STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF ENVIRONMENTAL PROTECTION, Petitioner, vs. SYNERGY INTERNATIONAL, INC., Respondent.	)	Case No. 09-1735EF

FINAL ORDER

On June 15, 2009, a final administrative hearing was held before J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, by video teleconferencing between Tallahassee and Tampa.

APPEARANCES

For Petitioner: Jeffery Curry Close, Esquire
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Stop 35
Tallahassee, Florida 32399-3000

For Respondent: Matthew Gregg
Synergy International, Inc.
6060 28th Street, East, Suite 2
Bradenton, Florida 34203

STATEMENT OF THE ISSUES

The issues in this case are whether Respondent, Synergy International, Inc. (Respondent or Synergy), should be fined and required to take correction actions based on charges in the Notice of Violation, Orders for Corrective Action, and Administrative Penalties Assessment, DEP OGC File 09-0140 (NOV).

PRELIMINARY STATEMENT

The NOV issued by the Department of Environmental Protection (DEP) charges Respondent with: Count I, failure to label accumulated universal waste lamps as required by Florida Administrative Code Rule 62-737.400(5)(b)1.[1]; Count II, being a universal waste transporter and storing universal waste (spent fluorescent lamps) for more than ten days, in violation of 40 Code of Federal Regulation (CFR) Section 273.53, which is incorporated by reference in Rule 62-730.185(1); Count III, being a small quantity handler of universal waste and not storing spent lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps, in violation of 40 CFR Section 273.13(d)(1), which is incorporated by reference in Rule 62-730.185(1); Count IV, being a small quantity handler of universal waste and not immediately containing broken lamp in a structurally sound container capable of preventing releases of mercury to the environment, in violation of 40 CFR Section 273.13(d)(2), which is incorporated by reference in Rule 62-730.185(1); Count V, being a universal waste transporter and not giving notice of those activities before beginning operation and annually thereafter, in violation of Rule 62-737.400(3)(a)2.; Count VI, being a small quantity handler of universal waste, storing spent lamps for more than one year, and not being able to demonstrate the length of time that spent lamps have been stored, in violation of 40 CFR Section

273.13(c), which is incorporated by reference in Rule 62-730.185(1); and Count VII, being liable for reasonable costs and expenses incurred by DEP in investigating the charges.

Respondent denied the charges and requested a hearing, which was scheduled for June 15, 2009, by video teleconference between Tallahassee and Tampa.

The parties filed a Pre-Hearing Stipulation on June 8, 2009. It included the stipulations:

> b. On July 16, 2008, the Respondent was storing at least some spent florescent bulbs at the Facility ("Waste Bulbs").
>
> * * *
>
> d. Spent florescent bulbs are universal waste lamps as defined at Rule 62-737.400(5)(b)(1), F.A.C., and universal waste as defined at 40 CFR 273.9.

Based on these stipulations, DEP moved at the outset of the final hearing to exclude evidence Respondent was planning to introduce to dispute whether the spent florescent bulbs found at Respondent's business on July 16 and August 6, 2008, were "universal waste lamps." Ruling was reserved, and the evidence was presented, subject to the ruling on DEP's motion. At this time, DEP's motion is denied. See Conclusions 21-22, infra.

At the hearing, DEP called four witnesses: Tara Swanson and Shannon Camp, who are inspectors working in DEP's Hazardous Waste program; James Jones, a former lighting installer for Respondent; and Jim Dregne, DEP's Hazardous Waste Environmental Program Manager for the Southwest District. DEP had its Exhibits 1-5 admitted in evidence. Matthew Gregg, Synergy's owner, testified

for Respondent and had Synergy Exhibits 1, 2, 6, 7, 9, 10, 11, 13, 15, and 16 admitted in evidence. Ruling was reserved on DEP's objections to Synergy Exhibits 3, 4, 5, 8, 12, 14, and 17 on grounds of authenticity and hearsay. Those objections are overruled (the documents were shown to be authentic, and the hearsay is admissible under Section 120.57(1)(c), Florida Statutes (2008),[2] to supplement or explain Mr. Gregg's testimony).

At the end of Respondent's presentation, Respondent asked to present the testimony of an additional witness by post-hearing deposition transcript. This request was granted, and proposed final orders were to be filed within ten days from the filing of the post-hearing deposition transcript, neither party having requested a Transcript of the final hearing. It was anticipated that the post-hearing deposition would be taken by the end of June, but it was not scheduled. On July 17, 2009, DEP moved to close the evidentiary record and set deadlines for proposed final orders. Synergy did not file a response in the time allotted by Rule 28-106.204(1), and an Order Closing Evidentiary Record and Establishing Deadline for Proposed Final Orders (August 10, 2009) was entered. DEP's timely Proposed Final Order and Respondent's

submittal on August 13, 2009, have been considered in the preparation of this Final Order.

FINDINGS OF FACT

1. Since at least April 30, 2007, Respondent has operated a lighting supply company at 6060 29th Street East, Bradenton, Florida. (Despite Respondent's stipulation to this fact, Respondent presented evidence that the correct mailing address of its business actually is on 28th Street East.)

2. Spent florescent bulbs are universal waste lamps as defined at Rule 62-737.400(5)(b)1. and universal waste as defined at 40 CFR Section 273.9.

3. Respondent has never registered with DEP as a transporter of universal waste bulbs or notified DEP that it was transporting universal waste.

4. Respondent has never accumulated 5,000 kilograms or more of universal waste at one time, nor has Respondent ever treated, disposed of, or recycled universal waste at its facility.

5. DEP inspected Respondent's facility on July 16 and August 6, 2008.

6. On the first inspection, DEP informed Respondent's owner, Matthew Gregg, that the purpose of the inspection was to see if Respondent was following the laws governing spent fluorescent lamps. The inspectors say Mr. Gregg told them that, when Synergy sells fluorescent lamps, its installers bring the spent lamps back to Respondent's premises and that sometimes

customers bring spent lamps to Respondent's premises. The inspectors say they asked Mr. Gregg where Respondent stored the spent lamps, and he showed them Respondent's storeroom. They also say they asked Mr. Gregg how long the spent bulbs had been in the storeroom, and he told them "a couple of months." They say he told them that Respondent was in the process of obtaining equipment to recycle the mercury in the spent bulbs.

7. In the storeroom were shelves with cardboard boxes of fluorescent and other lamps and bulbs and other product. The inspectors say Mr. Gregg told him that the spent fluorescent lamps were kept in the boxes on the shelves, some of which were labeled "hazardous waste." From their vantage, the inspectors did not see any labels on any of the boxes saying "Spent Mercury-Containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps." They did not turn the boxes around on the shelves and did not look at all surfaces of the boxes. There was no evidence that they told Mr. Gregg they considered the boxes not to be properly labeled.

8. The inspectors also observed fluorescent lamps, including four broken lamps, in a flimsy plastic bag that was torn. They told Mr. Gregg that the broken lamps had to be cleaned up and put in a proper container, not just in a flimsy plastic bag, and properly labeled. In response, Mr. Gregg had an employee who was present working in the storeroom clean up the

broken lamps and put them in a proper container. It is not clear from the evidence how the container was labeled.

9. Mr. Gregg contends that the evidence did not prove how long the lamps were in the plastic bag prior to the inspection, or when the four lamps were broken, and that it is possible the storeroom worker was in the process of filling an order while the inspection was ongoing. But it is telling that neither Mr. Gregg nor the storeroom worker mentioned this to the inspectors at the time, as Mr. Gregg himself concedes. For this reason, it is found that the storeroom worker was not in the process of filling an order while the inspection was ongoing, but rather that the plastic bag with the four broken lamps had been there for an extended but unknown period of time prior to the inspection.

10. The inspectors did not see any labels saying "Spent Mercury-Containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps" on the premises that day. They did, however, see the following label in the office area:

FLUORESCENT LAMP

RECYCLE
PACK
CALL FOR PICK-UP 877-220-5483
WARNING: THIS BOX CONTAINS MERCURY Hg
HAZARDOUS MATERIALS

11. On the second inspection, DEP just drove through the parking lot and around to the back of Respondent's premises. They saw the contents of the storeroom on the pavement behind the

building. An employee of Respondent (the same employee who cleaned up the broken lamp on the first inspection), told them that the storeroom contents had been removed to allow Synergy to clean out the storeroom that day. The inspectors observed fluorescent lamps standing in and sticking out of the top of boxes on the pavement. Some of them appeared to be spent lamps; some did not appear to be spent lamps. Some of the lamps, both apparently spent and apparently unspent, were "green-tip" lamps, a type of Phillips-brand fluorescent lamp made with less than 0.2 mg per liter (mg/L) of mercury, as measured by the Toxicity Characteristic Leaching Procedure (TCLP), which is the "universal waste" threshold. There also are other brands of fluorescent lamps that have a TCLP of less than 0.2 mg/L of mercury. The inspectors could not determine whether particular florescent lamps observed during their "drive-by" inspection had been made with a TCLP of more than or less than 0.2 mg/L of mercury. They did not inspect further or ask any questions about the lamps they saw. It is possible that DEP's inspectors failed to obtain and preserve independent evidence of the TCLP values of the particular florescent lamps being stored at Respondent's facility because they were lulled by Mr. Gregg's initial statements.

12. After Synergy received a warning letter from DEP, Mr. Gregg has maintained that DEP's inspectors misunderstood him during the first inspection. He contends that he did not admit to transporting spent fluorescent lamps and storing them. He

contends that, when he told DEP's inspectors that Respondent transports and stores lamps, he meant non-fluorescent lamps and new fluorescent lamps that are stored on the premises and transported to customers. DEP contends that Respondent's more recent position is a fabrication.

13. In response to Mr. Gregg's testimony, DEP called James Jones, who was an installer for Synergy from May to October 2007.[3] Mr. Jones testified that Mr. Gregg instructed him and other Synergy installers to transport spent bulbs to Respondent's premises. He testified that he followed those instructions, including on a job in 2007 when he replaced approximately 800-1,000 florescent lamps at a Sav-a-Lot store in Naples. According to Mr. Jones, some of the lamps replaced and brought back to Synergy were so old that the stamped brand logo was worn off.

14. The former installer's testimony conflicted not only with Mr. Gregg's but also with the affidavits of another installer and of an employee of Synergy. The DEP witness attacked the credibility of Mr. Gregg and the affiants, accusing them of bias. However, it is clear that the witness acknowledged, agreed to, and signed Synergy's written policy prohibiting installers from accepting spent lamps from customers. If Mr. Jones was telling the truth, Mr. Gregg and Synergy condoned the violation of the written policy.

15. At the hearing, DEP's expert, Mr. Dregne, testified that at least some of the florescent lamps in Synergy's storeroom on July 16 and outside the storeroom on August 6, 2008, probably met the TCLP threshold for regulation because, based on Mr. Gregg's initial statements to the DEP inspectors and the testimony of former installer, they were a random mix of lamps being taken out of service in July 2008. The length of time a florescent lamp lasts depends on use and other factors. The lamps can last for ten years or more. For about ten years, florescent lamps falling below the TCLP threshold for regulation have been manufactured in the United States. Not all lamps now manufactured in the United States fall below the TCLP threshold for regulation. (Lamps manufactured outside the United States generally do not fall below the TCLP threshold for regulation, but they generally are not sold in the United States.)

16. Based on a preponderance of all the evidence, it is found that Respondent's position since receiving a warning letter from DEP has been a fabrication in that Mr. Gregg actually and truthfully made the statements in Findings 6-7, supra, and that at least some of florescent bulbs in Synergy's storeroom on July 16 and outside the storeroom on August 6, 2008, probably had been made with a TCLP of more than 0.2 mg/L of mercury.

17. Mr. Gregg testified that fluorescent lamps on the premises in plastic bags and any other containers unsuitable for spent fluorescent lamps were not spent lamps but were defective

new lamps that were kept in Respondent's storeroom for purposes of processing warranty claims. Mr. Gregg's testimony was consistent with Synergy's written policy (also acknowledged, agreed to, and signed by DEP's witness) that "[d]efective product is to be kept on hand until credit is issued or manufacturer requests return of product." However, it is not relevant whether the florescent lamps were spent or defective new lamps. See Conclusions 20 and 22, infra.

CONCLUSIONS OF LAW

18. This is an administrative proceeding under Section 403.121(2), Florida Statutes. Under paragraph (d) of that subsection, the Department has the burden of proving by a preponderance of the evidence that Respondent is responsible for the alleged violations; and, since penalties are assessed in the NOV, "the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty."

19. Count I charges a violation of Rule 62-737.400(5)(b)1., which provides:

> Handlers and transporters shall manage universal waste lamps and devices in a way that prevents breakage, releases of their components to the environment, and their exposure to moisture. In the event of a release, the handler or transporter must determine whether the cleanup residues (e.g., cleanup equipment and contaminated soils) resulting from the release are hazardous waste, and if so, must manage them in accordance with Chapter 62-730, F.A.C. The following management standards shall be

observed in addition to the applicable requirements adopted under Rule 62-730.185, F.A.C., and the U.S. Department of Transportation 49 CFR Parts 171 through 180, hazardous material regulations.

* * *

(b) Universal waste lamps, devices or the containers in which they are stored shall be labeled or marked clearly as follows:
1. For universal waste lamps, the words "Spent Mercury-Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps"; except for those crushed per paragraph (6)(b) below which shall be labeled "Crushed Mercury Lamps"; . . . .

20. Rule 62-737.200 includes the following definitions:

(7) "Generator" means any person whose act or process produces spent mercury-containing lamps or devices.

* * *

(28) "Universal waste lamp or device destination facility" or "lamp or device destination facility" means a mercury recovery or reclamation facility permitted by the Department or an out-of-state recycling facility permitted by another state for the processing of universal waste lamps or devices and the ultimate recovery and reclamation of the mercury they contain, and one that meets the applicability requirements for a destination facility under 40 CFR 273.60 as adopted by reference under Rule 62-730.185, F.A.C.
(29) "Universal waste device" or "device" means any mercury-containing device, excluding one generated by a household exempted under 40 CFR 261.4(b)(1), that is also characteristically hazardous for mercury under 40 CFR 261.24 [the 0.2 mg/L TCLP threshold] and is being managed in accordance with this chapter.
(30) "Universal waste lamp" or "lamp" means any mercury-containing lamp that is also characteristically hazardous for mercury under 40 CFR 261.24 [the 0.2 mg/L TCLP threshold] and is being managed in accordance with this chapter.

(31) "Universal waste lamp or device handler" or "handler" means a generator, or another person including a transfer facility storing lamps or devices more than 10 days, that generates or receives universal waste lamps or devices from other handlers, accumulates and manages these lamps and devices in accordance with this chapter, and ships them to a universal waste lamp or device destination facility.

(a) A large quantity handler of universal waste lamps or devices is: a generator or reverse distribution handler accumulating 5,000 kilograms or more of universal waste lamps or devices at any one time; or another handler, excluding a generator or reverse distribution handler, that accumulates 2,000 kilograms or more of lamps or 100 kilograms or more of devices at any one time.

(b) A small quantity handler of universal waste lamps or devices is a generator or reverse distribution handler accumulating less than 5,000 kilograms of universal waste lamps or devices at any one time; or another handler that accumulates less than 2,000 kilograms of lamps or 100 kilograms of devices at any one time.

(32) "Universal waste lamp or device transfer facility" or "transfer facility" means an in-state transportation-related facility including loading docks, parking areas, storage areas, and other similar areas, including those designated at lamp generator facilities during relamping activities, where shipments of universal waste lamps or devices are held during the normal course of transportation for 10 days or less. Transfer facilities do not include handler facility areas where handlers are accumulating lamps or devices in accordance with 40 CFR 273.15 or 273.35.

> (33) "Universal waste lamp or device transporter" or "transporter" means any person, including a generator or other handler, engaged in the off-site transportation of universal waste lamps or devices to a handler or lamp or device destination facility by air, rail, highway or water.

21. Respondent stipulated that spent florescent bulbs are universal waste lamps as defined at Rule 62-737.400(5)(b)1. and universal waste as defined at 40 CFR Section 273.9. Respondent's stipulation must be given effect. See Broche v. Cohn, 987 So. 2d 124, 127 (Fla. 4th DCA 2008) ("Pretrial stipulations prescribing the issues on which a case is to be tried are binding on the parties and the court, and should be strictly enforced. Further, it is the policy of the law to encourage and uphold stipulations in order to minimize litigation and expedite the resolution of disputes.") (citing Lotspeich Co. v. Neoguard Corp., 416 So. 2d 1163, 1165 (Fla. 3d DCA 1982); Gunn Plumbing, Inc. v. Dania Bank, 252 So. 2d 1 (Fla. 1971); Spitzer v. Bartlett Bros. Roofing, 437 So. 2d 758, 760 (Fla. 1st DCA 1983)) (internal quotation marks omitted). In this case it was unclear whether Respondent was stipulating that all spent florescent bulbs are universal waste, or just that spent florescent bulbs can be universal waste if they are the kind that meet the TCLP threshold.

22. While Synergy is not being held to a stipulation that all spent florescent bulbs are universal waste, the Department proved that Synergy was acting as a "handler" and "transporter" of "universal waste lamps"; was storing "universal waste lamps"

that were not labeled as required; and was not managing those lamps in a way that prevented breakage, releases of their components to the environment, and their exposure to moisture. These facts establish a violation of Rule 62-737.400(5)(b)1.

23. Count II charges a violation of 40 CFR Section 273.53, which is adopted by reference in Rule 62-730.185(1) and provides:

> (a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.
>
> (b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of subparts B or C of this part while storing the universal waste.

The Department proved a violation of this CFR. Synergy was storing universal waste for more than ten days and was not in compliance with the regulations governing universal waste handlers.

24. Counts III and IV charge violations of 40 CFR Section 273.13(d)(1) and (2), respectively, which is adopted by reference in Rule 62-730.185(1) and provide:

> (d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
>
> > (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must

> remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
> (2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

The Department proved the alleged violations of this CFR.

25. Count V charges a violation of Rule 62-737.400(3)(a)2., which provides:

> Registration:
>
> * * *
>
> 2. Before beginning operations and annually thereafter by March 1, a handler or a transporter of spent universal waste lamps or devices, excluding a person specified in paragraph 1. above, and the sponsor of a reverse distribution program shall register by notifying the Department of its intent to be a handler or transporter or to operate a reverse distribution program, and certifying that it has employee training procedures in place for the proper handling, emergency response, and containment and cleanup of its spent universal waste lamps or devices.
> . . . .

The Department proved a violation of this Rule.

26. Count VI charges a violation of 40 CFR Section 273.15(c), which is adopted by reference in Rule 62-730.185(1) and provides:

> (c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:
>
> (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
>
> (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
>
> (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
>
> (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
>
> (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
>
> (6) Any other method which clearly demonstrates the length of time that the universal waste has been

> accumulated from the date it becomes a waste or is received.

The Department proved a violation of this CFR.

27. Count VII sought recovery of reasonable costs and expenses incurred by DEP in investigating the charges under Section 403.141(1), Florida Statutes, which provides for the recovery of the "reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition . . . ." But in this case, there was no proof of pollution that had to be traced, controlled, or abated, or any need for restoration. There also was no proof of any reasonable costs or expenses. No recovery was sought in DEP's Proposed Final Order. For these reasons, no costs or expenses are recoverable under Count VII.

28. Section 403.121(5), Florida Statutes, establishes a penalty of $500 for the violations alleged in Counts I, II, and III, and VI. Section 403.121(4)(e), Florida Statutes, establishes a penalty of $1,000 for the violations alleged in Counts IV and V.

29. Section 403.121(10), Florida Statutes, allows reduction of a penalty up to 50 percent upon consideration of mitigating circumstances, such as "good faith efforts to comply prior to or after discovery of the violations by the department." It also provides: "Upon an affirmative finding that the violation was

caused by circumstances beyond the reasonable control of the respondent and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty." There are no such mitigating circumstances present in this case.

30. Under Section 403.121(11), Florida Statutes, penalties collected pursuant to Section 403.121 "shall be deposited in the Ecosystem Management and Restoration Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred." No other trust fund appears to have been designated by statute. In addition, Section 403.1651(2)(a), Florida Statutes, provides that the Ecosystem Management and Restoration Trust Fund "shall be used for the deposit of all moneys recovered by the state" under Chapter 403, Florida Statutes.

DISPOSITION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

ORDERED:

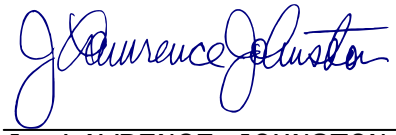
1. The charges in Counts I through VI of the NOV are sustained;

2. Respondent shall pay $4,000 in penalties into the Ecosystem Management and Restoration Trust Fund. Payment shall be made by cashier’s check or money order payable to the "State

of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 09-0140" and "Ecosystem Management and Restoration Trust Fund"; and

3. The payment shall be sent to the State of Florida Department of Environmental Protection, Attn: Sandra Wilson, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

DONE AND ORDERED this 11th day of September, 2009, in Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
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Filed with the Clerk of the
Division of Administrative Hearings
this 11th day of September, 2009.

ENDNOTES

1/ Unless otherwise indicated, all rule references are to the version of the Florida Administrative Code in effect at the time of the filing of the NOV.

2/ Unless otherwise indicated, all statutory citations are to the 2008 Florida Statutes.

3/ Respondent tried to prove that the installer was an independent contractor, not an employee, in part to impeach the witness's testimony that he was an employee and in part to avoid responsibility for the installer's actions. If believed, the installer's testimony would prove both that he was an employee and that Respondent was responsible for his actions.

COPIES FURNISHED:

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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 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.