

9-25-03

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES
DIVISION OF RETIREMENT

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ADMINISTRATIVE
DIVISION

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CAROL JOHNS,

Final Order No. DMS-03-031

Petitioner,

vs.

DOAH CASE NO. 03-2525
CASE NO. DMS-DOR03-26

PHM-CWS

STATE OF FLORIDA,
DEPARTMENT OF MANAGEMENT SERVICES,
DIVISION OF RETIREMENT,

Respondent.

_____ /

FINAL ORDER

This cause came before me for the purpose of issuing a final agency order. The Administrative Law Judge, Patricia Hart Malono, assigned by the Division of Administrative Hearings (DOAH) in the above entitled cause submitted a Recommended Order and all exhibits offered into evidence to the Department of Management Services. A copy of that Recommended Order is attached hereto and made a part hereof as "Exhibit A."

APPEARANCE

For Petitioner:

Kenneth R. Harrison, Esquire
Sugarman & Susskind, P.A.
2801 Ponce de Leon Boulevard, Suite 750
Coral Gables, Florida 33134

For Respondent:

Larry D. Scott, Esquire
Department of Management Services
Office of the General Counsel
4050 Esplanade Way, Suite 260
Tallahassee, Florida 32399-0950

FINDINGS OF FACT

The Department hereby adopts and incorporates by reference the Findings of Fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

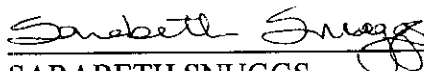
The Department hereby adopts and incorporates by reference the Conclusions of Law set forth in the Recommended Order.

Based upon the foregoing it is,

ORDERED and DIRECTED that the Petitioner's request to participate in the Deferred Retirement Option Plan (DROP) for 60 months is DENIED. It is further,

ORDERED and DIRECTED that the Petitioner, Carol Johns, is entitled to participate in the Deferred Retirement Option Plan (DROP) for the period extending from May 1, 2002, through September 30, 2006.

DONE and ORDERED this 30th day of October, 2003, at Tallahassee, Leon County, Florida.


SARABETH SNUGGS
Interim Director
Division of Retirement
Cedars Executive Center, Building C
2639 North Monroe Street
Tallahassee, Florida 32399-1560
(850) 488-5541

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 ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF MANAGEMENT SERVICES, 4050 ESPLANADE WAY, SUITE 260, TALLAHASSEE, FLORIDA

32399-0950, AND A SECOND 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Final Order was filed in the official records of the Department of Management Services and copies were furnished to: Larry D. Scott, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950; Kenneth R. Harrison, Esquire, Sugarman & Susskind, P.A., 2801 Ponce de Leon Boulevard, Suite 750, Coral Gables, Florida 33134; and Judge Patricia Hart Malono, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, the 20th day of October, 2003.



CAROL CARR
Clerk
Department of Management Services
(850) 1082