

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed May 1, 2019.

---

No. 3D18-2242  
Lower Tribunal Nos. 18-0249 & 18-0088

---

**Haydee Alfaro Gonzalez,**  
Petitioner,

vs.

**City of Miami, a Municipal Corporation**  
**of the State of Florida,**  
Respondent.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Appellate Division, Veronica A. Diaz, Oscar Rodriguez-Fonts, and Renatha S. Francis, Judges.

Rex E. Russo, for petitioner.

Victoria Méndez, City Attorney, and Kerri L. McNulty, Sr. Appellate Counsel, for respondent.

Before SALTER, LINDSEY, and MILLER, JJ.

PER CURIAM.

***ON MOTION FOR REHEARING***

Upon consideration of Petitioner’s Motion for Rehearing, we grant rehearing and withdraw the opinion of February 20, 2019, and substitute the following opinion in its place.

***ON PARTIAL CONFESSION OF ERROR***

Petitioner Haydee Alfaro Gonzalez seeks to reinstate two separate appeals, which the Eleventh Judicial Circuit Appellate Division consolidated and then dismissed.<sup>1</sup> The City of Miami concedes that there was no basis to dismiss the appeal from the Code Enforcement Board (Case No. 18-88 AP). With respect to the appeal from the Unsafe Structures Panel (Case No. 18-249 AP), we hold that dismissal was improper because the notice of appeal was timely filed. We therefore grant the petition for writ of certiorari, quash the appellate division’s dismissal order, and remand for reinstatement of the consolidated appeals.

Petition granted; order quashed.

---

<sup>1</sup> Petitioner appealed (1) an order from the Code Enforcement Board (Case No. 18-088 AP) and (2) an order from the City’s Unsafe Structures Panel (Case No. 18-249 AP).