

Third District Court of Appeal

State of Florida

Opinion filed October 21, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2504
Lower Tribunal Nos. 13-325 AP & 13-306

City of Miami, etc.,
Petitioner,

vs.

Diocese of Newton Melkite Church,
Respondent.

On Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Appellate Division, Bernard Shapiro, David C. Miller, and Miguel de la O, Judges.

Victoria Méndez, City Attorney, John A. Greco, Deputy City Attorney, Forrest L. Andrews, Jr., Assistant City Attorney, for petitioner.

Gunster, Yoakley & Stewart, P.A., and Juan M. Muniz and Amy Brigham Boulris, for respondent.

Before LAGOA, EMAS, and FERNANDEZ, JJ.

LAGOA, J.

The City of Miami (the “City”) petitions this Court for a second-tier writ of certiorari to quash an opinion of the appellate division of the Eleventh Judicial Circuit, reversing a decision of the Miami City Commission to designate St. Jude Melkite Catholic Church a local historic site pursuant to section 23-4 of the City of Miami Code.

Based on this Court’s review of the record, including the petition for writ of certiorari, response, and reply, and after having heard oral argument, we conclude that under the narrow standard of review applicable in second-tier certiorari proceedings, the petition must be denied, as the appellate division of the circuit court afforded the City procedural due process and applied the correct law. See Ivey v. Allstate Ins. Co., 774 So. 2d 679, 682 (Fla. 2000) (“[T]he proper inquiry under certiorari review is limited to whether the circuit court afforded procedural due process and whether it applied the correct law.”); see also Boos Dev. Grp., Inc. v. 1500 Ocean Drive Condo., 167 So. 3d 519 (Fla. 3d DCA 2015); Miller v. Hernando Cnty., 931 So. 2d 172 (Fla. 5th DCA 2006). Accordingly, we deny the City’s petition.

PETITION DENIED.