

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2014*

**PALM BEACH PARK CENTRE 4, LLC,**  
Appellant,

v.

**TOWN OF PALM BEACH,**  
Appellee.

No. 4D13-1993

[July 16, 2014]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward H. Fine, Judge; L.T. Case No. 502013CA003051XX.

Raymond M. Masciarella II, North Palm Beach, for appellant.

Kelly A. Gardner, John C. Randolph and Stephanie Eassa Rapp of Jones, Foster, Johnston & Stubbs, P.A., West Palm Beach, for appellee.

PER CURIAM.

We affirm the circuit court's final order dismissing with prejudice appellant's amended complaint for declaratory relief against the appellee. *See Frix v. Beck*, 104 So. 2d 81, 83 (Fla. 3d DCA 1958) (where the law provides for a quasi-judicial tribunal's decision to be reviewed on appeal, "and the procedure thus afforded is not availed of, a party adversely affected by such an order may not seek to have it altered or reversed by a suit for declaratory decree"). Our affirmance is without prejudice for appellant to petition appellee for relief. *See Johnson v. Terry Hunt Constr. Co.*, 878 So. 2d 1282, 1284-85 (Fla. 1st DCA 2004) (reversing administrative order denying relief where administrative final order had not been mailed to the correct address); *Durando v. Palm Beach Cnty.*, 719 So. 2d 1258, 1258-59 (Fla. 1st DCA 1998) (dismissing untimely appeal without prejudice to appellant's right to petition agency for relief).

*Affirmed without prejudice.*

GROSS, GERBER and CONNER, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion for rehearing.***