



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

605 Suwannee Street
Tallahassee, FL 32399-0450

**ANANTH PRASAD, P.E.
SECRETARY**

March 22, 2013

Lawrence J. Stevenson
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

FILED
13 MAR 25 PM 2:00
**DIVISION OF
ADMINISTRATIVE
HEARINGS**

**MARGOT SEEFRIED v. FDOT
DOT CASE NO. 12-042**

Dear Judge Stevenson:

Enclosed for your records is a copy of the Final Order filed March 22, 2013, in the above-styled case.

Sincerely,

Patricia A. Parsons
Clerk of Agency Proceedings
(850) 414-5265

pap

Enclosure

For Respondent: Susan Schwartz, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, Florida 32399-0458

At the hearing, the Department presented the testimony of David Roberts, Aviation Operations Administrator, Michael Monroe, the owner of the proposed airport, and Stephen LaPointe, as a rebuttal witness. The Department offered into evidence, exhibits 1 through 4 and composite exhibit 5 a through m, which were admitted as Respondent's exhibits 1 - 5. Petitioner testified in her own behalf, as the owner of the property adjoining the Monroe property. Petitioner's exhibits 4a, 4b, 5 and 6 were admitted into evidence. The Recommended Order was entered on February 21, 2013. No exceptions were filed.

STATEMENT OF THE ISSUE

As stated in the Recommended Order, the issue presented was whether the Department properly issued an Airport Site Approval Order to Monroe Airport, a private airport in Putnam County, in accordance with Section 330.30, Florida Statutes, and Florida Administrative Code Rule 14-60.005.

FINDING OF FACT

The Administrative Law Judge's Findings of Fact in paragraphs 1 through 36 are supported by competent, substantial evidence and are adopted and incorporated as if fully set forth herein.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 479, Florida Statutes.

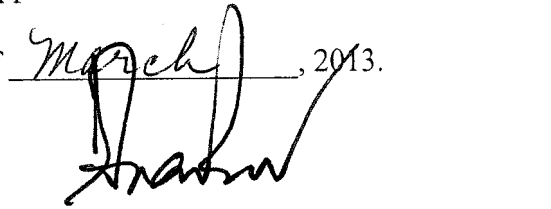
2. The Conclusions of Law in paragraphs 37 through 55 of the Recommended Order are fully supported in law, and are adopted and incorporated as if fully set forth herein.

Based upon the foregoing Finding of Fact and Conclusions of Law, it is

ORDERED that the Recommended Order is adopted in its entirety and incorporated herein by reference. It is further

ORDERED that the Airport Site Approval Order for Monroe Airport issued March 1, 2012, is RESCINDED and the request for an airport site approval order is DENIED.

DONE AND ORDERED this 21st day of March, 2013.



Ananth Prasad, P.E.
Secretary
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida 32399

FILED D.O.T. CLERK
2013 MAR 22 AM 7:41

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.100(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

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