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NOT FINAL UNTIL DISPOSITION
OF TIMELY-FILED MOTION FOR
REHEARING OR CLARIFICATION

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

APPELLATE DIVISION

CASE NO. 2020-52 AP 01

OTTO EGEA,

Appellant,

v.

MIAMI-DADE COUNTY,

Appellee.

_____/

OPINION

Opinion filed: March 1, 2021.

On Appeal from an Order of Rafael A. Rodriguez, Hearing Examiner, Miami-Dade County.

Lawrence M. Shoot, Esquire, for Appellant.

Abigail Price-Williams, County Attorney and Ryan Carlin, Assistant County Attorney, for Appellee.

Before: TRAWICK, WALSH and SANTOVENIA, JJ.

PER CURIAM.

AFFIRMED.

The record reflects that the Order in this appeal was rendered on January 14, 2020. The notice of appeal was filed one day late on February 14, 2020. Accordingly, this court lacks subject matter jurisdiction over this appeal. *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 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, Appellee did not file a motion to dismiss premised on lack of jurisdiction and the case proceeded to oral argument on February 25, 2021. Having heard oral argument and reviewed the parties' briefs, notwithstanding that we lack subject matter jurisdiction we reach the merits of the appeal because the record does not require reversal in any event.

STANDARD OF REVIEW

In an appeal of a decision of an administrative agency, this court reviews whether procedural due process was accorded, whether the essential requirements of

law have been observed, and whether the administrative findings and judgment are supported by competent substantial evidence. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995), *citing City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982); *Dusseau v. Metropolitan Dade County Bd. of C'ty Comm'rs*, 794 So. 2d 1270, 1274 (Fla. 2001).

Procedural due process requires that the agency provide reasonable notice and a fair opportunity to be heard. *Housing Authority of the City of Tampa v. Robinson*, 464 So. 2d 158, 164 (Fla. 2d DCA 1985). A quasi-judicial hearing generally meets basic due process requirements if the parties are provided notice of the hearing and an opportunity to be heard. *Jennings v. Dade County,* 589 So. 2d 1337, 1340-41 (Fla. 4th DCA 1991). Here, Appellants received procedural due process as they were given the opportunity to present their own evidence and testimony and to cross-examine the County's witnesses.

A departure from the essential requirements of the law occurs when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice. *Combs v. State*, 436 So. 2d 93, 96 (Fla. 1983). Appellants cite to no such violation.

Nor does the record support Appellants' factual position. Appellants were cited for violating section 8-1 of the Code of Miami-Dade County ("County Code") and section 105.1 of the Florida Building Code for work done without a permit. The

County's witnesses testified that the citation was issued based on the Miami-Dade County Property Appraiser's records indicating that the property is one parcel owned by both Appellants. Appellants argue that the hearing officer erred in rejecting counsel's testimony that the Appellant's property involves two parcels and that the citation for violation of the County Code was issued to the wrong parcel.

While counsel argued that the County should have reviewed two separate deeds of record which allegedly exist for the property, the record below does not include any deeds indicating that the property at issue is comprised of two separate parcels. Furthermore, Appellants do not contest the existence of the code violation for which they were cited and admit that Appellant, Otto Egea does own both parcels.

As procedural due process and the essential requirements of the law were observed, and the hearing officer's decision is supported by competent substantial evidence, the Order is AFFIRMED.

TRAWICK, WALSH and SANTOVENIA, JJ. concur.

COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL.

Copies Furnished to:
Ryan.Carlin@miamidade.gov
Madalis.Gonzalez@miamidade.gov
lshoot@bellsouth.net
ryan.carlin@miamidade.gov