



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

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Lt. Governor

Mimi A. Drew
Secretary

September 30, 2010

Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Re: Joy Ann Wettstein Griffin vs. Lake County Water Authority and DEP
DOAH Case No.: 10-4255
DEP/OGC Case No.: 10-1944

Dear Clerk:

Attached for filing are the following documents:

1. Agency Final Order
2. Petitioner's Exceptions to the Recommended Order
3. DEP's Exception to Recommended Order
4. Lake County Water Authority's Response to Petitioner's Exceptions to the Recommended Order
5. DEP's Response to Exceptions to Recommended Order
6. Petitioner's Request for Rebuttal to DEP's Response to Petitioner's Exceptions

Please note that there are six separate documents attached as one document. I would be happy to provide the documents as individual files via e-mail if that would be more convenient for you.

If you have any questions, please do not hesitate to contact me at 245-2212 or lea.crandall@dep.state.fl.us.

Sincerely,

Lea Crandall

Lea Crandall
Agency Clerk

Attachments

"More Protection, Less Process"
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Filed September 30, 2010 12:39 PM Division of Administrative Hearings.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

JOY ANN WETTSTEIN GRIFFIN,)
)
 Petitioner,)
)
 vs.)
)
 LAKE COUNTY WATER AUTHORITY AND)
 DEPARTMENT OF ENVIRONMENTAL)
 PROTECTION,)
)
 Respondents.)
 _____)

**OGC CASE NO. 10-1944
DOAH CASE NO. 10-4255**

CONSOLIDATED FINAL ORDER

On August 23, 2010, an Administrative Law Judge (“ALJ”) from the Division of Administrative Hearings (“DOAH”) submitted a Recommended Order (“RO”) to the Department of Environmental Protection (“DEP” or “Department”) in the above captioned proceeding. A copy of the RO is attached hereto as Exhibit A. The RO indicates that copies were sent to the Petitioner, Joy Ann Wettstein Griffin (“Petitioner Griffin”), and to counsel for the co-Respondents Lake County Water Authority (“Authority”) and the Department. The Petitioner Griffin filed written Exceptions to the RO on September 2, 2010. The Department filed its Exception on September 7, 2010. On September 9, 2010, the Authority filed its Response to Petitioner’s Exceptions. The matter is on administrative review before the Secretary for final agency action.¹

¹ The Secretary of the Department is delegated the authority to review and take final agency action on applications to use sovereignty submerged lands when the application involves an activity for which the Department has permitting responsibility. See Fla. Admin. Code R. 18-21.0051(2).

BACKGROUND

On June 18, 2010, the Respondent DEP issued a Consolidated Notice of Intent to Issue Environmental Resource Permit and Consent to Use Sovereignty Submerged Lands ("Notice") authorizing the Authority to conduct a restoration project in the southwestern part of Lake Beauclair and four adjacent residential canals. The Lake is an approximate 1,118-acre water body located south and west of U.S. Highway 441, east of State Road 19, and north of County Road 448. It is a part of the Harris Chain of Lakes and is the first lake downstream (north) of Lake Apopka, connected by the Apopka-Beauclair Canal. The Lake discharges to Lake Dora by a connection at the northeast corner of the Lake, which connects with Lake Eustis via the Dora Canal. Lake Eustis then connects with Lake Griffin via Haines Creek. The waters from the Harris Chain of Lakes eventually discharge into the Ocklawaha River and then into the St. Johns River.

Intense agricultural activity, more commonly known as muck farms, around the shores of Lake Apopka, resulted in significant amounts of pesticides, nutrients, and sediment being deposited in that water body. Discharge into Lake Beauclair via the Apopka-Beauclair Canal degraded the Lake's aquatic plant community such that it is currently characterized as a "eutrophic water body." Since the mid-1980s, the St. Johns River Water Management District ("District"), the Florida Fish and Wildlife Conservation Commission ("FWC") and the Authority took steps and developed plans to restore the water quality in Lake Apopka. As a part of the restoration of Lake Apopka, the District acquired ownership of former muck farms located just northwest of Lake Apopka in an area known as the Lake Apopka North Shore Restoration Project, West Marsh. In

cooperation with the District and the FWC the Authority developed a plan to improve water quality and habitat in Lake Beauclair and four residential canals along the Apopka-Beauclair Canal. To that end, the Authority applied to the Department in September 2009 for the appropriate permit and authorizations required to implement its plan.

On June 25, 2010, the Petitioner Griffin, who resides on Lake Griffin, filed her Petition contesting the proposed agency action on several grounds. The matter was referred to DOAH and the assigned ALJ conducted the final hearing on August 9, 2010. There is no transcript of the hearing. (RO page 4). Proposed Findings of Fact and Conclusions of Law were filed by the Petitioner on August 13, 2010, and by the Authority and the Department on August 18 and 20, 2010, respectively. On August 23, 2010, the ALJ issued his Recommended Order.

RECOMMENDED ORDER

In the RO the ALJ recommended that the Department enter a final order granting the Authority's application for an ERP and consent to use sovereign submerged lands. (RO page 16). The ALJ found that Petitioner Griffin failed to establish that the project will affect her substantial interests. (RO ¶¶ 9 and 27). The ALJ found that the likelihood of sediment transfer from the dredging site to Lake Griffin is "scientifically inconceivable." (RO ¶ 9). Also, that the likelihood of treated, discharged water from the disposal site reaching the Petitioner's property on Lake Griffin was remote. (RO ¶ 9). Thus he concluded that she lacked standing to initiate this proceeding. (RO ¶¶ 9 and 27). In addition, the ALJ found that the Authority's evidence, including detailed site

plans, engineering studies, and scientific testimony, supported a conclusion that all relevant permitting criteria were satisfied. (RO ¶¶ 17-25, 29).

STANDARDS OF REVIEW OF DOAH RECOMMENDED ORDERS

Section 120.57(1)(l), Florida Statutes, prescribes that an agency reviewing a recommended order may not reject or modify the findings of fact of an ALJ, “unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence.” § 120.57(1)(l), Fla. Stat. (2010); *Charlotte County v. IMC Phosphates Co.*, 18 So.3d 1089 (Fla. 2d DCA 2009); *Wills v. Fla. Elections Comm’n*, 955 So.2d 61 (Fla. 1st DCA 2007). The term “competent substantial evidence” does not relate to the quality, character, convincing power, probative value or weight of the evidence. Rather, “competent substantial evidence” refers to the existence of some evidence (quantity) as to each essential element and as to its admissibility under legal rules of evidence. See e.g., *Scholastic Book Fairs, Inc. v. Unemployment Appeals Comm’n*, 671 So.2d 287, 289 n.3 (Fla. 5th DCA 1996).

A reviewing agency may not reweigh the evidence presented at a DOAH final hearing, attempt to resolve conflicts therein, or judge the credibility of witnesses. See e.g., *Rogers v. Dep’t of Health*, 920 So.2d 27, 30 (Fla. 1st DCA 2005); *Belleau v. Dep’t of Env’tl. Prot.*, 695 So.2d 1305, 1307 (Fla. 1st DCA 1997); *Dunham v. Highlands County Sch. Bd.*, 652 So.2d 894 (Fla. 2d. DCA 1995). These evidentiary-related matters are within the province of the ALJ, as the “fact-finder” in these administrative proceedings. See e.g., *Tedder v. Fla. Parole Comm’n*, 842 So.2d 1022, 1025 (Fla. 1st DCA 2003); *Heifetz v. Dep’t of Bus. Regulation*, 475 So.2d 1277, 1281 (Fla. 1st DCA

1985). Also, the ALJ's decision to accept the testimony of one expert witness over that of another expert is an evidentiary ruling that cannot be altered by a reviewing agency, absent a complete lack of any competent substantial evidence of record supporting this decision. See e.g., *Peace River/Manasota Regional Water Supply Authority v. IMC Phosphates Co.*, 18 So.3d 1079, 1088 (Fla. 2d DCA 2009); *Collier Med. Ctr. v. State, Dep't of HRS*, 462 So.2d 83, 85 (Fla. 1st DCA 1985); *Fla. Chapter of Sierra Club v. Orlando Utils. Comm'n*, 436 So.2d 383, 389 (Fla. 5th DCA 1983). An agency has no authority to make independent or supplemental findings of fact. See, e.g., *North Port, Fla. v. Consol. Minerals*, 645 So. 2d 485, 487 (Fla. 2d DCA 1994).

Section 120.57(1)(l), Florida Statutes, authorizes an agency to reject or modify an ALJ's conclusions of law and interpretations of administrative rules "over which it has substantive jurisdiction." See *Barfield v. Dep't of Health*, 805 So.2d 1008 (Fla. 1st DCA 2001); *L.B. Bryan & Co. v. Sch. Bd. of Broward County*, 746 So.2d 1194 (Fla. 1st DCA 1999); *Deep Lagoon Boat Club, Ltd. v. Sheridan*, 784 So.2d 1140 (Fla. 2d DCA 2001). If an ALJ improperly labels a conclusion of law as a finding of fact, the label should be disregarded and the item treated as though it were actually a conclusion of law. See, e.g., *Battaglia Properties v. Fla. Land and Water Adjudicatory Comm'n*, 629 So.2d 161, 168 (Fla. 5th DCA 1994). However, neither should the agency label what is essentially an ultimate factual determination as a "conclusion of law" in order to modify or overturn what it may view as an unfavorable finding of fact. See, e.g., *Stokes v. State, Bd. of Prof'l Eng'rs*, 952 So.2d 1224 (Fla. 1st DCA 2007).

An agency's review of legal conclusions in a recommended order, are restricted to those that concern matters within the agency's field of expertise. See, e.g., *Charlotte*

County v. IMC Phosphates Co., 18 So.3d 1089 (Fla. 2d DCA 2009); *G.E.L. Corp. v. Dep't of Env'tl. Prot.*, 875 So. 2d 1257, 1264 (Fla. 5th DCA 2004). An agency has the primary responsibility of interpreting statutes and rules within its regulatory jurisdiction and expertise. See, e.g., *Pub. Employees Relations Comm'n v. Dade County Police Benevolent Ass'n*, 467 So.2d 987, 989 (Fla. 1985); *Fla. Public Employee Council, 79 v. Daniels*, 646 So.2d 813, 816 (Fla. 1st DCA 1994). Considerable deference should be accorded to these agency interpretations of statutes and rules within their regulatory jurisdiction, and such agency interpretations should not be overturned unless "clearly erroneous." See, e.g., *Falk v. Beard*, 614 So.2d 1086, 1089 (Fla. 1993); *Dep't of Env'tl. Regulation v. Goldring*, 477 So.2d 532, 534 (Fla. 1985). Furthermore, agency interpretations of statutes and rules within their regulatory jurisdiction do not have to be the only reasonable interpretations. It is enough if such agency interpretations are "permissible" ones. See, e.g., *Suddath Van Lines, Inc. v. Dep't of Env'tl. Prot.*, 668 So.2d 209, 212 (Fla. 1st DCA 1996). The Department has substantive jurisdiction over the statutes and rules governing Environmental Resource Permits in Part IV of Chapter 373, Florida Statutes, and the rules promulgated thereunder.

However, agencies do not have jurisdiction to modify or reject rulings on the admissibility of evidence. Evidentiary rulings of the ALJ that deal with "factual issues susceptible to ordinary methods of proof that are not infused with [agency] policy considerations," are not matters over which the agency has "substantive jurisdiction." See *Martuccio v. Dep't of Prof'l Regulation*, 622 So.2d 607, 609 (Fla. 1st DCA 1993); *Heifetz v. Dep't of Bus. Regulation*, 475 So.2d 1277, 1281 (Fla. 1st DCA 1985); *Fla. Power & Light Co. v. Fla. Siting Bd.*, 693 So.2d 1025, 1028 (Fla. 1st DCA 1997).

Evidentiary rulings are matters within the ALJ's sound "prerogative . . . as the finder of fact" and may not be reversed on agency review. See *Martuccio*, 622 So.2d at 609. Agencies do not have the authority to modify or reject conclusions of law that apply general legal concepts typically resolved by judicial or quasi-judicial officers. See, e.g., *Deep Lagoon Boat Club, Ltd. v. Sheridan*, 784 So. 2d 1140, 1142 (Fla. 2d DCA 2001).

RULINGS ON EXCEPTIONS

The case law of Florida holds that parties to formal administrative proceedings must alert reviewing agencies to any perceived defects in DOAH hearing procedures or in the findings of fact of ALJs by filing exceptions to DOAH recommended orders. See, e.g., *Comm'n on Ethics v. Barker*, 677 So.2d 254, 256 (Fla. 1996); *Henderson v. Dep't of Health, Bd. of Nursing*, 954 So.2d 77 (Fla. 5th DCA 2007); *Fla. Dep't of Corrs. v. Bradley*, 510 So.2d 1122, 1124 (Fla. 1st DCA 1987). Having filed no exceptions to certain findings of fact the party "has thereby expressed its agreement with, or at least waived any objection to, those findings of fact." *Env'tl. Coalition of Fla., Inc. v. Broward County*, 586 So.2d 1212, 1213 (Fla. 1st DCA 1991); see also *Colonnade Medical Ctr., Inc. v. State of Fla., Agency for Health Care Admin.*, 847 So.2d 540, 542 (Fla. 4th DCA 2003). However, even when exceptions are not filed, an agency head reviewing a recommended order is free to modify or reject any erroneous conclusions of law over which the agency has substantive jurisdiction. See § 120.57(1)(l), Fla. Stat. (2010); *Barfield v. Dep't of Health*, 805 So.2d 1008 (Fla. 1st DCA 2001); *Fla. Public Employee Council, 79 v. Daniels*, 646 So.2d 813, 816 (Fla. 1st DCA 1994). In reviewing a recommended order and any written exceptions, the agency's final order "shall include an explicit ruling on each exception." See § 120.57(1)(k), Fla. Stat. (2010). However,

the agency need not rule on an exception that “does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record.” *Id.*

RULINGS ON PETITIONER'S EXCEPTIONS

History of proceeding Exceptions

The Petitioner takes exception to Findings of Fact (FOF) 1, 2, and 4 on pages 4 through 7 of the RO. The ALJ made findings regarding the Authority's and the Department's legislative purposes and statutory authority for the proposed restoration project, as well as characterizing the water body and describing the restoration plan. The Petitioner requests that I reweigh the evidence to reject the ALJ's factual findings and/or improperly make additional findings of fact in violation of the standard of review that I've outlined above. See *e.g.*, *Rogers v. Dep't of Health*, 920 So.2d 27, 30 (Fla. 1st DCA 2005); *Tedder v. Fla. Parole Comm'n*, 842 So.2d 1022, 1025 (Fla. 1st DCA 2003); *Heifetz v. Dep't of Bus. Regulation*, 475 So.2d 1277, 1281 (Fla. 1st DCA 1985).

Florida case law holds that none of the ALJ's findings of fact are subject to being rejected or modified in this Final Order based on lack of competent substantial evidence because I am unable to “review the entire record” as required by Section 120.57(1)(I), Florida Statutes. See *Booker Creek Preservation, Inc., v. Dep't of Env'tl. Regulation*, 415 So.2d 750 (Fla. 1st DCA 1982) (concluding that a party filing exceptions to findings of fact in a recommended order has the responsibility to pay for and furnish a copy of the transcript of the DOAH proceeding to the reviewing agency). Since no transcript of testimony was prepared and filed in this case, I am unable to review the entire record

and conclude that these factual findings are not supported by any competent substantial evidence. *Id.* See also *Pope v. Ray*, 2004 WL 1211594, DOAH Case No. 03-3981 (Fla. Dept. Env. Prot. 2004).

Therefore, the Petitioner's exceptions to FOFs 1, 2, 4 and 6 are denied.

Standing Exceptions

The Petitioner takes exceptions to FOF 9 and related Conclusion of Law (COL) 27 on pages 8-9 and 15 of the RO. The ALJ found that the possibility of sediment from the dredging site, or water from the disposal site, reaching the Petitioner's property was remote and that "[t]his was not credibly contradicted." (RO ¶ 9). The Petitioner requests that I reweigh the evidence to reject the ALJ's factual findings, which violates the standard of review that I've outlined above. Since no transcript of testimony was prepared and filed in this case, I am unable to review the entire record and conclude that these factual findings are not supported by any competent substantial evidence. *Id.*

In her exception to COL 27 the Petitioner contends that the Authority's Motion to Dismiss Petition for Lack of Standing was denied. (RO pp. 2-3). However, the ALJ's Order dated July 19, 2010, directed that Petitioner's standing allegations were subject to proof at the final administrative hearing. The ALJ determined that the Petitioner "failed to establish that the project will affect her substantial interests." (RO ¶ 27). Based on the ALJ's factual findings in the RO and established Florida case law, I also conclude that the Petitioner lacked standing to initiate this action. See, e.g., *Agrico Chemical Co. v. Dep't of Env'tl. Reg.*, 406 So.2d 478, 482 (Fla. 2d DCA 1981); *Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot.*, 948 So.2d 794 (Fla. 1st DCA 2006); and § 403.412(5), Fla. Stat. (2009).

Therefore, based on the foregoing, the Petitioner's exceptions to FOF 9 and COL 27 are denied.

Project Exceptions

The Petitioner takes exception to FOFs 10 through 16 in the RO. The Petitioner argues that she disagrees with the ALJ's "statement[s]" in these findings by pointing to her own testimony and other evidence presented at the hearing. As already noted above, there was no hearing transcript filed with the ALJ, or filed with the Petitioner's Exceptions. Since no transcript of testimony was prepared and filed in this case, I am unable to review the entire record and conclude that these factual findings are not supported by any competent substantial evidence. See *Booker Creek Preservation, Inc., v. Dep't of Env'tl. Regulation*, 415 So.2d 750 (Fla. 1st DCA 1982) (concluding that a party filing exceptions to findings of fact in a recommended order has the responsibility to pay for and furnish a copy of the transcript of the DOAH proceeding to the reviewing agency); see also *Pope v. Ray*, 2004 WL 1211594, DOAH Case No. 03-3981 (Fla. Dept. Env. Prot. 2004).

Therefore, the Petitioner's exceptions to FOFs 10 through 16 are denied.

Rule Requirements Exceptions

The Petitioner takes exceptions to FOFs 17, 19, and 22 in the RO. The Petitioner argues that she disagrees with the ALJ's "statement[s]" in these findings by pointing to her own testimony and other evidence presented at the hearing. As already noted above, there was no hearing transcript filed with the ALJ, or filed with the Petitioner's Exceptions. Since no transcript of testimony was prepared and filed in this

case, I am unable to review the entire record and conclude that these factual findings are not supported by any competent substantial evidence. *Id.*

Therefore, the Petitioner's exceptions to FOFs 17, 19, and 22, are denied.

Reasonable Assurance Conclusions of Law Exceptions

The Petitioner takes exception to COLs 28 and 29 in the RO. In COL 28 the ALJ concluded that the Authority carried its burden of proof by a preponderance of the evidence that all permitting criteria are satisfied. (RO ¶ 28). See, e.g., *Dep't of Transportation v. J.W.C., Co.* 396 So.2d 778, 789 (Fla. 1st DCA 1981). The ALJ further stated in COL 28 that:

Reasonable assurances means "a substantial likelihood that the project will be successfully implemented." See Metropolitan Dade Cty v. Coscan Fla., Inc., et al., 609 So. 2d 644, 648 (Fla. 3d DCA 1992). It does not require absolute guarantees that the applicable conditions for issuance of the permit have been satisfied. See, e.g., Crystal Springs Recreational Preserve, Inc. v. S.W. Fla. Water Mgmt. Dist., et al., DOAH Case No. 99-1415, 2000 Fla. ENV LEXIS 41 at *98 (DOAH Jan. 27, 2000, SWFWMD Feb. 23, 2000). These requirements have been met.

I find no fault with the ALJ's statement of the reasonable assurance legal standard that applies in this proceeding. See also *Save Anna Maria, Inc. v. Dep't of Transportation*, 700 So.2d 113 (Fla. 2d DCA 1997).

In COL 29 the ALJ concluded that "[b]ased on the detailed site plans, engineering studies, and scientific testimony, the overwhelming evidence supports a conclusion that the Authority has given reasonable assurances that all relevant criteria will be satisfied." The Petitioner states that she "disagree[s]" with the ALJ's "statements here." However, the ALJ's factual findings underpinning this ultimate legal conclusion include FOFs to which the Petitioner did not take exception – FOFs 18, 20, 21, 23, 24;

and FOFs 19 and 22 that I've ruled on above. In general the determination that proposed activities are not contrary to the public interest is a conclusion of law within the substantive jurisdiction of this agency. However, the public interest factors that must be balanced rely on factual findings made by the ALJ based on a preponderance of the evidence. *See, e.g., Save Anna Maria, Inc. v. Dep't of Transportation*, 700 So.2d 113 (Fla. 2d DCA 1997); *1800 Atlantic Developers v. Dep't of Env'tl. Regulation*, 552 So.2d 946 (Fla. 1st DCA 1989), *rev. denied*, 562 So.2d 345 (Fla. 1990).

Florida case law holds that none of the ALJ's findings of fact are subject to being rejected or modified in this Final Order based on lack of competent substantial evidence because I am unable to "review the entire record" as required by Section 120.57(1)(l), Florida Statutes. *See Booker Creek Preservation, Inc., v. Dep't of Env'tl. Regulation*, 415 So.2d 750 (Fla. 1st DCA 1982) (concluding that a party filing exceptions to findings of fact in a recommended order has the responsibility to pay for and furnish a copy of the transcript of the DOAH proceeding to the reviewing agency). Since no transcript of testimony was prepared and filed in this case, I am unable to review the entire record and conclude that these factual findings are not supported by any competent substantial evidence. *Id. See also Pope v. Ray*, 2004 WL 1211594, DOAH Case No. 03-3981 (Fla. Dept. Env. Prot. 2004).

Therefore, based on the foregoing, the Petitioner's exceptions to COLs 28 and 29 are denied.

RULING ON THE DEP'S EXCEPTIONS

The DEP takes exception to the ALJ's statement on page 4 of the RO that DEP "offered Department Exhibits 1-8, which were received in evidence." The DEP argues

that ten exhibits were offered, none of which were objected to, and all ten were received into evidence. Thus, the DEP characterizes the ALJ's statement as a "typographical error." Since no transcript of testimony was prepared and filed in this case, I am unable to review the hearing transcript to determine whether the Department's exhibits were moved and received into evidence with no objections. However, the documentary evidence received from the ALJ includes the Department's ten exhibits. Also, in FOF 7 the ALJ cites to the "Department Exhibit 10" to support his factual finding. Therefore, the DEP's exception is granted.

CONCLUSION

Having considered the applicable law and standards of review in light of the findings and conclusions set forth in the RO, and being otherwise duly advised, It is therefore ORDERED:

- A. The ALJ's Recommended Order (Exhibit A), as modified by my ruling above, is adopted and incorporated by reference herein.
- B. Respondent Lake County Water Authority's application in File No. 35-0297532-001 for an Environmental Resource Permit is GRANTED.
- C. Respondent Lake County Water Authority's request for consent to use sovereign submerged lands in File No. 35-0297532-001 is GRANTED.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard,

M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 30th day of September, 2010, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



MIMI A. DREW
Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.



CLERK



DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by

United States Postal Service to:

Joy Ann Wettstein Griffin
33428 Picciola Drive
Fruitland Park, FL 34732

Carol Joy Barice, Esquire
McGee & Mason, P.A.
101 South Main Street
Brooksville, FL 34601

by electronic filing to:

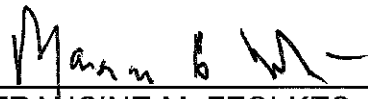
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

and by hand delivery to:

Amanda Bush, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000

this 30th day of September, 2010.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for 

FRANCINE M. FFOLKES
Administrative Law Counsel

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