

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

STUDENTS FOR ONLINE VOTING,
THOMAS F. JARDON, SAM A.
MIORELLI, KYLE HUEY, and
MARK McSHERA, JR.,

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

CASE NO. 1D09-4214

Petitioners,

v.

BERNARD MACHEN, as President of
the University of Florida and Agent of
the University of Florida Board of
Trustees,

Respondent.

Opinion filed December 31, 2009.

Petition for Writ of Mandamus -- Original Jurisdiction.

James H. Sullivan, III, and Joseph W. Little, Gainesville, for Petitioners.

Amy M. Hass, Associate University Counsel, of the University of Florida Office of
Vice President and General Counsel, Gainesville, for Respondent.

PER CURIAM.

Respondent, an agency of the State of Florida subject to the Administrative
Procedure Act, issued a final order but refuses to properly render it by filing it with
the clerk. See § 120.52(7), Fla. Stat. (2009); Bank of Port St. Joe v. State, Dep't of
Banking and Fin., 362 So. 2d 96 (Fla. 1st DCA 1978). The petitioners' appeal
from that order was previously dismissed because the order had not been rendered.

Students for Online Voting v. Student Gov't of the Student Body of the Univ. of Fla., 10 So. 3d 709 (Fla. 1st DCA 2009). Having considered the petition for writ of mandamus and the response thereto, we find that petitioners are entitled to relief. See Tucker v. Ruvin, 748 So. 2d 376 (Fla. 3d DCA 2000). Respondent argues in opposition to the petition that the petitioners lacked standing to obtain relief from the agency and that the individual who issued the order did not have authority to grant the relief sought. These are issues to be resolved in the appeal and do not justify respondent's failure to perform its statutory duty to render the order. We therefore grant the petition and direct respondent to properly render the final order of February 22, 2008, by filing it with the agency clerk. The respondent shall also provide copies of that order to the petitioners, with indication of the date of filing, within 10 days of issuance of our mandate in this cause.

PETITION GRANTED.

BARFIELD, WOLF, and LEWIS, JJ., CONCUR.