

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CITY OF JACKSONVILLE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 08-2203RU
)	
ST. JOHNS RIVER WATER)	
MANAGEMENT DISTRICT,)	
)	
Respondent,)	
)	
and)	
)	
SEMINOLE COUNTY and CITY OF)	
SANFORD,)	
)	
Intervenors.)	
_____)	

SUMMARY FINAL ORDER OF DISMISSAL

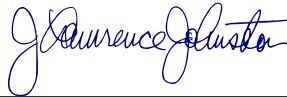
On May 21, 2008, the St. Johns River Water Management District (SJRWMD) filed a Motion for Summary Final Order, which Seminole County supports. Petitioner filed a response in opposition. (The City of Sanford voluntarily dismissed.)

Based on a review of the filings, it is clear that SJRWMD does not have a policy not to review cumulative impacts in connection with the review of applications to withdraw and use surface water. The manner in which SJRWMD reviews cumulative impacts is not a rule under Section 120.52(15), Florida Statutes. If there is a dispute as to whether the manner in which SJRWMD reviews cumulative impacts complies with Section 373.019(2), Florida Statutes, that dispute would be a matter for proceedings

under Sections 120.569 and 120.57, Florida Statutes, not proceedings under Section 120.56(4), Florida Statutes.

For these reasons, a summary final order is appropriate under Section 120.57(1)(h), Florida Statutes, and the Motion for Summary Final Order is granted. (The final hearing scheduled for June 3, 2008, is canceled, and the Joint Emergency Motion to Quash Subpoena filed by SJRWMD and Seminole County is granted.)

DONE AND ENTERED this 30th day of May, 2008, in Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 30th day of May, 2008.

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Summary Final Order of Dismissal 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.