

IN THE SUPREME COURT OF THE STATE OF FLORIDA

DALE LEE NORMAN,)	CASE NO. SC15-650
)	
Petitioner,)	
)	
v.)	
)	
STATE OF FLORIDA,)	
)	
Respondent.)	
_____)	

**RESPONSE TO PETITIONER'S AMENDED
MOTION FOR REHEARING,
RECONSIDERATION, AND CLARIFICATION**

Respondent, the State of Florida, by and through the undersigned Assistant Attorney General, hereby responds to Petitioner, Dale Lee Norman's Motion for Rehearing, Reconsideration, and Clarification, and states as follows:

The issues raised in paragraphs 4 through 6 and 7 through 12 involve new issues and should be denied. See Price Wise Buying Group v. Nuzman, 343 So. 2d 115, 117 (Fla. 1st DCA 1977) (court could not consider matters raised for the first time in motion for rehearing).

The issues raised in paragraphs 4 through 6 and 7 through 12 were never before this Court. The fact that these particular issues are not implicated in this case means resolution by this Court would constitute an advisory opinion. Parties

RECEIVED, 03/31/2017 03:58:26 PM, Clerk, Supreme Court

are not allowed to request advisory opinions. See, e.g., Renish v. Clark, 765 So. 2d 197, 2020 (Fla. 1st DCA 2000).

To the extent Petitioner appears to request a written opinion from this Court on his substantive due process claim, the State will rely on the arguments presented in its Answer Brief. To the extent that Petitioner may be presenting a broader argument than that contained in his brief, such is improper in a request for a written opinion.

In paragraphs 18 through 19, 20, and 21 through 23, Petitioner reargues the merits of this Court's decision and for this reason his claims should be rejected. See Parker v. Baker, 499 So. 2d 843, 847 (Fla. 2d DCA 1986) (it is not the function of a motion for rehearing to advise the court that a party disagrees with its conclusion, to reargue matters already discussed in the briefs, or to ask the court to change its mind on a matter which has already received careful attention).

WHEREFORE, based on the foregoing argument and authorities, the State respectfully requests that this Court deny Petitioner's Motion for Rehearing, Reconsideration, and Clarification.

Respectfully submitted,

PAMELA JO BONDI

Attorney General
Tallahassee, Florida

/s/ Celia A. Terenzio
CELIA A. TERENZIO
Assistant Attorney General
Chief, West Palm Beach Bureau
Florida Bar No. 0656879

/s/ Heidi L. Bettendorf
HEIDI L. BETTENDORF
Assistant Attorney General
Florida Bar No. 0001805
1515 North Flagler Drive
Ninth Floor
West Palm Beach, FL 33401-3432
Tel: (561) 837-5000
Fax: (561) 837-5099
crimappwpb@myfloridalegal.com

Counsel for Respondent

Certificate Of Service And E-Mail Transmission

I HEREBY CERTIFY that on this 31st day of March, 2017, in accordance with Fla. R. Jud. Admin. 2.516, a .pdf copy of the foregoing with an electronic signature has been e-mailed to **Eric J. Friday, Esquire**, Fletcher & Phillips, 541 East Monroe Street, Suite 1, Jacksonville, Florida, 32202-2861, at familylaw@fletcherandphillips.com, efriday@fletcherandphillips.com, and epittman@fletcherandphillips.com; **Glenn Burhans, Jr., Esquire**, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A., 106 East College Avenue, Suite 720, Tallahassee, Florida, 32301, at gburhans@stearnsweaver.com; and **Deepak Gupta, Esquire**, and **Jonathan E. Taylor, Esquire**, Gupta Wessler, P.L.L.C., 1735 20th Street NW, Washington, DC, 20009, at deepak@guptawessler.com. Additionally, in accordance with Administrative Order 2013-01 of the Florida Supreme Court, a .pdf copy of the foregoing with an electronic signature has been electronically filed at <https://myflcourtagency.com>.

/s/ Celia A. Terenzio
CELIA A. TERENZIO
Assistant Attorney General