Third District Court of Appeal

State of Florida

Opinion filed March 13, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-2160
Lower Tribunal No. 21-2883

Raul Arias, et al.,
Appellants,

vs.

Codealtex, LLC,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Thomas J. Rebull, Judge.

Law Offices of Charles M-P George, and Charles M-P "Chip" George; and Florida Legal, LLC, and Raymond R. Dieppa, for appellants.

Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP, and Steven Mitchel and Lianet Rodriguez Quindemil, for appellee.

Before LINDSEY, MILLER, and LOBREE, JJ.

PER CURIAM.

Appellant Raul Arias was injured while operating machinery at his place of employment, Excel Converting, Inc. Excel leased the premises where Arias was injured from Codealtex, LLC. Arias sued Codealtex, alleging it had a duty to maintain the premises and specifically the machinery on which he was injured. Codealtex moved for summary judgment below, which the trial court granted. Arias timely appeals.[1]

We affirm. "[O]nce a landlord delivers possession and control of the leased premises . . . to the tenant, the landlord is not liable for injury to the property or person of the tenant or those on the premises with the permission of the tenant . . . ." Russ v. Wollheim, 915 So. 2d 1285, 1287 (Fla. 2d DCA 2005) (quoting Veterans Gas Co. v. Gibbs, 538 So. 2d 1325, 1327 (Fla. 1st DCA 1989)); see also Bechtel Corp. v. Batchelor, 250 So. 3d 187, 196 (Fla. 3d DCA 2018) ("'Premises liability is not predicated on ownership of the property;' instead, the 'duty to protect others from injury resulting from a dangerous condition on the premises rests on the right to control access to the property.'" (quoting Welch v. Complete Care Corp., 818 So. 2d 645, 649 (Fla. 2d DCA 2002))).

Affirmed.

[1] This Court has jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(b)(1)(A). Arias timely appealed (Summary Judgment Order issued on December 12, 2022, and Arias filed a Notice of Appeal four days later).