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DIVISION OF
ADMINISTRATIVE
HEARINGS AND
APPEALS

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2005

TOPPINO'S, INC., **

Appellant, **

vs. **

CASE NO. 3D04-2290

DEPARTMENT OF COMMUNITY AFFAIRS, **

Appellee. **

LOWER TRIBUNAL NO. 02-0418GM

*JLS
Closed*

Opinion filed June 29, 2005.

An Appeal from the Department of Community Affairs.

Roetzel & Andress, L.P.A. and Kenneth J. Plante, for appellant.

David L. Jordan (Tallahassee), for appellee.

Before COPE and GREEN, JJ. and SCHWARTZ, Senior Judge.

PER CURIAM.

We affirm the final order of the Department of Community Affairs because the findings of fact in the order are supported by competent substantial evidence. § 120.68(7)(b), Fla. Stat.

(2004); Siegel v. Career Servs. Comm'n., 413 So. 2d 796 (Fla. 1st DCA 1982). Additionally,

the administrative construction of a statute by the agency charged with its administration should not be disregarded or overturned by a reviewing court except for most cogent reasons and unless clearly erroneous. [A] reviewing court must defer to an agency's interpretation of an operable statute as long as that interpretation is consistent with legislative intent and is supported by substantial, competent evidence.

Metro. Dade County v. Dep't of Env'tl. Prot., 714 So. 2d 512, 515 (Fla. 3d DCA 1998) (citations omitted). We find no basis in this record for overturning the Department's construction of the subject statute.

Affirmed.