

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEBORAH BOHLER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case Nos. 09-3350RX
	)	
DEPARTMENT OF MANAGEMENT	)	
SERVICES, DIVISION OF	)	
RETIREMENT,	)	
	)	
Respondent.	)	
_____	)	

FINAL ORDER OF DISMISSAL

This cause comes before the undersigned, pursuant to the petition filed by the Petitioner, Deborah Bohler, challenging the validity of Florida Administrative Code Rule 60S-9.001(2)(s). Specifically, the dispute concerns whether the Division of Retirement's application for Service Retirement and the Deferred Retirement Program (Form DP-11) is an invalid exercise of delegated legislative authority for reasons set forth in Section 120.52(8)(c)-(e), Florida Statutes.

This Petitioner also has prosecuted a petition pursuant to Section 120.57(1) and 120.569, Florida Statutes (2009), by which she seeks to obtain retirement benefits as a surviving spouse and joint annuitant of her deceased husband, the FRS member, George S. Bohler. That case was consolidated with the subject rule challenge petition and heard together. That case has been

adjudicated before the Division of Administrative Hearings by Recommended Order, which Recommended Order determined and concluded that the Petitioner was entitled to retirement benefits as a surviving spouse and joint annuitant of her deceased husband. Consequently, her substantial interests were addressed and adjudicated in that case in her favor. Because of the result in that case, the Recommended Order determined her substantial interests. She therefore no longer has a substantial interest in challenging and overturning the subject rule. The result in the Recommended Order in the case originally numbered 09-2842 has effectively rendered the subject rule challenge moot. Consequently, being advised in the premises, it is

ORDERED that the challenge to Florida Administrative Code Rule 60S-9.001(2)(s) has been rendered moot based upon the above-referenced determination and this case, numbered 09-3350RX is hereby dismissed without prejudice.

DONE AND ORDERED this 10th day of November, 2009, in  
Tallahassee, Leon County, Florida.



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P. MICHAEL RUFF  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 10th day of November, 2009.

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.