

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

ADRI MARC S.A. TRS.,

CIVIL NOTICE NO.: 2025-88-AP-01

Plaintiff

vs.

DEPARTMENT OF ENVIRONMENTAL
RESOURCE MANAGEMENT,

Defendants.

**APPELLANT'S MOTION FOR REHEARING, RECONSIDERATION, AND
REINSTATEMENT OF APPEAL**

COMES NOW, Plaintiff, ADRI MARC S.A. TRS., by and through undersigned counsel, and pursuant to Florida Rule of Appellate Procedure 9.330, respectfully moves this Honorable Court for rehearing, reconsideration, and reinstatement of the above-styled appeal, and in support thereof states as follows:

1. On May 14, 2026, this Court entered an Order of Dismissal for Failure to File Initial Brief.
2. The Court determined that although Appellant previously responded to the Court's Order to Show Cause and requested an additional ten (10) days to file its Initial Brief, no Initial Brief was subsequently filed.
3. Appellant acknowledges and accepts responsibility for failing to timely perfect the appeal and recognizes the Court's frustration with the procedural delays in this matter.
4. However, Appellant respectfully submits that dismissal of the appeal is an unduly harsh sanction under the specific circumstances presented here, particularly where the deficiency has now been cured and the Appellee has suffered little to no demonstrable prejudice.

5. As previously explained in Appellant's Response to Order to Show Cause, the original failure to timely file the Initial Brief resulted from internal calendaring and administrative issues within counsel's office after the departure of a longtime staff member responsible for maintaining appellate deadlines and litigation calendaring.

6. Unfortunately, during the office transition and reassignment of responsibilities, the matter was inadvertently not brought back to counsel's immediate attention after the filing of the Response to Order to Show Cause.

7. The failure to file the Initial Brief was not intentional, was not undertaken in bad faith, and was not intended as an abandonment of the appeal.

8. Upon entry of the Court's dismissal Order, undersigned counsel immediately reviewed the matter, completed the Initial Brief attached hereto marked Exhibit "A", and has contemporaneously filed the same in an effort to promptly cure the deficiency identified by this Court.

9. Florida courts have consistently recognized a strong preference for resolving matters on their merits rather than through procedural defaults where lesser sanctions remain available and where no substantial prejudice has resulted to the opposing party.

10. The Appellee has not alleged, nor can it demonstrate, meaningful prejudice arising from the delayed filing of the Initial Brief beyond the passage of time itself.

11. Moreover, this appeal concerns review of an administrative code enforcement determination involving limited monetary penalties, and reinstatement of the appeal would not materially disrupt judicial administration or prejudice the orderly progression of these proceedings.

12. Appellant respectfully submits that reinstatement of the appeal, coupled with

acceptance of the contemporaneously filed Initial Brief, constitutes a more equitable resolution than dismissal of the action in its entirety.

13. Appellant further submits that the interests of justice favor resolution of this matter on the merits as opposed to dismissal based solely upon procedural deficiencies that have now been corrected.

WHEREFORE, Appellant, ADRI MARC S.A. TRS., respectfully requests that this Honorable Court:

- A. Grant rehearing and reconsideration of the Order of Dismissal entered on May 14, 2026;
- B. Reinstate the above styled appeal;
- C. Accept Appellant's contemporaneously filed Initial Brief as timely filed; and
- D. Grant any further relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this pleading was filed and served on all parties of record via the E-Portal System on this 18th day of May, 2026.

FORREST SYGMAN, P.A.
The Tate Building, Suite 203
7300 N. Kendall Drive
Miami, Florida 33156
(305) 661-8955

/s/ Forrest Sygman

By: _____
FORREST SYGMAN, ESQ.
Florida Bar Number: 748020
NICHOLAS REID, ESQ.
Florida Bar Number: 1035494

Exhibit “A”

COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

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ADRI MARC S.A. TRS.,

CIVIL NOTICE NO.: 2025-88-AP-01

Plaintiff

vs.

DEPARTMENT OF ENVIRONMENTAL
RESOURCE MANAGEMENT,

Defendants.

APPELLANT'S INITIAL BRIEF

COMES NOW, Plaintiff, ADRI MARC S.A. TRS., by and through undersigned counsel and files this Initial Brief and state as follows:

INTRODUCTION

This is an appeal from a Hearing Officer's Findings of Fact and Conclusions of Law rendered on September 17, 2025, concerning Civil Violation Notice No. 2025-B286251.

The Hearing Officer determined that Appellant violated Miami-Dade County Code section 24-29 and imposed monetary penalties and costs totaling \$730.00.

Appellant seeks review because the administrative determination was not supported by competent substantial evidence and because the proceedings failed to satisfy the essential requirements of law.

STATEMENT OF THE CASE AND FACTS

On September 17, 2025, a Miami-Dade County Hearing Officer conducted an administrative hearing concerning alleged violations of Miami-Dade County Code

section 24-29.

The Hearing Officer subsequently entered Findings of Fact and Conclusions of Law determining that Appellant violated the Code and imposing penalties totaling \$730.00.

The Findings reflect that the County relied primarily upon inspector affidavits, photographs, maps, correspondence, and related documentary submissions. The Findings further reflect that no testimony under oath was offered by the violator.

On October 16, 2025, Appellant timely filed its Notice of Appeal.

STANDARD OF REVIEW

In reviewing quasi-judicial administrative action, the appellate court considers, whether procedural due process was afforded; whether the essential requirements of law were observed; and whether the administrative findings and judgment are supported by competent substantial evidence. See *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982).

Competent substantial evidence is such evidence as will establish a substantial basis of fact from which the fact at issue can reasonably be inferred. *De Groot v. Sheffield*, 95 So. 2d 912 (Fla. 1957).

ARGUMENT

I. The Hearing Officer's Findings Were Not Supported By Competent Substantial Evidence

The administrative ruling was based largely upon documentary submissions and conclusory findings rather than competent substantial evidence establishing the alleged violation.

The Findings of Fact contain generalized conclusions that the violation “was issued in accordance with the penalty and the code of Miami-Dade County, Florida,” but do not articulate specific factual findings demonstrating precisely how Appellant violated section 24-29.

While administrative proceedings may consider documentary evidence, such evidence must still constitute competent substantial evidence sufficient to sustain the ruling. Mere conclusory allegations or unsupported determinations are insufficient.

The record, as reflected in the Findings, does not identify detailed factual testimony establishing each essential element of the alleged violation. Rather, the ruling appears premised primarily upon internal agency documentation and inspector submissions without meaningful evidentiary analysis.

Accordingly, the Hearing Officer’s decision should be reversed.

II. The Hearing Officer’s Findings Were Not Supported By Competent Substantial Evidence

Administrative agencies exercising quasi-judicial authority must observe the essential requirements of law, including ensuring that findings are sufficiently detailed to permit meaningful appellate review.

Here, the Findings contain conclusory determinations but lack adequate factual specificity. The Order does not meaningfully explain the evidentiary basis supporting the conclusion that Appellant violated section 24-29. Without sufficiently detailed findings, meaningful appellate review becomes impossible and the proceedings fail to comport with fundamental fairness and due process principles. Accordingly, reversal and remand are appropriate.

CONCLUSION

WHEREFORE, Appellant, ADRI MARC S.A. TRS., respectfully requests that this Court reverse the Hearing Officer's Findings of Fact and Conclusions of Law and remand for further proceedings consistent with this Court's opinion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this pleading was filed and served on all parties of record via the E-Portal System on this XX day of January, 2026.

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/s/ Forrest Sygman

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