

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

By: Rachel B.
Deputy Agency Clerk

All Florida Medical Supplies, Inc.,
Petitioner,

vs.

Department of Health; Drugs,
Devices, & Cosmetics Program;
Respondent.

DOAH no.: 08-2553
Permit type: 2332

FILED
SEP 22 4 11: 16
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This proceeding was initiated by a petition requesting an administrative hearing to challenge the Department of Health's intent to deny the Petitioner's application for a permit to operate a medical oxygen retail establishment. See *Florida Drug and Cosmetic Act*, Chapter 499, Part I, Florida Statutes; this matter was referred to the Division of Administrative Hearings for an adjudicatory proceeding pursuant to section 120.57(1), Florida Statutes.

The Administrative Law Judge (hereinafter the ALJ) assigned by the Division has entered a recommended order, and this matter is now before the Department of Health for disposition. The ALJ recommends denial of the permit application. I concur.

The recommended order of August 15, 2008 is adopted in toto. The recommended order is identified as exhibit A and incorporated by reference. The denial letter of April 10, 2008, is identified as exhibit B and incorporated by reference.

DONE and **ORDERED** this 18 day of September 2008 in Tallahassee, Leon County, Florida.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

By: Jean L. Kline
Jean L. Kline, R.N., B.S.N., M.P.H.
Deputy Secretary for Health

NOTICE

A PARTY ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. A REVIEW PROCEEDING IS GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. A REVIEW PROCEEDING IS COMMENCED BY FILING A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A COPY ACCOMPANIED BY THE FILING FEE WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE OF THIS FINAL ORDER.

Copy furnished to each of the following:

Eleanor M. Hunter, ALJ
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

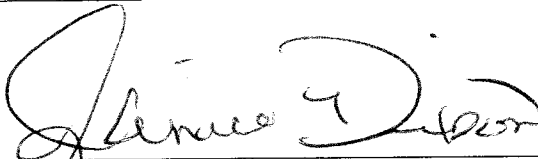
Rebecca R. Poston
Department of Health
Drugs, Devices, & Cosmetics Program
4052 Bald Cypress Way, bin C-19
Tallahassee, Florida 32399-1739

Jennifer L. Condon, Esquire
Department of Health
4052 Bald Cypress Way, bin A-02
Tallahassee, Florida 32399-1703

Javier Talamo, Esquire
Kravitz & Talamo, LLP
7600 W. 20th Avenue, suite 213
Hialeah, Florida 33016

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing FINAL ORDER has been sent by the United States Postal Service, inter-office mail, or by hand delivery to each of the above-named persons this 18 day of September 2008.



Deputy Agency Clerk
Department of Health
4052 Bald Cypress Way, bin C-01
Tallahassee, Florida 32399-3251
phone: (850) 245-4121