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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

APPEAL NO. 2021-16 AP 01

YVONNE SOUCHET,

Appellant,

v.

MIAMI-DADE COUNTY CODE ENFORCEMENT,

Appellee.
_____/

ORDER GRANTING APPELLEE, MIAMI-DADE COUNTY CODE ENFORCEMENT'S MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION

Before TRAWICK, WALSH and SANTOVENIA, JJ.,

PER CURIAM

This is an appeal from an administrative order of a hearing officer for Miami-Dade County Code Enforcement. A civil violation notice had been issued to Appellant, Yvonne Souchet ("Appellant" or "Souchet") who sought an administrative hearing to appeal the violation. A hearing was held on February 20, 2020 before a Miami-Dade County Code Enforcement hearing officer. The order

affirming the violation was rendered the same day of the hearing on February 20, 2020. Appellant did not file a notice of appeal until 415 days later on April 9, 2021.

Florida Rule of Appellate Procedure 9.110(c) governs review of final administrative orders. Rule 9.110 (c) provides that:

> In an appeal to review final orders of lower administrative tribunals, the appellant shall file the notice with the clerk of the lower administrative tribunal within **30 days of rendition of the order to be reviewed**, and shall also file a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the court.

(emphasis added).

Similarly, Section 162.11, Florida Statutes, provides that:

> An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the code enforcement board. **An appeal shall be filed within 30 days of the execution of the order to be appealed.**

(emphasis added).

It is undisputed that the notice of appeal was not filed within the 30-day period allowed by the rules. Because the notice of appeal was untimely filed, this Court lacks jurisdiction to entertain the appeal. As a result, this appeal must be dismissed. *See Miami-Dade County v. Peart*, 843 So. 2d 363, 364 (Fla. 3d DCA 2003) (finding that the notice of appeal filed 31 days after the administrative hearing officer rendered her decision deprived the circuit court of jurisdiction to hear the

appeal) (citing *Crapp v. Criminal Justice Standards & Training Comm'n*, 753 So. 2d 787 (Fla. 3d DCA 2000) ("[a]n appellate court cannot exercise jurisdiction over a cause where a notice of appeal has not been timely filed")).

However, Appellant argues that this appeal is timely, relying on Eleventh Judicial Circuit Administrative Orders addressing court closures and extensions of time in connection with the COVID-19 pandemic. For example, one such Administrative Order, AO 20-04 dated March 25, 2020, provides that "[a]ll time limits set by judicial order and/or authorized by rule and statute applicable to civil (inclusive of circuit and county), family, domestic violence, dependency, probate, small claims, traffic, bond forfeiture, and appellate proceedings are further suspended until the close of business day on Monday, April 20, 2020."

While that Circuit Court Administrative Order states that deadlines are extended for appellate proceedings, AO 20-04 does not specifically state that the 30-day deadline in Florida Rule of Appellate Procedure 9.110(c) for filing an appeal is extended, nor could it so state. Neither trial nor appellate courts in this state are authorized to extend the time for filing notices of appeal, "no matter what reason or method is employed in an attempt to do so." *Congregation Temple De Hirsch of Seattle, Wash. v. Aronson,* 128 So. 2d 585, 586 (Fla. 1961). Similarly, in *Jones v. Jones,* 845 So. 2d 1012, 1013 (Fla. 5th DCA 2003), the court dismissed an appeal filed more than 30 days after rendition of a judgment, stating: "[j]urisdictional time

limits may not be altered by the actions or inactions of the parties or the trial court...The trial court was without authority to extend the time to file a motion for rehearing or to file the notice of appeal". Following the same rationale, the court dismissed an appeal as untimely in *Capone v. Florida Board of Regents,* 774 So. 2d 825, 827 (Fla. 4th DCA 2000) (concluding that a court's local rules and practices for filing of non-jurisdictional papers cannot usurp the constitutional power of the supreme court's authority to establish the time limit within which appellate review must be sought).

Based on the foregoing authorities, we find that this appeal is untimely and must therefore be **DISMISSED.**

TRAWICK, WALSH and SANTOVENIA, JJ., concur.

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