



STATE OF FLORIDA

# Office of the Governor

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January 9, 2006

FILED  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
06 JAN 10 AM 10:48

JEB BUSH  
GOVERNOR

The Honorable Suzanne F. Hood  
Division of Administrative Hearings  
The DeSoto Bldg., 1230 Apalachee Pkwy.  
Tallahassee, Florida 32399-3060

**Re: Amazing New Home Show Productions, Inc., vs. Office of the Governor, Office of Film and Entertainment, DOAH Case No. 05-2489**

Dear Judge Hood:

Pursuant to Section 120.57, Florida Statutes, enclosed is a copy of the Final Order issued for the subject case on January 5, 2006. Copies of the Final Order have been delivered to all counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Bonanno".

Ted Bonanno  
Senior Attorney  
Governor's Office of Tourism, Trade, and Economic  
Development



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STATE OF FLORIDA  
EXECUTIVE OFFICE OF THE GOVERNOR  
OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT

FILED  
06 JAN 10 AM 10:11  
DIVISION OF ADMINISTRATIVE  
HEARINGS

AMAZING NEW HOME SHOW  
PRODUCTIONS, INC.,

Petitioner,

Case No. 06-001  
DOAH No. 05-2489

OFFICE OF THE GOVERNOR,  
OFFICE OF TOURISM, TRADE, AND  
ECONOMIC DEVELOPMENT,  
OFFICE OF FILM AND ENTERTAINMENT,

Respondent.

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**FINAL ORDER**

This matter was initiated by the petition for hearing filed by the AMAZING NEW HOME SHOW PRODUCTIONS, INC., (Petitioner) requesting a determination of whether its application for the Film Incentive Program was properly denied. A formal hearing was held on August 17 and 18, 2005, in Tallahassee, Florida. In a Recommended Order, issued on October 10, 2005, Administrative Law Judge Suzanne F. Hood recommended that the Agency issue a final order denying the Petitioner's application for the Film Incentive Program. The Recommended Order concluded that the Petitioner had not met its burden of proving by a preponderance of the evidence that its application was improperly denied. At the formal hearing, Petitioner was present and represented by counsel, S. Elysha Luken, Esquire. Respondent was present and represented by counsel, Tom Barnhart, Esquire, Assistant Attorney General and Ted Bonanno, Esquire, Senior Attorney for the Office of Tourism, Trade, and Economic Development.

## **RULING ON EXCEPTIONS**

Petitioner filed exceptions to the Recommended Order asserting that: (1) a standardized application should have been used and was not used; (2) a "set" need not be a temporary structure; and (3) purchasing real property and building homes should be considered a part of Petitioner's film project. After reviewing the exceptions, reviewing the complete record accompanying the Recommended Order, and being otherwise fully advised in the premises, the exceptions are hereby denied.

## **FINDINGS OF FACT**

1. The Findings of Fact in the Recommended Order are hereby adopted and incorporated by reference as the OTTED Director's findings.
2. There is competent substantial evidence to support the Findings of Fact.

## **CONCLUSIONS OF LAW**

3. The OTTED Director has jurisdiction over the parties and the subject matter of this proceeding.
4. The Conclusions of Law in the Recommended Order are hereby adopted and incorporated by reference as the OTTED Director's Conclusions of Law.
5. There is competent substantial evidence to support the Conclusions of Law and the finding that the Petitioner's application for the State of Florida's Film Incentive Program was properly denied by the Office of Film and Entertainment.

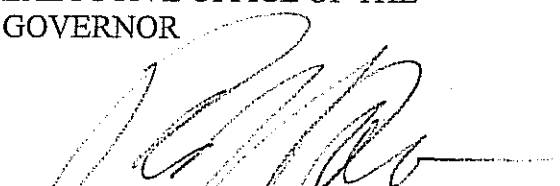
WHEREFORE, and for the foregoing reasons, it is hereby Ordered:

6. That the Petitioner's application for the 2004-2005 Film Incentive Program is DENIED.

This Order is effective immediately. The Parties are notified, pursuant to Section 120.68, Florida Statutes, that they may appeal this Final Order by filing, within thirty days of the filing date of this Order, a Notice of Appeal with the Agency Clerk and a copy of said Notice of Appeal accompanied by filing fees prescribed by law with the District Court of Appeal.

**DONE AND ORDERED** this 5<sup>th</sup> day of January, 2006, by the Director of the Office of Tourism, Trade, and Economic Development.

OFFICE OF TOURISM, TRADE, AND  
ECONOMIC DEVELOPMENT,  
EXECUTIVE OFFICE OF THE  
GOVERNOR

  
\_\_\_\_\_  
PAMELLA J. DANA, DIRECTOR

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this foregoing Final Order has been provided by U.S. Mail to: Ben Mandell, C/O his counsel, S. Elysha Luken, Esq., Smith, Currie, and Handcock, LLP, 1004 DeSoto Park Drive, Tallahassee, Florida 32301; Tom Barnhart, Assistant Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399; and Ted Bonanno, Esq., Senior Attorney, OTTED, The Capitol, Suite 1902, Tallahassee, Florida, 32399, by 5:00p.m., this 6<sup>th</sup> day of January, 2006.

  
\_\_\_\_\_  
Agency Clerk