

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.

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. Bercow 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).

