

Third District Court of Appeal

State of Florida

Opinion filed February 19, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-2249
Lower Tribunal No. Index: OFR2019-214,
Docket No. 90116

Anthony Davide,
Petitioner,

vs.

State of Florida, Office of Financial Regulation,
Respondent.

A Case of Original Jurisdiction - Mandamus.

Pierre Simon, and Faudlin Pierre (Fort Lauderdale), for petitioner.

Ashley Moody, Attorney General, and Timothy L. Newhall (Tallahassee),
Senior Assistant Attorney General, for respondent.

Before EMAS, C.J., and SALTER and GORDO, JJ.

PER CURIAM.

Denied. See RHS Corp. v. City of Boynton Beach, 736 So. 2d 1211, 1213 (Fla. 4th DCA 1999) (“In order for a court to issue a writ of mandamus, a plaintiff must establish ‘that he has a clear legal right to the performance of a clear legal duty by a public officer and that he has no other legal remedies available to him.’” (quoting Hatten v. State, 561 So. 2d 562, 563 (Fla. 1990)));¹ Smith v. State, 696 So. 2d 814, 815 (Fla. 2d DCA 1997) (“A party petitioning for writ of mandamus must establish a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law.” (citing Turner v. Singletary, 623 So. 2d 537 (Fla. 1st DCA 1993))).

¹ As of the release date of this opinion, Anthony Davide’s direct appeal of the Office of Financial Regulation’s final order is pending before the First District Court of Appeal. See Davide v. Fla. Office of Fin. Regulation, No. 1D19-2401 (Fla. 1st DCA filed July 3, 2019).