Third District Court of Appeal

State of Florida

Opinion filed January 10, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-1186
Lower Tribunal No. 20-26692

Jamiese Gabriel Johnson,
Appellant,

vs.

All Construction Resources, Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

Feiler & Leach, P.L. and Martin E. Leach, for appellant.

Alexander C. Annunziato, for appellee.

Before EMAS, FERNANDEZ and SCALES, JJ.

PER CURIAM.

Affirmed. See Goss v. Human Services Assocs., Inc., 79 So. 3d 127, 132 (Fla. 5th DCA 2012) (" 'The general rule is that an employer cannot be held liable for the tortious or criminal acts of an employee, unless they were committed during the course of the employment to further a purpose or interest . . . of the employer.' The question of whether an employee is acting within the course and scope of employment, where the facts are not in dispute, is that of law.") (internal citations omitted)); Sussman v. Fla. East Coast Props., Inc., 557 So. 2d 74, 75-76 (Fla. 3d DCA 1990) ("The conduct of an employee is within the scope of his employment . . . only if the following three elements are satisfied: (1) the conduct is of the kind the employee is hired to perform, (2) the conduct occurs substantially within the time and space limits authorized or required by the work to be performed, and (3) the conduct is activated at least in part by a purpose to serve the master.";).