan Taylor, Esq. Co-Plaintiff Counsel Alan Taylor, esq. (407) 992-8740 ataylororlando@gmail.com</p> <p>Adam Miller, Esq. Co-Plaintiff Counsel (407) 843-8880 adam.miller@gray-robinson.com</p> <p>Mark Miller, Esq. Co-Plaintiff Counsel (407) 843-8880 mark.miller@gray-robinson.com</p> <p>David Simmons, Esq. Defense Counsel (407) 992-3530 dsimmons@dsklawgroup.com</p>
<p><u>State v. Reuben Morales</u> 2023-102015-CFDL Criminal Felony</p>	<p>Judge Kathleen McNeilly (Volusia County)</p>	<p>Dan Megaro, Esq. Assistant State Attorney (386) 822-6400 MegaroD@sao7.org</p>

<u>State v. Steven Ramsey</u> 2024-MM-002113-A Criminal Misdemeanor	Judge Deb Blechman (Osceola County)	Lauren Lewis, Esq. Assistant State Attorney (407) 742-5280 LLewis@sao9.org
<u>State v. Katherine Schlappi</u> 2024-MM-001820 Criminal Misdemeanor	Judge Ceclia Thacker Dorn (Osceola County)	Lauren Lewis, Esq. Assistant State Attorney 407-742-5280 llewis@sao9.org
In re: [REDACTED] Guardianship	Judge Heather Higbee (Orange County)	Joanna Tolbert, Esq. Attorney for the Guardian (407) 772-2354 jt@centralfloridalegalgroup.com Joanna Payette, Esq. Attorney for the Petitioner (407) 748-4887 Joanna@orangeblossomlaw.com
In re: [REDACTED] Criminal Juvenile	Judge Robert W. Pickens, III (Volusia County)	Kristin DePaula Assistant State Attorney (386) 822-6400 DepaulaK@sao7.org

18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

Prior to my service under a part-time contract as an Attorney for the Public Defender, I would be in court twenty to thirty times a month on average. While an Attorney for the Public Defender, I was in court practically every day either with Public Defender cases, my private counsel cases, or both. Since the expiration of my contract as an Attorney for the Public Defender, I am back to twenty to thirty court appearance a month.

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel.

Not applicable.

20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants?

Not applicable.

21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant.

Case #1

Carl Jackson v. Orange County, Florida

Orange County, Florida case number 2020-CA-006427

I was co-counsel third chair.

My client was Carl Jackson.

Judge: Lisa Munyon

Attorneys: John T. Stemberger, Esq. (for Carl Jackson), Anthony Sabatini, Esq. (for Carl Jackson), Elaine Marquardt Asad, Esq. (for Orange County), Jeffrey J. Newton, Esq. (for Orange County)

Co-Counsel

John T. Stemberger, Esq.

407-251-1957

stemberger@orlandolawyer.tv

Anthony Sabatini, Esq.

352-455-2928

anthony@sabatinilegal.com

Opposing Counsel

Elaine Marquardt Asad, Esq.

407-836-7320

elaine.asad@ocfl.net

Jeffrey J. Newton, Esq.

407-836-7320

jeffrey.newton@ocfl.net

This is a significant case because it pushed back against government infringement on Orange County residents' constitutional rights. This case was initiated over Orange County illegally enforcing and extending its mask orders on county residents despite high-quality scientific evidence showing that masks do not stop the spread of COVID. I believed the people of

Orange County deserved to have their freedoms and decide for themselves rather than allow a government bureaucrat or politician make the decision for them.

Case #2

State of Florida v. Keyon Lenard Brown, Jr.

Seminole County, Florida Circuit Court case number 2013-CF-000890-C

I was lead counsel.

My client was Keyon Lenard Brown, Jr.

Judge: Kenneth Lester

Attorney: Assistant State Attorney Jim Carter, Esq. (lead counsel) and Assistant State Attorney Andrew Cambron, Esq. (second chair)

Assistant State Attorneys

Jim Carter, Esq.

407-665-6417

jcarter@sa18.org

Andrew Cambron, Esq.

407-665-6600

acambron@seminolesheriff.org

This was a significant case because I upheld the constitution and defended a client accused of first degree murder under the Felony Murder Rule. I had a duty to my client to represent him faithfully and make sure he received due process and justice. I completed those duties.

Case #3

Gary Roberts (Plaintiff, Counter Defendant) v. Randy A. Fuhrman and Jennifer A. Fuhrman (Defendants, Counter Plaintiffs, Third Party Plaintiffs) vs. Georgia Roberts (Third Party Defendant)

Seminole County, Florida Circuit Court case number 2010-CA-7611-16-K

I was lead counsel.

My clients were Randy Fuhrman and Jennifer Fuhrman.

Judge: Judge Nancy Alley replaced by Judge Alan Dickey

Attorneys: Gary Siegel was second chair/co-counsel (for Fuhrman); Buckey Blankner, Esq. (for Georgia and Gary Roberts); John Valentine, Esq. (for Georgia and Gary Roberts); J.J. Partlow, Esq. (for Georgia and Gary Roberts)

Co-Counsel

Gary Siegel, Esq.

407-878-7860

gary@garysiegellaw.com

Opposing Counsel

J.J. Partlow, Esq.

407-324-0778

jj@ggplaw.com

Buckey Blankner, Esq.
407-894-0341
blanknergroupp@aliblackner.com

This was a significant case because I used my knowledge of the law to protect my clients from being victimized daily. It was an extremely difficult case because the Roberts would be best described as vexatious litigants. As a result of my work, I was able to protect my clients and prevent the Defendants from abusing our justice system.

Case #4

M. Ellis Electrical, Inc. (Plaintiff) v. Bassam I. Nasser, as Trustee, and The Living Trust of Bassam I. Nasser (Defendants)

Seminole County, Florida Circuit Court case number 2010-CA-3170-14-K

I was lead counsel.

My client was Bassam I. Nasser and the Living Trust of Bassam I Nasser.

Judge: Nancy Alley

Attorneys: Gary Siegel was second chair/co-counsel (for Bassam I. Nasser), Kenneth Morse (for M. Ellis Electrical, Inc.)

Co-Counsel

Gary Siegel, Esq.
407-878-7860
gary@garysiegellaw.com

Opposing Counsel

Kenneth Morse, Esq.
407-422-2411
kdm@morselaw.com

This case was a week-long construction lien trial. I was successful in stopping a contractor who did not adequately perform the work contracted for from recovering anything more than the costs of the materials he actually used on the job. My work was significant because it enabled my client to keep his business open and not lose his property.

Case #5

Seminole County Health Department and State of Florida Department of Health v. Mike's Gators, Inc. and Sanford Boat Works and Marina, Inc.

Seminole County, Florida Circuit Court case number 2010-CA-5568

I was lead counsel.

My client was Mike's Gators, Inc.

Judge: Nancy Alley

Attorneys: Cathy McAllister, Esq. (for Plaintiff), William Westerfield, Esq. (for Plaintiff), Steve Coover, Esq. (for Defendant Sanford Boat Works and Marina, Inc.)

Opposing Counsel

Cathy McAllister, Esq.
386-668-1886
seabrand22@gmail.com

William Westerfield, Esq.
407-987-4529
patrick@getkurtz.com

Steve Coover, Esq.
407-322-4051
steve.coover@hmc-pa.com

This case was another trial case. The Plaintiffs' were trying to shut down Mike Gators, Inc. due to an anonymous complaint about Mike's Gators septic system. This case is significant because I protected a client from government overreach and kept his business open.

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I drafted the attached documents at different points in my legal career. I drafted the "Memorandum of Law in Support of Defense's Motion to Suppress Heard on May 17, 2010" in a Driving Under the Influence misdemeanor case in 2012. See Exhibit "A". I drafted "Plaintiff's Response to Defendant's Motion to Dismiss, Motion to Strike, and Motion for More Definite Statement" in a land dispute in 2016. See Exhibit "B".

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

23. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved, the dates of service or dates of candidacy, and any election results.

Not applicable.

24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

Ninth Judicial Nomination Commission; Spring 2019; for a circuit court position and once for a county court position; I did not make it out of the committee.

Ninth Judicial Nomination Commission; Spring 2023; for a circuit court position; I did not make it out of the committee.

Ninth Judicial Nomination Commission; August 2023; for circuit and county court positions; I did not make it out of the committee.

Ninth Judicial Nomination Commission; August 2024; for circuit court positions; I did not make it out of the committee.

Ninth Judicial Nomination Commission; February 2025; for county court position.

- 25.** List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.

Not applicable.

- 26.** If you have prior judicial or quasi-judicial experience, please list the following information:

- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
- (ii) the approximate number and nature of the cases you handled during your tenure;
- (iii) the citations of any published opinions; and
- (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

Not applicable.

- 27.** Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

Not applicable.

- 28.** Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

Not applicable.

- 29.** Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

Not applicable.

- 30.** Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

Not applicable.

31. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results.

Candidate for Florida House of Representatives, House District 39; 2022 Primary Election
Candidacy from May 2022 until August 23, 2022
Lost primary

NON-LEGAL BUSINESS INVOLVEMENT

32. If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

I am the attorney and President/CEO of Charles C. Hart II, P.A. My firm was organized to provide legal representation and accounting work. I have only represented legal clients in legal matters in the State of Florida. My firm has never engaged in accounting work. Since I am a solo practitioner with no associates, intend to close the business when I am appointed.

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

Not applicable.

POSSIBLE BIAS OR PREJUDICE

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed.

Republican convention reflected the true spirit of America – Opinion published in Orlando Sentinel on August 29, 2020

<https://www.orlandosentinel.com/opinion/guest-commentary/os-op-charles-hart-republican-view-conventions-20200829-bw2x72yvbfnfq5isee3nvdemjya-story.html>

36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

None.

37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

From June 2018 until December 2022, I gave a speech once every month at the Orange County Republican Executive Committee on the state of the Republican Party in Orange County, Florida. In addition to these speeches, some of the speeches or lectures I have given in the last five years as Chairman of the Orange County Republican Executive Committee and as a candidate for Florida House of Representatives District 39 include but are not limited to:

1. Master of Ceremonies, U.S. Grant Victory Convention, June 2020; local candidate straw poll for 2020 Election
2. Master of Ceremonies, U.S. Grant Victory Convention, June 2021; keynote address speaker: U.S. Rick Scott
3. Master of Ceremonies, Orange County Republican Executive Committee Lincoln Day Dinner, October 2021; speakers: U.S. Congressman Michael Waltz and Senate President Wilton Simpson; keynote speaker U.S. Senator Ted Cruz
4. Master of Ceremonies, Orange County Republican Executive Committee 2020 Victory Party, November 10, 2018
5. Master of Ceremonies, Orange County Republican Executive Committee Lincoln Day Dinner, October 2019; keynote speaker: U.S. Congressman Matt Gaetz
6. Master of Ceremonies for a rally for now Governor Ron DeSantis and Senator Marco Rubio, November 5, 2018
7. Master of Ceremonies for a rally for now Governor Ron DeSantis, October 20, 2018
8. Master of Ceremonies, Orange County Republican Executive Committee 2018 Victory Party, November 6, 2018
9. Guest speaker, Northwest Orange Republican Women Federated, September 20, 2018
10. Speaker, Northwest Orange Republican Women Federated, August 9, 2018
11. Guest Speaker, Winter Park Republican Woman Federated, November 27, 2018
12. Guest Speaker, University of Central Florida College Republicans, September 4, 2018
13. Master of Ceremonies, Pete Crotty for County Commission District 4 Fundraiser Event, September 23, 2019 and October 24, 2018
14. Guest Speaker, West Orange Republican Women Federated, November 8, 2018

15. Speaker, Orlando Republican Women Federated, March 16, 2019
16. Guest Speaker, Center Right Coalition, September 14, 2018 and April 12, 2019
17. Commentator, WESH News Democratic Governor Debate, August 2, 2018
18. Guest, Thuy Lowe's Policies and Pocketbooks, August 3, 2018
19. Guest, John Book's Radio Show, December 2, 2018
20. Guest, Roger Williams' Radio Show, February 15 2018
21. Interviewed by WESH News 2 regarding Florida Recount, November 16, 2018
22. Interviewed by Orlando Sentinel regarding President Trump's 2020 Re-election efforts March 25, 2019
23. Interviewed by WESH News 2 regarding Governor DeSantis popularity and high poll numbers, March 13, 2019
24. Interviewed regarding winning election as Chairman of the Orange County Republican Executive Committee on June 18, 2018
25. Interviewed regarding running for re-election and winning re-election as Chairman of the Orange County Republican Executive Committee on December 5, 2018 and December 7, 2018
26. Apopka Chamber of Commerce, Hob Nob, August 2022

I had a radio show entitled the Hart of Central Florida that airs every Wednesday night from 7 to 8 p.m. on 950 AM/94.9 FM from May 2023 through December 2024.

I still get interviewed because of my unique position as the former Chairman of the Orange County Republican Party.

Every Wednesday from September 2020 until December 2022, I was a cohost for the talk radio program American Adversaries on 94.9 FM and 950 AM in Orlando, Florida.

When I ran for Florida House of Representatives, House District 39, I participated in a debate at Tiger Bay in Orlando, Florida. The video of the overall luncheon is located at:
<https://www.wesh.com/article/forum-florida-state-primary-races/40587869>

Among the other recorded statements I have made:

RIMM Podcast EP-52! Charles Hart For State Representative District-39!
<https://youtu.be/nXHedwDhf5c>

Charles Hart OCREC Chairman & FL House 39 Candidate - What Can You Do in the 2022 Election?
https://youtu.be/B8OjU_wMYAU

2021-03-08 OCREC Chairman Charles Hart and Area Republicans Oppose DEM PLOY H.R.1
<https://youtu.be/kBfRGhDyEwk>

Charles Hart for Florida State House District 39 - 2 min intro at Orange County Activation Forum
<https://youtu.be/AfyLgTIFk0g>

2021-01-06 OCREC TRUMP Support Rally - Chairman Charles Hart
<https://youtu.be/nTNefJ-DFGc>

Chairman Charles Hart, COVID-19, Do Nothing Democrat Congress
https://youtu.be/o8RtblI0l_s

2021-07-22 OCREC Chairman Charles Hart praises Gov. Tate Reeves
https://youtu.be/_oj5LCyB5bo

April 14, 2020
https://youtu.be/3sSX_N0xWpU

May 11, 2020
<https://youtu.be/eQapEk9XKjw>

August 9, 2023
Suspension of State Attorney Worrell sparks fiery debate between Democrats, Republicans
<https://www.wesh.com/article/desantis-monique-worrell-suspended/44777723>

August 11, 2023
SA Monique Worrell speaks at Orlando rally after suspension (wesh.com)
<https://www.wesh.com/article/monique-worrell-orlando-rally/44789537>

March 5, 2024
What to know ahead of the Florida presidential preference primaries
<https://www.wesh.com/article/florida-presidential-preference-primaries/46978322>

38. Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

Yes, while in graduate school at the University of South Florida School of Accountancy, 4202 East Fowler Avenue, BSN 3403; Tampa, Florida 33620-5500, from January 2003 through May 2003 I taught ACG 2021 Principles of Financial Accounting. There were no critical race theory, distortionist history lessons, or non-Accounting related concepts taught at all under any circumstances by myself. I do not have a syllabus to provide.

While in law school at the University of Florida, I taught ACG 2071 Managerial Accounting at Santa Fe Community College, 3000 NW 83rd Street, Building C, Room 106; Gainesville, Florida 32606-6210, from August 2006 to May 2007. Managerial Accounting is a form of managerial accounting that aims to capture a company's total cost of production by assessing the variable costs of each step of production as well as fixed costs, such as lease expenses. There were no critical race theory, distortionist history lessons, or non-Accounting related concepts taught at all under any circumstances by myself. I do not have a syllabus to provide.

39. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.
- 2022 Outstanding Political Party Leader of Central Florida, Orlando Local News
 - Endorsed by Associated Industries of Florida for Florida House of Representatives, House District 39, 2022 Election
 - 2015 Marital and Family Law Certification Review Course Scholarship Winner
 - Research Fellow for the Centre for International Financial Crimes Studies, Director Fletcher Baldwin, Spring 2006 – Spring 2007
 - Florida Journal of International Law (FJIL); I successfully wrote on to FJIL in 2006
 - Florida International University Law Review; before I transferred from FIU College of Law I successfully wrote on to the FIU Law Review, Summer 2005
 - Research Assistant at FIU College of Law, Summer 2005
 - USF CPA Review Class scholarship recipient, Spring 2004
 - 2004 Quinn Scholarship recipient
 - 2003 West Coast Florida Institute of Certified Public Accountants Student Scholarship recipient
 - 2003 Beta Alpha Psi Student Scholarship recipient
 - 2002 Accounting Circle Grant recipient

40. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

Not applicable.

41. List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

Volie N. Williams Inns of Court, approximately 2008 -- 2013

- Volie N. Williams Inns of Court, Program Director; 2011

Seminole County Bar Association, approximately 2008 – 2014

- Seminole County Bar Association, Board member; 2011

Orange County Bar Association; approximately 2008 -- 2012, 2015 -- 2016, and 2018 – 2019

- Membership Drive Committee; 2018

Central Florida Criminal Defense Lawyers Association, approximately 2008 – 2009

Federalist Society, 2023 – present

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged

since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Orange County Republican Executive Committee, Chairman; June 2018 – December 2022 (3 terms)

Delegate, 2020 Republican National Convention

Alternate Delegate, 2024 Republican National Convention

Orange County Republican Executive Committee, Treasurer; August 2017 – June 2018

Republican Party of Florida; Chairman Congressional District 10; January 2020 – December 2022

Republican Party of Florida; Vice Chairman Congressional District 10; January 2019 – January 2020

Republican Party of Florida; Secretary of the Chairman's Caucus; 2019-2022

Seminole County Republican Executive Committee, General Counsel; August 2016-November 2016

Orange County Republican Executive Committee, Precinct Committeeman; August 2017 – present

Seminole County Republican Executive Committee, Precinct Committeeman; approximately 2008 – 2011, 2012, and 2014 -- 2015.

Moose, member; 2022-present day

Rotary, member; approximately 2014 – 2020

Elks, member; approximately 2013 – 2016 and 2019-present day

Seminole County Housing Authority, Commissioner; approximately 2008 – present day

Freemason Sanford Lodge No. 62 Free & Accepted Masons of Florida; 2008 – 2015

Seminole County Chamber of Commerce, member; approximately 2014

Gettysburg Foundation, member; 2019 – 2021

National Rifle Association; 2022 as a Lifetime Member and 2008 as an annual member

Volie N. Williams Inns of Court, member; approximately 2008 – 2013

Volie N. Williams Inns of Court, Program Director; approximately 2011

Seminole County Bar Association, approximately 2008 – 2014

Seminole County Bar Association, Board member; 2011

Orange County Bar Association; approximately 2008 -- 2012, 2015 -- 2016, and 2018 -- 2019

Orange County Bar Association, Membership Drive Committee; 2018

Central Florida Criminal Defense Lawyers Association, approximately 2008 -- 2009

Federalist Society, 2023 -- present

- 43.** Do you now or have you ever belonged to a club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

In the abundance of caution, I am an inactive Member of Sanford Lodge No. 62 of the Free & Accepted Masons of Florida.

- 44.** Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

I have acted as an Attorney and Elisor in cases where I expended money out of my own pocket to represent clients that far exceeded any fees I may have received. These cases usually resolve where either no guardianship is established, the client dies before adjudication, or the client is indigent. Additionally, I have represented clients in other probate cases to close out estates. I do not feel comfortable discussing case numbers and dates of service due to attorney client privilege and do not to embarrass the clients any further. If I can be assured this information will stay private, I will provide this information on request.

- 45.** Please describe any hobbies or other vocational interests.

I enjoy playing chess. I love history. I love to travel. When I travel, I always take the opportunity to visit historical sites and locations. I am a serious baseball and college football fan. I take every opportunity to attend live sporting events.

- 46.** Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

Not applicable.

- 47.** Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

Facebook: <https://www.facebook.com/charles.hart.31521>

Twitter: <https://twitter.com/youneedahart>

Truth Social: <https://truthsocial.com/@charleshart>

FAMILY BACKGROUND

- 48.** Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

Divorced from Kimberly Sanders since 2019. Marital Address: 12988 Borland Street; Windermere, Florida 34786

I do not have a telephone number for Ms. Sanders.

The divorce was granted on June 19, 2019 in Orange County Court case number 2019-DR-008162-O and I have not communicated with her since that day.

- 49.** If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.

Not applicable.

CRIMINAL AND MISCELLANEOUS ACTIONS

- 50.** Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

- 51.** Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

- 52.** Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No.

- 53.** Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

Alachua County, Florida: Charles Hart (Plaintiff) versus Stephen J. O'Grady, Stephanie Imbres, Marlyne Maalouf, Matthew Radlinski, Bill Kelso, Cesar Gonzalez, and the University of Florida College Republicans, Case number 1997-CA-003164.

I was Chairman of the University of Florida College Republicans and the State Chairman of the College Republican Confederation of Florida. Political opponents tried to defame my reputation and cancel me. I used every legal means at my disposal to fight these false allegations, and after I was successful in stopping these individuals, I dismissed the lawsuit.

Leon County, Florida: Charles Hart (Plaintiff) versus Paul Chandler, Secretary of State Ken Detzner, Orange County, and Florida Supervisor of Elections Bill Cowles, Case number 2017 CA 001653.

As a citizen of Orange County, Florida, I learned that Paul Chandler, candidate for the Florida House of Representatives, House District 44 was a resident of the State of Missouri and not a resident under the law of the State of Florida. As such, Mr. Chandler was ineligible to be a candidate for the Florida House of Representatives. I sued Mr. Chandler because his campaign was illegal, and after I brought my lawsuit, he resigned as a candidate due to his ineligibility. This action taken by Mr. Chandler resolved the lawsuit.

Orange County, Florida: Charles C. Hart, P.A. v. APDC Cleaning Services, Inc., Orange County case number 2023-SC-054066

APDC engaged my services and incurred a \$3,800.00 debt. Case has settled.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No.

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No.

56. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation.

No.

57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No.

58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation.

No.

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No.

60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No.

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I own my own business and you must forecast your income for tax payments. Sometimes the forecasting results in an overpayment because you earn less than you forecast; for example, I overpaid my tax bill by \$3,074.79 in 2014. Other years, forecasting results in an underpayment and a penalty. I immediately paid in full a small penalty in 2010, 2012, and 2015 because I earned more income for each of those years than I expected.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No.

63. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis.

No.

64. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds,

defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain.

No.

65. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No.

66. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, provide full details as to court, date, and circumstances.

No.

67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.)

No.

68. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action

No.

69. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test.

No.

70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No.

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

My life experiences have taught me:

1. You must listen and exercise good judgment to make the best decision you can and then take ownership of that decision,
2. Being a judge has a political component to it now that has never existed before, I am ready and able to work furiously to be re-elected if chosen,
3. The more I know the less I know, so I must listen more than I talk, and
4. The best judges let the attorneys appearing before them present their cases and arguments before making a decision.

I have been fortunate to have a lot of legal experience representing ordinary people. I have experience in criminal, juvenile, dependency, family, probate, injunction, guardianship, and civil law cases. Because of that experience, I am familiar with presenting a case to a judge or a jury. Also, I have been fortunate to see what good and bad judges do from a trial attorney's perspective.

I am no stranger to the Seventh Judicial Circuit; at any given time as much as 50% of my practice is in the Seventh Judicial Circuit. I have practiced law in 3 of the four counties of the Seventh Judicial Circuit. Most importantly, Volusia County is where my family lives.

If given the chance, I have significant experience to be ready on Day 1 to serve the people of the Seventh Judicial Circuit.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

The things I would bring to this position would be:

1. A lifetime commitment of giving back to the community and helping others,
2. A varied, extensive, and diverse legal background,
3. A significant amount of trial experience,
4. An understanding of what an attorney must go through to represent their clients, and
5. An understanding of how scary our legal system can be to ordinary people.

If I were fortunate enough to be appointed as a Judge for the Seventh Judicial Circuit:

1. I would listen twice as much as I talk.
2. I would always have someone from my office always answer the phone. There is nothing worse than needing an answer, having a problem, and needing to alert the Court and not being able to reach anyone at all.
3. I would work to make my docket as efficient as possible using technology and any other means available.
4. I would be more open to the needs of the attorneys who appear in front of me and less "Policy Manual" driven. I find that so many courts hide behind "Policy Manuals" instead of trying to work with the attorneys to resolve cases and find justice. Personally, there is

nothing more frustrating than trying to represent a client's interests only to be pointed to a "Policy Manual" without being listened to by anyone.

5. I would never forget where I came from because despite my title, I am still an attorney and more importantly, no matter what, I am a Floridan and my mother lives in Volusia County so the attorneys and people that appear before me are my neighbors and I always owe them my attention, courtesy, and respect. **It is not "my" courtroom, it is "their" courtroom.**

REFERENCES

73. List the names, addresses, e-mail addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission and the Governor.

Name	Email	Contact Information
Blaise Trettis, Esq. Public Defender for the 18 th Judicial Circuit	btrettis@pd18.net	(407) 665-4524
Jeff Dowdy, Esq.	jdowdy@pd18.net	(407) 665-4524
Scott Wood, Esq.	swood@sa18.org	(407) 665-6101
Alan Taylor, Esq.	ataylororlando@gmail.com	(407) 992-8740
Michael Schoenberg, Esq. Former Eighteenth Judicial Circuit Court Judge Kenneth Lester	mschoenberg@pd18.net kenlester327@gmail.com	(407) 665-4524 (407) 921-5160
Ninth Judicial Circuit County Court Judge Adam McGinnis	ctjuam1@ocnjcc.org	(407) 836-0524
Former State Senator David Simmons, Esq.	dsimmons@dsklawgroup.com	(407) 992-3530
Palm Beach County Commissioner Michael Barnett, Esq.	mbarnett@pbcgov.org	(561) 715-7833
State Senator Jason Brodeur	jbrodeur@seminolebusiness.org	(407) 963-9576

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(1), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 5th day of February, 2025.

Charles C. Hart II

Printed Name



Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

<u>Year</u>	<u>Income</u>
2021	\$ (21,121.00)
2022	\$ 74,930.72
2023	\$ 182,447.00 ***Estimated 2023 1120S to be filed; delayed due to hurricanes

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year-to-year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

<u>Year</u>	<u>Income</u>
2021	\$ 16,121.00
2022	\$ 14,340.00
2023	\$ 85,043.60 ***Estimated; 2023 1040 to be filed; delayed due to hurricanes

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

<u>Year</u>	<u>Income</u>
2021	\$ 0
2022	\$ 0
2023	\$ 0

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

<u>Year</u>	<u>Income</u>
2021	\$ 0
2022	\$ 0
2023	\$ 0

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

<u>Year</u>	<u>Income</u>
-------------	---------------

2023	\$ 0
2022	\$ 0
2021	\$ 0

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of January 15, 2025, was \$556,839.10

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 90,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Charles C. Hart II, P.A.	\$500,000.00
Trustco Checking and Savings	\$141,936.70
USF Federal Credit Union	\$1,043.22
Florida Credit Union Checking and Savings	\$1,362.82
Wells Fargo Retirement Account	\$31,221.34

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
(Student Loan) MOHELA 633 Spirit Drive; Chesterfield, MO 630005-1243	\$208,725.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
N/A	

PART D - INCOME

You may **EITHER** (1) file a complete copy of your latest federal income tax return, including all W2's, schedules, and attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
Charles C. Hart II, P.A.	1307 S International Pkwy Ste. 1091-A; Lake Mary, FL 32746	\$85,043.60 Estimated; 2023 1040 Tax Return to be Completed; delay caused by hurricanes


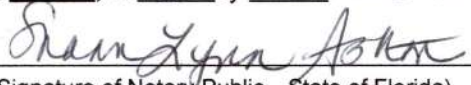
SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

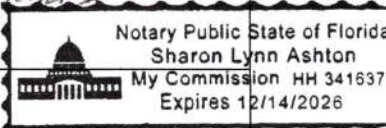
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
Judicial Administrative Commission	State of Florida	227 N Bronough St.; Tallahassee, FL 32301	Legal Representation
Office of the Public Defender Eighteenth Judicial Circuit	State of Florida	101 Eslinger Way; Sanford, FL 32772	Legal Representation

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			<input type="checkbox"/>

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

<p align="center">OATH</p> <p>I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.</p>  <p align="center">SIGNATURE</p>	<p align="center">STATE OF FLORIDA</p> <p>COUNTY OF <u>ORANGE</u></p> <p>Sworn to (or affirmed) and subscribed before me this <u>15TH</u> day of <u>JAN</u>, 20<u>25</u> by <u>CHARLES C. HART II</u></p>  <p>(Signature of Notary Public—State of Florida)</p> <p><u>SHARON LYNN ASHTON</u></p> <p>(Print, Type, or Stamp Commissioned Name of Notary Public)</p> <p>Personally Known <input checked="" type="checkbox"/> OR Produced Identification _____</p> <p>Type of Identification Produced _____</p>
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INSTRUCTIONS FOR COMPLETING FORM 6:

PUBLIC RECORD: The disclosure form and everything attached to it is a public record. Your Social Security Number is not required and you should redact it from any documents you file. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address if you submit a written request for confidentiality.

PART A – NET WORTH

Report your net worth as of December 31 or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- form;
- (1) The aggregate value of household goods and personal effects, as reported in Part B of this form;
 - (2) The value of all assets worth over \$1,000, as reported in Part B; and
 - (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of “household goods and personal effects.”

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in Part C of this form, except for any amounts listed in the “joint and several liabilities not reported above” portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

PART B – ASSETS WORTH MORE THAN \$1,000

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Provide a description of each asset you had on the reporting date chosen for your net worth (Part A), that was worth more than \$1,000 and that is not included as household goods and personal effects, and list its value. Assets include: interests in real property; tangible and intangible personal property, such as cash, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interest in a trust, promissory notes owed to you, accounts received by you, bank accounts, assets held in IRAs, Deferred Retirement Option Accounts, and Florida Prepaid College Plan accounts. You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

— Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property’s location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.

— Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. Do not list simply “stocks and bonds” or “bank accounts.” For example, list “Stock (Williams Construction Co.),” “Bonds (Southern Water and Gas),” “Bank accounts(First

National Bank),” “Smith family trust,” Promissory note and mortgage (owed by John and Jane Doe).”

How to Value Assets:

- Value each asset by its fair market value on the date used in Part A for your net worth.

- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. *However*, assets that are held as tenants by the entirety or jointly with right of survivorship must be reported at 100% of their value.

- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.

- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.

- Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.

- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.

- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.

- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by “buy-out” agreements. It is suggested that the method of valuation chosen be indicated in a footnote on the form.

- Life insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.

PART C—LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

List the name and address of each creditor to whom you were indebted on the reporting date chosen for your net worth (Part A) in an amount that exceeded \$1,000 and list the amount of the liability. Liabilities include: accounts payable; notes payable; interest payable; debts or obligations to governmental entities other than taxes (except when the taxes have been reduced to a judgment); and judgments against you. You are not required to disclose liabilities owned *solely* by your spouse.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owned to the company of issuance, or contingent liabilities. A “contingent liability” is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a “co-maker” on a note and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.

- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.

- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship,

report 100% of the total amount owed.

— If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

Examples:

— You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a saving and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit cards debts need not be reported.

— You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt, for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

PART D – INCOME

As noted on the form, you have the option of either filing a copy of your latest federal income tax return, including all schedules, W2's and attachments, with Form 6, or completing Part D of the form. If you do not attach your tax return, you must complete Part D.

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during the year, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is a joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony, but not child support. Where income is derived from a business activity you should report that income to you, as calculated for income tax purposes, rather than the income to the business.

Examples:

— If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.

— If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.

— If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's

identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCE OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will *not* have anything to report *unless*:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and

(2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's more recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

PART E – INTERESTS IN SPECIFIED BUSINESS

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies, credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; and entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of business for which you are, or were at any time during the year an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: _____

JNC Submitting To: _____

Name (please print): _____

Current Occupation: _____

Telephone Number: _____

Attorney No.: _____

Gender (check one): Male Female

Ethnic Origin (check one): White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: _____

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR
FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Charles C. Hart II

Printed Name of Applicant



Signature of Applicant

Date: February 5th, 2025

Redacted photo per Florida
Statutes §119.071(4)(d)(2)(1)
and §119.071(4)(d)(2)(f).

EXHIBIT A

IN THE COUNTY COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN
AND FOR SEMINOLE COUNTY,
FLORIDA

STATE OF FLORIDA,
Plaintiff,

Case No.: 2010-MM-001352-A

vs.

JEFFREY BETHEL,
Defendant.

**MEMORANDUM OF LAW IN SUPPORT OF DEFENSE'S MOTION TO SUPPRESS
HEARD ON MAY 17, 2010**

COMES NOW, JEFFREY BETHEL, (hereinafter "Defendant"), by and through his undersigned counsel and files this request for ruling on the motion to suppress traffic stop heard by this Court on May 17, 2010 and files this memorandum of law in support of granting Defendant's motion to suppress.

Case law argument for exclusion of statements regarding consumption of alcohol and Field Sobriety Exercises even if there was an odor of alcohol

This case is not unlike Serrano v. State, 10 Fla. L. Weekly Supp. 57a (Palm Beach County Cir. 2003). In that case, the officer first approached the defendant's vehicle and detected a strong odor of an alcoholic beverage and noticed that the defendant had red and glassy eyes. Next, the officer ordered the defendant to exit his vehicle and then began asking him questions as to his consumption of alcoholic beverages.

The court found it was clear that Defendant was not free to and would not rationally believe that he could leave the scene. Therefore, the failure to give **Miranda** warnings renders inadmissible the evidence obtained through the interrogation. That is, the officer's questions regarding consumption of alcoholic beverages and the

defendant's answer that he had "three to five glasses of wine at home" and that he was "coming from a friend's house" was suppressed.

Thus, even if the Government adduced facts that indicated the officer got the Defendant to admit to using alcohol, Officer Bolgna testified he blocked the Defendant with his marked patrol car in an area where a gate was in front of the Defendant and the Defendant could not drive any further. With the officer's marked police car behind the Defendant, Officer Bologna testified another officer was to the Defendant's passenger side. The officer candidly testified he pulled the Defendant out of the car with the intention of making a DUI arrest because he already had probable cause regardless of the results of the Field Sobriety Exercises. Therefore, the Defendant was not free to leave and under Serrano the admission and the Field Sobriety Exercises should be excluded.

Case law and argument in support of exclusion of the Field Sobriety Exercises when determining probable cause for the Driving Under the Influence arrest:

Mr. Bethel was in custody at the point of the administration of the Field Sobriety Exercises. As in Harris v. State, 537 So.2d 187 (2nd DCA 1989), the officer can only use those observations and facts that he has prior to detention for the probable cause to make an arrest.

This standard makes sense. This is no different than if Mr. Bethel was arrested at roadside and taken to jail to do the FSE – the Government can only use what happened at roadside to determine what probable cause and not what happened afterwards at the jail to determine probable cause for a DUI arrest.

As the testimony indicated, Officer Bolgna blocked the Defendant in where a gate was in front of him, the officer's marked police car behind him, and another officer to the Defendant's passenger side. The officer candidly testified he pulled the Defendant out

of the car with the intention of making a DUI arrest because he already had probable cause regardless of the results of the Field Sobriety Exercises.

Ultimately, this is no different in than what occurred in Fowler v. State, 782 So.2d 461 (2nd DCA 2001), wherein the defendant was not free to leave from the time the officer received information that created probable cause in the officer's mind and made a decision to arrest. If the Government wanted to use the results of the Field Sobriety Exercises then the Government should have had its officer read the Defendant Miranda.

Case indicating in the instant matter there is not enough probable cause for DUI arrest because there is only evidence of consumption

In the instant matter, evidence only points to consumption not impairment and there is not enough probable cause to arrest for Driving Under the Influence. This is the case even if the Defendant had bloodshot eyes, smell of alcohol, and even an admission and/or odor of alcohol. In support of the lack of probable cause for a DUI arrest, Shannon v. State, 12 Fla. L. Weekly Supp. 930a 2003 (Hillsborough County Ct. 2003) cites to State v. Woodard, 4 Fla. L. Weekly Supp. 66 (Broward County Ct. 1996) wherein the court ruled "Trooper. . . testified that [defendant] possessed 'bloodshot eyes' and an 'odor of alcohol'. Such observations alone, however, cannot establish probable cause to justify. . . arrest for DUI.>").

Next, the Alaska Court of Appeals ruled in 1994 in Saucier v. State, 869 P.2d 483, the Defendant replied that he had had a "couple of beers." During this conversation with the Defendant, the officer detected an odor of liquor about Saucier's person. In his testimony, Byrnes characterized this odor as a "normal," rather than "strong," odor of intoxicating liquor.

In Negron v. State, 15 Fla. L. Weekly Supp. 727a (Hillsborough County 2008), the officer did not pull over on basis or stop on basis impaired and only got for smell of alcohol and bloodshot eyes.

In Kolb v. State, 7 Fla. L. Weekly Supp. 548a (Manatee County Cir 2001), as to the odor of alcohol, it is uncontradicted that odor alone is evidence of nothing more than the subject had, at some point, ingested a beverage that may have contained alcohol. Even a trained law enforcement officer cannot determine how much a person has had to drink, or when, simply from the odor of alcohol. Certainly, the odor, without more, is no indication of impairment. As other courts have held, such evidence simply does not rise to the level of probable cause for an arrest. See State v. Marshall, 36 Fla. Supp.2d 34 (Fla. 4th Jud. Cir. 1989) (mere odor of alcohol not sufficient to rise to level of probable cause); Chait v. State, 27 Fla. Supp.2d 115 (traffic accident and odor of alcohol, without more, did not constitute probable cause for DUI arrest); State v. Woodward, 4 Fla. Supp. 66 (Fla. 17 Jud. Cir. 1995) (odor of alcohol without more is insufficient to establish probable cause).

Argument

As for evidence adduced the only facts mentioned were a passenger who had been drinking; flushed face; bloodshot eyes with no inquiry into why the eyes could have been bloodshot; no driving pattern other than a headlight being out (and in fact specific mention by the officer that the Defendant drove the vehicle in a wholly proper and legal manner); drinking with no evidence of how much, when, and where; and the fact the Defendant was possibly nervous.

Thus, even if the record shows the Defendant had an odor of alcohol, bloodshot eyes, and a flushed face, there is not enough evidence for a DUI arrest because the

Government did not adduce enough evidence for a DUI arrest on the basis of probable cause.

Case law in support of suppressing the stop in the instant matter because there is not enough probable cause to administer the Field Sobriety Exercises and/or conduct a DUI investigation

In Longacre v. State, 2 Fla. L. Weekly Supp. 441a, (Dade County Cir. 1994), a law enforcement officer cannot order a citizen to perform field sobriety tests unless the officer first has probable cause to believe that the driver has committed the offense of driving under the influence. Jones v. State, 459 So. 2d 1068, 1080 (Fla. 2d DCA 1984), *affirmed*, 483 So. 2d 433 (Fla. 1986) (An affirmation by the Florida Supreme Court that remains good case law in Florida and stands for the proposition probable cause is needed for a DUI investigation).

The odor of alcohol, without evidence of impairment, is insufficient to establish the requisite probable cause necessary to require a driver to submit to field sobriety tests. State v. Marshall, 36 Fla. Supp. 2d 34, 35 (Fla. 4th Jud. Cir 1989). *See also*: Davis v. State, 40 Fla. Supp. 2d 35, 36 (Fla. 15th Jud. Cir. 1989); State v. Stephens, 354 So. 2d 1244 (Fla. 4th DCA 1978). This requirement of something more than alleged improper driving and an odor of an alcoholic beverage to order such tests is required by this judicial circuit. Chait v. State, 27 Fla. Supp. 2d (Fla. 11th Jud. Cir. 1988).

In Longacre, the officer took great pains to mention the odor of an alcoholic beverage on the defendant's breath. However, one must recognize that the odor of an alcoholic beverage upon an individual's breath is not inconsistent with the ability to operate a motor vehicle in compliance with the law. Chait, *supra*; *See also*: Marshall, *supra*; People v. Roybal, 655 P.2d 410, 413 (Colo. 1982).

Argument

Thus, this Court could choose to find probable cause is the standard necessary to ask a defendant to submit to Field Sobriety Exercises or that probable cause is necessary to conduct a DUI investigation based on the rulings in **Jones** and **Longacre**. Thus, even if odor of alcohol was adduced at the hearing, without indicators of impairment, this Court could find Officer Bologna did not have enough probable cause to either order the Defendant to submit to Field Sobriety Exercises and/or conduct the DUI investigation.

Case law and argument in support of exclusion of Field Sobriety Exercises as they prolong the encounter

In the alternative, exclusion of the Field Sobriety Exercises should be granted as it prolonged the stop, as the Fifth District Court of Appeals ruled in 2001 in **Maxwell v. State**, 785 So.2d 1277, because “unless its purpose was a fishing expedition” Officer Bologna’s questioning was pointless if all he observed was flushed face, bloodshot eyes, and an admission by the Defendant to have sometime having drunk alcohol. This is especially true in light of Officer Bologna’s statement he already made up his mind there was probable cause for the Defendant’s arrest. Additionally, the ticket could have been written as there was a second officer on the scene. Furthermore, as the officer testified, he did not write the ticket until over 20 minutes later at the jail.

Case law and argument in support of additional issues regarding exclusion of the Field Sobriety Exercises

In the instant case, probable cause was already formed prior to the administration of the Field Sobriety Exercises and should be excluded if the Court applies **Harris**. This situation is no different than if Mr. Bethel was arrested at roadside and taken to jail to do the FSE – the Government can only use what happened at roadside to form probable cause for a DUI arrest and not what happened at the jail.

Ultimately, this Honorable Court should not allow the Field Sobriety Exercises in because the probable cause was already formed for arrest because Mr. Bethel was detained when the Field Sobriety Exercises were administered.

As in Allred v. State, 622 So.2d 984 (Fla. 1993), the Florida Supreme Court ruled interrogation takes place for the purposes of when a person is subjected to express questions, or other words or actions, by a state agent, that a reasonable person would conclude are designed to lead to an incriminating response. The Florida Supreme Court found the defendant was denied their Florida constitutional protection against self-incrimination. Failure to accurately recite the alphabet "discloses information" beyond possible slurred speech; it is the *content* (incorrect recitation) of the speech that is being introduced, rather than merely the *manner* (slurring) of speech. The *content* is incriminating evidence out of the suspect's own mouth. The incriminating inference is drawn from the testimonial act-answering the question incorrectly, not from physical evidence-slurred speech.

The Defendant would argue that reciting or counting would be no different than reciting his ABC's.

The Court has ruled this way before to exclude the entire Field Sobriety Exercises because as in Evans v. State, 692 So.2d 305 (4th DCA 1997) when the defendant was transporting the defendant to a different location, a direct statement by that officer that he was "conducting a DUI investigation," and questioning that was apparently perceived as more than a "modest" amount of questions warranted the reading of Miranda under the Allred decision. Likewise, in the instant case, the defendant was taken to a different location at back of police car, there was a direct statement from officer that conducting DUI investigation, and the officer stated lots of

evidence resulted from the questioning that took place as a result of the Field Sobriety Exercises.

In the instant case, the officer testified there was essentially no way of separating the verbal statements from the rest of the results of the Field Sobriety Exercises. As such, under the case law of Allred and Evans, the Field Sobriety Exercises should be excluded.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true copy of the foregoing has been delivered to the Office of the State Attorney, this ____ day of May, 2010.

Charles C. Hart II, Esquire
FL Bar No. 44111
212 North Park Avenue, Suite 8
Sanford, Florida 32771
(321) 363-4959 Telephone
(321) 363-4958 Facsimile

EXHIBIT B

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND
FOR VOLUSIA COUNTY, FLORIDA

JOHN MURPHY, and
DEBBIE MURPHY,
Plaintiffs,

vs.

CASE NUMBER: 2016-31575-CICI
JURY TRIAL DEMANDED

FENCES AND PAVERS BY DESIGN, INC.,
Defendant.

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO
DISMISS, MOTION TO STRIKE, AND MOTION FOR MORE DEFINITE
STATEMENT**

COMES NOW, the Plaintiffs, JOHN MURPHY and DEBBIE MURPHY (hereinafter collectively referred to as "MURPHY"), who respond to Defendant's Motion to Dismiss the First Amended Complaint, Motion to Strike, and Motion for More Definite Statement and state:

1. MURPHY served their Complaint (hereinafter "complaint") on or about November 12, 2016.
2. On February 21, 2017, the Defendant filed Defendant's Motion to Dismiss the First Amended Complaint, Motion to Strike, and Motion for More Definite Statement (hereinafter "Motion to Dismiss").
3. On February 21, 2017, the Defendant filed Defendant's Motion to Dismiss the First Amended Complaint, Motion to Strike, and Motion for More Definite Statement that included a Motion to Strike (hereinafter "Motion to Strike") and a Motion for More Definite Statement (hereinafter "Motion for More Definite Statement").

4. The Defendant's, FENCES AND PAVERS BY DESIGN, INC.'s (hereinafter "FENCES"), Motion to Dismiss is filed against an unknown pleading as MURPHY has not filed an amended complaint let alone a first amended complaint.

RESPONSE TO MOTION TO DISMISS

A. FENCES Disregards Binding Precedent and Fails To Apply Decisional Hierarchy In Its Legal Argument.

Throughout its Motion to Dismiss, FENCES fails to apply the established rules of decisional hierarchy and absolutely disregards the binding legal precedent of both the Florida Supreme Court and the Fifth District Court of Appeal.

The Court is bound by the decisional authority of higher courts, particularly the Florida Supreme Court and the Fifth District Court of Appeal, and the doctrine of *stare decisis*. In its Motion to Dismiss, FENCES asks the Court to make decisions based on authority which is not the binding authority. The Florida Supreme Court in State v. Hayes, 333 So.2d 51, 52-53 (Fla. 1976) set forth the decisional hierarchy of binding precedent as follows:

1. The district courts of appeal are required to follow Florida Supreme Court decisions.
2. Trial courts are required to follow the holdings of district courts of appeal.
 - A. In the event the only case on point on a district court level is from a district other than the one in which the trial court is located, the trial court is required to follow that decision.
 - B. Alternatively, if the district court of the district in which the trial court is located has decided the issue, the trial court is bound to follow it.
 - C. As between district courts of appeal, a sister district's opinion is merely persuasive.

Id. at 52-53 (internal citations omitted). Finally, under the doctrine of *stare decisis*, if a Florida appellate court has decided an issue, the decision remains binding precedent as to the issue for lower courts unless and until the decision is overruled by a subsequent case.

As set forth below in this Response, there are Florida Supreme Court and Fifth District Court of Appeal binding legal precedent as to FENCES' asserted grounds for dismissal. FENCES simply asks this Court to disregard this precedent and to rely on federal dicta or contrary or more restrictive decisions of sister Florida courts of appeal.

B. No Dismissal Of All Counts Based On Failure To State A Cause Of Action For Alleged Failure To Plead Ultimate Facts.

FENCES asserts that all causes of action are subject to dismissal for an alleged failure to plead ultimate facts. FENCES asserts that MURPHY pled only "legal conclusions". This is simply not borne out by a simple review of the pleading. No specific response is necessary to this alleged ground for dismissal. The asserted ground is frivolous.

C. No Dismissal Of Counts I And II For Failure To Attach Contract Documents.

MURPHYs has cured this deficiency by filing a Notice of Filing dated April 3rd, 2017.

D. No Dismissal Of Counts III, IV, V And VI Based On The Economic Loss Rule.

FENCES asserts that the referenced counts of the complaint, called the First Amended Complaint by FENCES for an unknown reason, must be dismissed by operation of the "economic loss rule". The Florida Supreme Court has limited the economic loss rule to apply only to product liability cases. Tiara Condo Assn, Inc. v. Marsh & McLennan Companies, Inc., 110 So. 3d 399, 407 (Fla. 2013). All the Florida cases cited by MURPHY pre-date and have been superseded by the Tiara decision.

Also, FENCES relies on two federal Eleventh Circuit Court of Appeal cases to support its argument. First, federal cases do not have binding precedential effect as to Florida cases based on substantive Florida law. They are only persuasive. Second, the first federal case cited by FENCES is a federal appendix decision, Lookout Mountain Wild Animal Park, Inc. v. Stearns Zoological Rescue and Rehab Center, Inc., 553 Fed Appx. 864 (11th Cir. 2014), and does not have any binding effect in the federal system, much less in the State of Florida.

The second federal case cited, Lamm v. State Street Bank and Trust, 749 F.3d 938 (11th Cir. 2014), plainly states that the economic loss rule was abrogated by Tiara and that the appellant's argument for reversal based on the economic loss rule lacked merit. Nonetheless, FENCES attempts to argue dicta in Lamm to try and limit the clear ruling of Tiara. This is unavailing. Tiara is a decision of the highest court of Florida; consequently the Eleventh Circuit is required to follow the decision unless it violates federal law or the U.S. Constitution.

E. No Dismissal Of Counts V And VI Based Lack Of Specificity In Pleading Fraud On The Economic Loss Rule.

FENCES argues that MURPHY did not plead fraud with sufficient specificity because MURPHY did not specifically identify the individual who made the alleged misrepresentations. (Motion to Dismiss at P. 4). However, this is not the applicable standard set by the Fifth District Court of Appeal. See Williams v. Bear Stearns & Co., 725 So.2d 397, 400-01 (Fla. 5th DCA 1998). In the Fifth District Court of Appeal, a fraud pleading is sufficient to identify the nature of the misrepresentation if the following elements are pled:

- (1) a time frame and a context in which the statements were made; and
- (2) the substance of the statements in some detail.

The Williams Court stated specifically the following:

We also agree with Appellant that the court erred in dismissing the fraud in the inducement claims against Ramsey and Ramirez. *The claims are pleaded with the requisite particularity; the amended complaint alleges a time frame and a context in which the statements were made, as well as reporting the substance of the statements in some detail.* Cf. *First Union Brokerage v. Milos*, 717 F.Supp. 1519, 1522 (S.D.Fla.1989) (finding fraud allegations sufficiently specific *401 where they “identified the alleged misstatement, the approximate date of the alleged misstatement, and the particular party who made the alleged misstatement”), *aff’d*, 997 F.2d 835 (11th Cir.1993).

(Emphasis supplied). The Williams Court did not adopt or state as a required pleading element that the pleader must state the specific identity of the person who made the misrepresentations.

F. No Dismissal of Counts VII Based On the Availability Of An Adequate Legal Remedy.

FENCES argues that MURPHY’s count for unjust enrichment is barred by the existence of an alleged remedy at law (breach of contract count). This is the general rule of law in the State of Florida. However, the Fifth District Court of Appeal has held that a claim of unjust enrichment is an exception to the general rule. In Williams v. Bear Stearns & Co., 725 So.2d 397, 400 (Fla. 5th DCA 1998), The Fifth District Court of Appeal stated,

We also agree with Appellant that her unjust enrichment claims were improperly dismissed. *Although Appellees argue that Appellant has adequate legal remedies and therefore no equitable relief can be granted, this notion does not apply to unjust enrichment claims:*

The [defendants] contend that Counts III (unjust enrichment) and VI (promissory estoppel) are barred because an adequate remedy exists at law. There is no dispute that under Florida law, the general rule is that if the complaint on its face shows that adequate legal remedies exist, equitable remedies are not available. *See e.g. H.L. McNorton v. Pan American Bank of Orlando*, 387 So.2d 393, 399 (Fla. 5th DCA 1980). However, this doctrine does not apply to claims for unjust enrichment. *Id.* [*ThunderWave v. Carnival Corp.*, 954 F.Supp. 1562] at 1565-1566. It is only upon a showing that an express contract exists that the unjust enrichment or promissory estoppel count fails. *See id.* Until an express contract is proven, a motion to dismiss a claim for promissory estoppel or unjust enrichment on these grounds is premature.

(Emphasis supplied). Also, a plaintiff may plead in the alternative *any and all remedies* that the plaintiff may have available even if the remedies are *inconsistent or mutually exclusive*. In DiChristopher v. Board of County Com'rs, 908 So.2d 492, 496 (Fla. 5th DCA 2005), the Fifth District Court of Appeal stated,

DiChristopher is correct that if a plaintiff is unsure of the correct legal basis for relief, he may plead in the alternative. *A plaintiff may set out the facts of the occurrence or transaction and demand judgment in his favor on several bases, even mutually exclusive ones.* Quality Type & Graphics v. Guetzloe, 513 So.2d 1110 (Fla. 5th DCA 1987).

(Emphasis supplied). Therefore, MURPHY'S pleadings of breach of contract and unjust enrichment in the alternative are viable and sufficiently stated to survive dismissal. MURPHY will have to elect a remedy before trial and may rely on the unjust enrichment claim until and if a binding and enforceable legal contract is proven. At this point in the litigation, a contract is alleged but not proven the instant litigation. Therefore, the motion to dismiss on this ground is premature.

G. No Dismissal for Failure To Comply With Fla. Stat. Chapter 558.

FENCES admits in its argument that the asserted statutory provision applies to a construction defect that "...has arisen after the completion of a building or improvement". MURPHY'S pleading on its face through its factual allegations asserts that the construction services to be provided by FENCES were never completed. (Complaint at Paragraphs ¶¶29, 31, and 32). The Complaint at Paragraphs ¶¶29, 31, and 32 specifically alleges a lack of completion of the construction project. Therefore, Chapter 558, Fla. Stat. is not applicable to the instant case.

H. No Dismissal For Lack Of Subject Matter Jurisdiction.

If the causes of action are pled sufficiently, then the remedy of lack of subject matter jurisdiction based on amount in dispute is to transfer the case to the appropriate court, not dismissal of the complaint or cause of action.

I. No Ground For Section 57.105 Attorney's Fees And Costs.

FENCES asks the Court *sua sponte* to grant attorney's fees as sanctions based on Fla. Stat. §57.105. However, in asking the Court to grant *sua sponte* fees, FENCES is actually filing an improper Defense motion for §57.105 fees. Therefore, FENCES has not complied with the procedural requirements of §57.105. The request/motion asserted through prayer of relief is invalid.

RESPONSE TO MOTION TO STRIKE
(MURPHY's CLAIMS FOR ATTORNEY'S FEES)

This motion is spurious and frivolous. At no time does MURPHY ask for or seek relief from the Court for attorney fees or explicitly seek the court to grant a claim of attorney's fees in any of its "WHEREFORE" clauses.

RESPONSE TO MOTION FOR MORE DEFINITE STATEMENT

This motion is spurious. The pleading was sufficiently specific to allow FENCES to file and argue multiple motions to dismiss the various counts of the First Amended Complaint. If the pleading was not sufficiently definite, FENCES could not have determined the available defenses or pleading failures to fashion its Motion to Dismiss.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Matthew Peterson, Esq. through the eportal or at mpeterson1986@gmail.com on April 3rd, 2017.

/s/ Charles C. Hart II

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