

IN THE DISTRICT COURT OF APPEAL  
OF THE STATE OF FLORIDA FOURTH DISTRICT,  
1525 PALM BEACH LAKES BLVD.  
WEST PALM BEACH, FL 33401

Case No. 4D15-2221

L.T. No.: CACE10-045101 (03)

CITY OF TAMARAC, etc.

vs.

PRESTIGE HOMES OF TAMARAC, INC.,  
etc.,

Appellant

Appellee

**NOTICE TO INVOKE DISCRETIONARY JURISDICTION OF SUPREME COURT**

NOTICE IS HEREBY GIVEN that Appellant, CITY OF TAMARAC, invokes the discretionary jurisdiction of the Supreme Court to review the decision of this Court rendered December 1, 2015. The decision expressly and directly conflicts with Beach Community Bank v. City of Freeport, 150 So. 3d 1111 (Fla. 2014), in that the Fourth District determined that it did not have jurisdiction, under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(xi), to review the trial court's denial of a motion asserting that the City was entitled to sovereign immunity based on the allegations in the complaint.

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By: 

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J. MARCOS MARTINZ  
FLA. BAR NO. 44573  
HUDSON C. GILL  
FLA. BAR NO. 15274

RECEIVED 12/30/15 FLORIDA SUPREME COURT

RECEIVED, 12/30/2015 2:30 PM, Clerk, Fourth District Court of Appeal

RECEIVED, 12/30/2015 2:30 PM, Clerk, Fourth District Court of Appeal

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy hereof has been furnished to Robert Pasin, Esq., ([Flajur@aol.com](mailto:Flajur@aol.com)), Law Office of Robert Pasin, 5521 University Drive, Ste. 203, Coral Springs, FL 33067, this 30<sup>th</sup> day of December, 2015 via electronic mail.



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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

December 01, 2015

CASE NO.: 4D15-2221

L.T. No.: CACE10-045101 (03)

CITY OF TAMARAC, etc.

v. PRESTIGE HOMES OF TAMARAC, INC.,  
etc.

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Appellant / Petitioner(s)

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

ORDERED that, having considered appellant's November 9, 2015 response to this court's order to show cause, this case is dismissed for lack of jurisdiction. Fla. R. App. P. 9.130(a)(3)(C)(xi). Appellant has failed to show how the trial court's ruling that the "motion for judgment on the pleadings as to its sovereign immunity affirmative defense is procedurally improper," is a determination that the party is not entitled to sovereign immunity as a matter of law.

CIKLIN, C.J., STEVENSON and TAYLOR, JJ., concur.

Served:

cc: Michael T Burke  
Clerk Broward

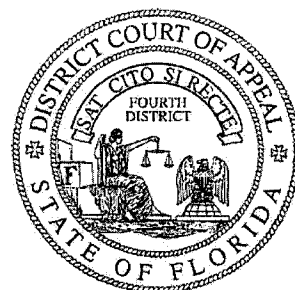
Robert M. Pasin

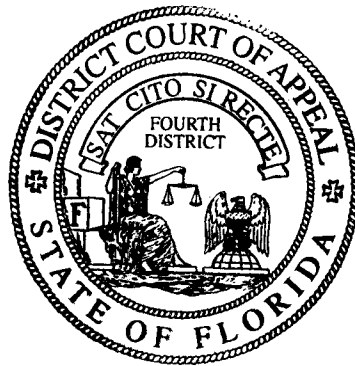
J. Marcos Martinez

dl



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





**I hereby certify that the above and foregoing is a true copy of instrument filed in my office.**

**Lonn Weissblum, CLERK**

**DISTRICT COURT OF APPEAL OF  
FLORIDA, FOURTH DISTRICT**

Per *[Handwritten Signature]*  
**Deputy Clerk**

**FOURTH DISTRICT COURT OF APPEAL  
1525 PALM BEACH LAKES BLVD.  
WEST PALM BEACH, FLORIDA 33401  
(561) 242-2000**

Date: December 30, 2015

Case Name: CITY OF TAMARAC, etc. vs. PRESTIGE HOMES OF TAMARAC, INC., etc.

Case No: 4D 15-2221

Trial Court No.: CACE10-045101 (03)

Trial Court Judge: HON. POWELL

Dear Mr. Tomasino:

Attached is a certified copy of a Notice to Invoke Discretionary Jurisdiction/Notice of Appeal to the Supreme Court of Florida pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

- The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and will be mailed.
- The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.
- Petitioner/Appellant has been previously determined insolvent by the circuit court or our court.
- Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's Motion to proceed without payment of costs in this case.
- Petitioner/Appellant filed Notice via EDCA and the fee has not been received by this court.

No filing fee is required in the underlying case in this court because it was:

- A Summary Appeal (Rule 9.141)
- From the Unemployment Appeals Commission
- A Habeas Corpus Proceeding
- A Juvenile Case
- Other – \_\_\_\_\_

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

LONN WEISSBLUM  
Clerk of the Court

By: \_\_\_\_\_

Holly Davis  
Deputy Clerk