

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Miami Jewish Home and Hospital Inc. v. Miami-Dade County

Miami Jewish Home · No. No. 3D23-418 · Decided June 14, 2023

SUMMARY

The Third District Court of Appeal of Florida denied Miami Jewish Home and Hospital Inc.'s petition for writ of certiorari seeking review of a circuit court appellate decision. The court cited the requirement that certiorari relief is limited to violations of clearly established principles of law resulting in a miscarriage of justice and cannot be used as a second appeal to correct mere legal error.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Emas; Logue; Gordo
JURISDICTION	Florida
DECIDED	June 14, 2023
DOCKET	No. 3D23-418
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for writ of certiorari seeking review of a circuit court appellate decision.
STANDARD OF REVIEW	Certiorari review is limited to determining whether the lower tribunal violated a clearly established principle of law resulting in a miscarriage of justice; it is not a second appeal to correct mere legal error.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Miami Jewish Home and Hospital Inc. v. Miami-Dade County

TOPICS

- writ of certiorari
- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

- appellate procedure
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the circuit court appellate decision departed from a clearly established principle of law in a manner resulting in a miscarriage of justice and therefore warranted certiorari relief.

HOLDINGS

1. The petition for writ of certiorari was denied because certiorari cannot be used as a second appeal to correct mere legal error; relief requires a violation of a clearly established principle of law resulting in a miscarriage of justice.

KEY QUOTATIONS

“the district courts should consider the nature of the error and grant a petition for writ of certiorari ‘only when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice;’” (2)

“this Court has definitively expressed that certiorari cannot be used to grant a second appeal to correct the existence of mere legal error;” (2)

“a circuit court appellate decision made according to the forms of law and the rules prescribed for rendering it, although it may be erroneous in its conclusion as to what the law is as applied to the facts, is not a departure from the essential requirements of the law remediable by certiorari” (2)

FACTUAL BACKGROUND

The source opinion provides no substantive facts concerning the underlying dispute. The case involves a petition for certiorari challenging an appellate decision of the Circuit Court for Miami-Dade County, Appellate Division.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County, Appellate Division, issued the decision under review in lower tribunal case No. 22-3 AP. Miami Jewish Home and Hospital Inc. petitioned the Third District Court of Appeal for a writ of certiorari, which the district court denied.

DISPOSITION

writ_denied

CASES CITED

- Custer Med. Ctr. v. United Auto. Inc. Co., 62 So. 3d 1086, 1092-93 (Fla. 2010)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 14, 2023. Not final until disposition of timely filed motion for rehearing. _____ No. 3D23-418 Lower

Tribunal No. 22-3 AP _____ Miami Jewish Home and Hospital Inc., Petitioner, vs. Miami-Dade County, Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Appellate Division, Daryl E. Trawick, Lisa S. Walsh and Maria de Jesus Santovenia, Judges. Berrow Radell Fernandez Larkin & Tapanes, PLLC, and Thomas H. Robertson and Nicholas J. Rodriguez-Caballero, for petitioner. Geraldine Bonzon-Keenan, Miami-Dade County Attorney, and Sarah E. Davis and Angela F. Benjamin, Assistant County Attorneys, for respondent.

Before EMAS, LOGUE and GORDO, JJ. PER CURIAM. Denied. See Custer Med. Ctr. v. United Auto. Inc. Co., 62 So. 3d 1086, 1092-93 (Fla. 2010) (noting that “the district courts should consider the nature of the error and grant a petition for writ of certiorari ‘only when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice;’” acknowledging that “this Court has definitively expressed that certiorari cannot be used to grant a second appeal to correct the existence of mere legal error;” and holding that “a circuit court appellate decision made according to the forms of law and the rules prescribed for rendering it, although it may be erroneous in its conclusion as to what the law is as applied to the facts, is not a departure from the essential requirements of the law remediable by certiorari”) (additional citations omitted).