

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

January 12, 2021

CASE NO.: 4D20-2648

L.T. No.: CACE20-004574

AIDS HEALTHCARE FOUNDATION,  
INC.

v. CITY OF FORT LAUDERDALE

Appellant / Petitioner(s)

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

ORDERED that the petition for certiorari is denied. See *Miami-Dade County v. Omnipoint Holdings, Inc.*, 863 So. 2d 195, 199 (Fla. 2003) (“The scope of the district court’s review on second-tier certiorari is limited to whether the circuit court (1) afforded procedural due process, and (2) applied the correct law. . . . “The district court may not review the record to determine whether the underlying agency decision is supported by competent, substantial evidence. . . .”). The petition fails to show that the circuit court in its unelaborated order applied the wrong law or departed from the essential requirements of law in denying the first-tier certiorari petition. The petition effectively challenges the City’s factual determination, which may not be reviewed in second-tier certiorari proceedings.

WARNER, KLINGENSMITH and ARTAU, JJ., concur.

Served:

cc: Jamie Alan Cole  
Clerk Broward

Kendall Coffey

Scott A. Hiassen

kk



**LONN WEISSBLUM, Clerk**  
Fourth District Court of Appeal

