


STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA PETROLEUM MARKETERS AND)	
CONVENIENCE STORE ASSOCIATION,)	
)	
Petitioner,)	
)	
vs.)	Case No. 05-0529RP
)	
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION,)	
)	
Respondent.)	
_____)	

AMENDED SUMMARY FINAL ORDER

On June 16, 2005, a Summary Final Order was issued in this proceeding. On July 13, 2005, a status conference was held in Case No. 05-2343F. Counsel for Petitioner and Respondent participated. During the conference call, it was noted by counsel for Respondent that, consistent with the Findings of Fact and Conclusions of Law, the Conclusion portion of the Summary Final Order should be amended to reflect that proposed rule 62-770.220(3)(b) is an invalid exercise of delegated legislative authority, as subpart (b) was omitted. Accordingly, the Conclusion portion of the Summary Final Order is amended. See Taylor v. Department of Professional Regulation, Board of Medical Examiners, 520 So. 2d 557 (Fla. 1988).

DONE AND ORDERED this 13th day of July, 2005, in
Tallahassee, Leon County, Florida.



CHARLES A. STAMPELOS
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 13th day of July, 2005.

COPIES FURNISHED:

Robert D. Fingar, Esquire
Frank & Gramling, P.A.
3323-C Thomasville Road
Tallahassee, Florida 32308

W. Douglas Beason, Esquire
Department of Environmental Protection
The Douglas Building, Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Scott Boyd, Executive Director
and General Counsel
Administrative Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Liz Cloud, Program Administrator
Administrative Code
Department of State
R.A. Gray Building, Suite 101
Tallahassee, Florida 32399

Kathy C. Carter, Agency Clerk
Department of Environmental Protection
Office of General Counsel
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Greg Munson, General Counsel
Department of Environmental Protection
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Summary 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 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.