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. 2019-233 AP 01
CITATION NO. 2019-T081602

NATURES TROPICAL NURSERY, LLC.,
Appellants,
v.

MIAMI-DADE COUNTY CODE ENFORCEMENT,
Appellee.
_____/

OPINION

Opinion filed December 31, 2020

An Appeal of an administrative decision rendered by the Miami-Dade County Office of Code Enforcement – Civil Violation Notice 2019-T081602

Lance Joseph, P.A. and Lance Joseph, Esq. for Appellant.

Miami-Dade County Attorney's Office, Abigail Price-Williams, Miami-Dade County Attorney and Ryan Carlin, Assistant County Attorney, for Appellee.

Before: TRAWICK, WALSH and SANTOVENIA.

PER CURIAM.

Affirmed.

We find that there was no due process violation as Appellant was properly noticed and afforded an opportunity to testify, present evidence, and cross-examine at the hearing. *Richard v. Bank of America, N.A.*, 258 So. 3d 485, 489 (Fla. 4th DCA 2018) (citation omitted) ("[g]enerally due process requires fair notice and a real opportunity to be heard and defend in an orderly procedure before judgment is rendered"). We further find that there was no departure from the essential requirements of the law. *Haines City Community Development v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995) ("…Applied the correct law" is synonymous with "observing the essential requirements of law.") In addition, there was competent, substantial evidence to support the hearing officer's decision. *Bagarotti v. Reemp't Assistance Appeals Comm'n*, 208 So. 3d 1197, 1199 (Fla. 3d DCA 2017) ("an administrative hearing officer's findings of fact may not be disturbed by a reviewing court if those findings are supported by competent, substantial evidence"). Finally, applying *Timbs v. Indiana*, 139 S. Ct. 682 (2019), we also find that the $835 fine and costs imposed were not excessive, and neither cruel nor unusual.

TRAWICK, WALSH, and SANTOVENIA, JJ., concur.

COPIES FURNISHED TO COUNSEL
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