

FLORIDA THIRD DISTRICT COURT OF APPEAL

Rafael Toirac-Aguilera v. City of Miami

Toirac-Aguilera · No. 3D25-1896 · Decided October 22, 2025

SUMMARY

The Florida Third District Court of Appeal dismissed Rafael Toirac-Aguilera’s petition for a writ of mandamus seeking investigative records related to his arrest and murder conviction. The court held that he had not demonstrated entitlement to mandamus because he had not first requested the records from the City of Miami, the proper agency.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Miller, J.; Logue, J.; Lindsey, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 22, 2025
DOCKET	3D25-1896
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for writ of mandamus invoking the Florida Third District Court of Appeal's original jurisdiction to compel the City of Miami to produce public records.
STANDARD OF REVIEW	Whether the petitioner established entitlement to mandamus relief under the applicable legal requirements.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Rafael Toirac-Aguilera v. City of Miami

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- administrative law
- municipal law

PRACTICE AREAS

- civil procedure
- appellate procedure
- public records
- mandamus
- municipal law

QUESTIONS PRESENTED

1. Whether the petitioner was entitled to a writ of mandamus compelling the City of Miami to produce investigative records under Florida's Public Records Act when he had not first requested those records from the City.

HOLDINGS

1. The petitioner was not entitled to mandamus relief because he failed to first request the records from the agency alleged to possess them, and therefore did not establish a clear legal right to performance of the requested act or an indisputable legal duty.

KEY QUOTATIONS

“A petitioner seeking a writ of mandamus must demonstrate “a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law.”” (2)

FACTUAL BACKGROUND

Rafael Toirac-Aguilera, an incarcerated prisoner, sought investigative records related to his arrest and later first-degree-murder conviction. He made multiple requests to the Miami-Dade Police Department under Florida's Public Records Act, but Miami-Dade advised that the records were maintained by the City of Miami. The record did not show that he requested the records from the City of Miami.

PROCEDURAL HISTORY

The petitioner sent multiple public-records requests to the Miami-Dade Police Department seeking investigative materials related to his arrest and murder conviction. Miami-Dade responded that the relevant records were maintained by the City of Miami and provided contact information, but the record contained no request directed to the City of Miami. The Third District Court of Appeal dismissed the mandamus petition.

DISPOSITION

dismissed

CASES CITED

- Anthony v. State, 277 So. 3d 223, 225 (Fla. 2d DCA 2019)
- Stern v. City of Miami Beach, 359 So. 3d 1209, 1211 (Fla. 3d DCA 2023)
- Smith v. State, 696 So. 2d 814, 815 (Fla. 2d DCA 1997)

OPINION

Rafael Toirac-Aguilera v. City of Miami

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 22, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1896 Lower Tribunal No. F09-40479 _____ Rafael Toirac-Aguilera, Petitioner, vs. City of

Miami, Respondent. A Case of Original Jurisdiction—Mandamus. Rafael Toirac-Aguilera, in proper person. George K. Wysong, III, City Attorney, for respondent. Before LOGUE, LINDSEY, and MILLER, JJ. MILLER, J. Petitioner, Rafael Toirac-Aguilera, an incarcerated prisoner, seeks a writ of mandamus directing respondent, City of Miami, to produce the investigative records that precipitated his arrest and later conviction for first- degree murder, in violation of sections 782.04(1) and 775.087, Florida Statutes (2009). For the reasons below, we deny the petition. Toirac-Aguilera forwarded multiple requests to the Miami-Dade Police Department seeking the production of materials under Florida’s Public Records Act, codified in chapter 119, Florida Statutes (2024). Miami-Dade responded to the requests, stating that the case number provided involved records maintained by City of Miami. Although Miami-Dade provided Toirac- Aguilera with the relevant contact information, there is no record showing any request propounded on City of Miami. It is axiomatic that mandamus is the proper vehicle for compelling an official or agency to perform a lawful duty. See *Anthony v. State*, 277 So. 3d 223, 225 (Fla. 2d DCA 2019). A petitioner seeking a writ of mandamus must demonstrate “a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law.” *Stern v. City of Miami Beach*, 359 So. 3d 1209, 1211 (Fla. 3d DCA 2023) (citing *Smith v. State*, 696 So. 2d 814, 815 (Fla. 2d DCA 1997)). In the instant case, Toirac- 2 Aguilera has failed to make the requisite showing for this remedy as he must first request the records from the proper agency. Petition dismissed. 3