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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

ANGELO RAY CANEVARI,
Petitioner,

v.

Case No.: 01-2017-AP-0007

UNIVERSITY OF FLORIDA,
Respondent.

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

HON. ROBERT K. GROEB, Circuit Judge
HON. MONICA J. BRASINGTON, Circuit Judge
HON. WILLIAM E. DAVIS, Circuit Judge

For Petitioner: Eric J. Friday, Esq.
For Respondent: Brande S. Smith, Esq.

PER CURIAM.

This cause came before the Court upon Petitioner Angelo Ray Canevari's Petition for Writ of Certiorari filed on March 3, 2017. Petitioner originally filed the petition with the First District Court of Appeal, which transferred the case to the Circuit Court for the Eighth Judicial Circuit in and for Alachua County, Florida in accordance with Florida Rule of Appellate Procedure 9.040(b)(1). Respondent filed a response in opposition. This Court has considered the petition, response, and all exhibits submitted. The Court finds Petitioner has not demonstrated entitlement to certiorari relief.

In reviewing the decision of an administrative agency by certiorari, the circuit court must determine whether the administrative body: (1) accorded due process of law; (2) met the essential requirements of law; and (3) supported its findings by competent substantial evidence. *See Broward County v. G.B.V. Int'l, Ltd*, 787 So. 2d 838 (Fla. 2001); *Florida Power & Light v. City*

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of Dania, 761 So. 2d 1089 (Fla. 2000); *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982).

The University of Florida afforded Mr. Canevari due process of law. A lower tribunal provides due process when it affords notice and an opportunity to be heard. *See Williams v. Miami-Dade County, Florida*, 969 So. 2d 389, 392 (Fla. 3d DCA 2007); see also *Schimenti v. School Bd. of Hernando County*, 73 So. 3d 831 (Fla. 5th DCA 2011). The fact that Mr. Canevari may be acquitted in a separate criminal proceeding does not render academic sanctions invalid as long as the academic institution observed due process within its disciplinary proceedings, of which he has specified no deficiencies.


The University's decision to sanction Mr. Canevari's conduct comported with the essential requirements of law. A departure from the essential requirements of the law encompasses more than mere legal error, but is rather "a violation of a clearly established principle of law resulting in a miscarriage of justice." *Housing Authority of City of Tampa v. Burton*, 874 So.2d 6, 8 (Fla. 2d DCA 2004). The University is authorized by law to adopt and enforce a code of conduct for students and has broad discretion in defining the specific requirements of that code. University Regulation 4.041(4), the portion of the student code of conduct that Mr. Canevari was found in violation of, prohibits students from causing physical injury or endangering another's health or safety. Contrary to Mr. Canevari's assertion, the mere presence of a firearm during the course of Mr. Canevari's conduct does not remove him from the scope of the University's disciplinary proceedings. Petitioner offers no other fact or legal authority to demonstrate that the University departed from the essential requirements of law by regulating his conduct as set forth in the student code of conduct.

Finally, Mr. Canevari did not challenge whether his suspension was supported by competent substantial evidence. Instead, he contends that the authority granted to the University under the Florida Constitution for regulating student conduct does not extend to disciplining a student for using a firearm in self-defense, particularly when no other University students were involved and the operation of the University was not affected. However, University Regulation 4.041(2)(d)(2) specifically contemplates this scenario, permitting the University to discipline a student such as Mr. Canevari even for off-campus conduct “if the conduct poses a significant threat to the safety or security of the University community, or if the conduct poses a significant threat of undermining the University’s educational process.” Mr. Canevari offers no facts that would contradict the University’s assertion that his conduct posed a significant threat to the safety or security of the University community or undermine the educational process. Therefore, the explanation presented by the University must be accepted as a valid basis on which to invoke jurisdiction.

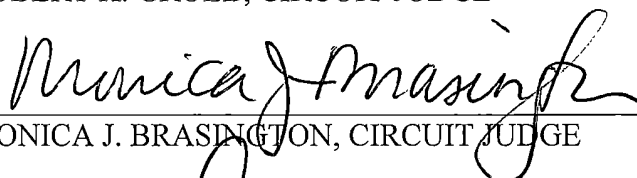
For the reasons discussed above, Petitioner has not carried his burden for a writ of certiorari to issue.

It is therefore **ORDERED**: The Petition for Writ of Certiorari is denied.

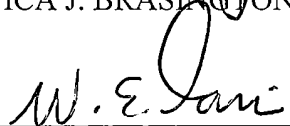
DONE and ORDERED on November ^{15th}~~14th~~, 2017.



ROBERT K. GROEB, CIRCUIT JUDGE



MONICA J. BRASINGTON, CIRCUIT JUDGE



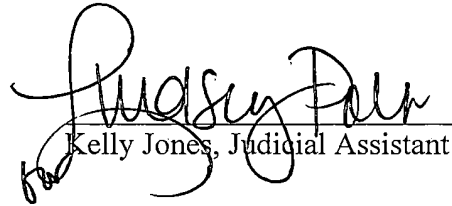
WILLIAM E. DAVIS, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

A copy of the foregoing was furnished on November 15th, 2017 to:

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