

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SHERATON BAL HARBOUR)
ASSOCIATION, LTD.,)
)
Petitioner,)
)
vs.) Case No. 03-2441RX
)
DEPARTMENT OF REVENUE,)
)
Respondent.)
_____)

FINAL ORDER OF DISMISSAL

This cause came to be heard by telephone conference call with the parties on Respondent's ore tenus motion to dismiss. The Division of Administrative Hearings does not have jurisdiction to hear this rule challenge because the challenged rule is no longer in existence. See Department of Revenue v. Sheraton Bal Harbour Association, Ltd., No. 1D03-3933 (Fla. 1st DCA December 19, 2003). The premises considered, it is ORDERED:

That the Petition for Determination of Invalidity of Rule or, in the Alternative, to Challenge Agency Statement Defined as Rule filed July 2, 2003, is hereby dismissed.

DONE AND ORDERED this 12th day of February, 2004, in Tallahassee, Leon County, Florida.



CLAUDE B. ARRINGTON
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 12th day of February, 2004.

COPIES FURNISHED:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original Notice of Appeal with the agency clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.