

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

LUCY HADI, as Secretary for the
Department of Children and
Families,

Petitioner,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D06-4724

v.

L.B., B.B., R.B., & E.B., minor
children,

Respondents.

_____ /

Opinion filed December 19, 2006.

Petition for Writ of Certiorari - Original Jurisdiction.

Lucy Goddard-Teel, District Legal Counsel, and Gregory D. Venz, Assistant
General Counsel, Gainesville, for Petitioner.

Merrill C. Tunsil, Attorney ad Litem, and Sandra H. Peterson, Guardian Ad Litem
Program Attorney, Lake City, for Respondents.

PER CURIAM.

We have for review a petition for writ of certiorari challenging the portion of
the trial court's order directing the attorney for the Department of Children and
Families to subpoena the Secretary of the Department, Lucy Hadi, to appear before

the trial court to testify as to whether the Department has an appropriate placement in Florida for B.B., a dependent minor. Because the information sought by the trial court is available from lesser ranking officers, the trial court departed from the essential requirements of the law by directing the Department to subpoena Secretary Hadi. Dep't of Health & Rehab. Servs. v. Brooke, 573 So. 2d 363, 371 (Fla. 1st DCA 1991), approved by F.G. v. Agency for Persons with Disabilities, 31 Fla. L. Weekly S610 (Fla. Sept. 28, 2006).

We therefore grant the petition and quash the portion of the trial court's order directing the Department to subpoena Secretary Hadi. We note that the trial court is free to subpoena a lesser ranking officer to obtain any additional information to assist in the placement of B.B.

ERVIN, DAVIS, and BENTON, JJ., CONCUR.