

Third District Court of Appeal

State of Florida

Opinion filed June 17, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-533
Lower Tribunal Nos. 18-25676 & 19-156

Tamiami Electrical, Inc., etc.,
Petitioner,

vs.

Infinity Assurance Insurance Company, etc.,
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Appellate Division, Daryl E. Trawick, Lisa S. Walsh, and Thomas J. Rebull, Judges.

MKRS Law, PL., and Sergio R. Casiano, Jr., for petitioner.

Rumberger, Kirk & Caldwell, P.A., and Joshua D. Lerner, for respondent.

Before EMAS, C.J., and SCALES and MILLER, JJ.

PER CURIAM.

Petitioner, Tamiami Electrical Inc., seeks second-tier certiorari review of a decision of the circuit court appellate division affirming a county court final judgment in favor of respondent, Infinity Assurance Insurance Company. In its written opinion, the appellate division follows, but suggests this Court should revisit, our decision in Little Judy Industries, Inc. v. Federal Insurance Co., 280 So. 2d 14 (Fla. 3d DCA 1973). There is no formal mechanism for the circuit court to certify a question to this Court,¹ and our second-tier certiorari review of the appellate division's decision is limited to whether the appellate division afforded procedural due process and applied the correct law. See GEICO Indem. Co. v. Gables Ins. Recovery, Inc., 159 So. 3d 151, 153 (Fla. 3d DCA 2014). Given our limited standard of review² we are compelled to deny the petition. The circuit court appellate division afforded due process to the parties, and obviously (albeit not without concern) applied the correct law.

Petition denied.

¹ Bowen v. State, 745 So. 2d 1108, 1109 n.4 (Fla. 3d DCA 1999).

² We note that district courts' second-tier certiorari review of appellate decisions of the state's circuit courts may be a relic of the past. In its 2020 session, the Florida Legislature passed a bill expanding district courts' appellate jurisdiction to include review of final orders of the county court. See S.B. 1392 § 3 (Fla. 2020). If the bill is signed by the Governor, effective January 1, 2021, Florida's district courts, rather than the appellate divisions of circuit courts, will adjudicate such appeals.