STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GARY PIRTLE,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**OGC CASE NO. 12-1837**
	)	**DOAH CASE NO. 13-0515**
ROY D. VOSS and DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	
	)	

FINAL ORDER

An Administrative Law Judge ("ALJ") with the Division of Administrative Hearings ("DOAH") submitted a Recommended Order ("RO") on September 27, 2013, to the Department of Environmental Protection ("DEP" or "Department") in the above captioned administrative proceeding. A copy of the RO is attached hereto as Exhibit A. The Respondent Roy D. Voss ("Voss") filed Exceptions to the RO on October 14, 2013, to which the Petitioner Gary Pirtle ("Pirtle") and the Department timely filed separate responses. The Respondent Department filed an Exception to the RO on October 14, 2013, to which the other parties did not respond. This proceeding is now on administrative review before the Secretary of the Department for final agency action.[1]

[1] The Secretary of the Department is delegated the authority of the Board of Trustees of the Internal Improvement Trust Fund, 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

The Respondent Department sent a letter to Voss on October 25, 2012, notifying him that his proposal to install five mooring pilings was exempt from the requirement to obtain an Environmental Resource Permit ("ERP") and qualified for consent by rule to use sovereignty submerged lands. On December 20, 2012, Pirtle filed a petition for hearing to challenge the authorizations, which was referred to the DOAH.

Pirtle is the owner of real property located at 4622 Southeast Boatyard Drive, Stuart, Florida. The property includes a dock that has been operating as a commercial marina for over 20 years. Voss owns real property located at 4632 Southeast Boatyard Drive, Stuart, Florida, which is located immediately south of Pirtle's property. Voss has a private dock. The Pirtle and Voss properties are riparian lots on Manatee Pocket, which connects to the St. Lucie River. Both lots have 50 feet of waterfront.

On July 23, 2013, the Respondent Department filed a Notice Clarifying Agency Position, stating that it had changed its position. Its position at the final hearing was that Voss is not entitled to the authorizations. The ALJ conducted the final hearing on August 1 and 2, 2013. The two-volume hearing transcript was filed with DOAH. The parties submitted proposed recommended orders and the ALJ subsequently issued his RO on September 27, 2013.

SUMMARY OF THE RECOMMENDED ORDER

The ALJ recommended that the Department deny the exemption and consent by rule. (RO page 13). The ALJ found that the mooring pilings adversely impacted navigation and that the impact was neither minimal nor insignificant. (RO ¶¶ 19-23, 25-26, 33). Thus, the ALJ concluded that the pilings did not qualify for the "de minimus"

exemption under Section 373.406(6), Florida Statutes ("F.S."). (RO ¶ 33).

The ALJ concluded that Rule 18-21.004(7), Florida Administrative Code ("F.A.C."), provides that all authorizations to use sovereignty submerged lands are subject to certain general conditions, including a prohibition against structures that create a navigational hazard. (RO ¶ 36). The ALJ noted that the term "navigational hazard" is not defined. The ALJ stated that Voss argued that "navigational hazard" should apply only to conditions in or near a navigation channel and not to conditions that affect maneuvering around docks and boat slips. The ALJ concluded, however, that the Department's interpretation of the term "navigational hazard" to include unsafe conditions adjacent to docks and boat slips was a reasonable one, and would not be disturbed. (RO ¶¶ 24, 25, 26, 37). Thus, the ALJ concluded that Voss's mooring pilings did not qualify for a consent by rule because they created a navigational hazard. (RO ¶ 38).

The ALJ also found that the evidence supported a conclusion that Voss's mooring pilings unreasonably interfere with Pirtle's riparian rights. (RO ¶ 41). Thus, the ALJ concluded that the mooring pilings do not qualify for consent by rule to use sovereignty submerged lands under Rule 18-21.004(7)(f), F.A.C., because Voss's mooring pilings unreasonably interfere with Pirtle's riparian rights. (RO ¶ 42).

The ALJ noted that Section 120.569(2)(p), F.S., places the burden of ultimate persuasion on the person challenging a permit or license issued under chapter 373 or 403, F.S. The ALJ stated that Voss argued no permit was required for the installation of mooring pilings based on the statutory exception in Section 403.813(1)(b), F.S., and therefore, Section 120.569(2)(p), F.S., was inapplicable. (RO ¶ 29). The ALJ found that

in its October 25, 2012 letter to Voss, the Department referred to Voss's "application" and stated that the determination of exemption was made under Section 373.406(6), F.S. That section requires a written request for a Department determination that proposed activities are exempt from permitting, and advises the applicant that the activities shall not be commenced without the written determination of exemption. (RO ¶ 30). The ALJ further found that Voss did not refute the Department's description of the procedures that were followed. (RO ¶ 30). The ALJ concluded that the Department's written determination is a license issued under chapter 373, F.S., and subject to Section 120.569(2)(p), F.S. Thus, the ALJ concluded that Pirtle had the burden of ultimate persuasion that Voss was not entitled to the exemption. (RO ¶ 30).

The ALJ concluded that the consent to use sovereignty submerged lands is an authorization issued under chapter 253, F.S., and that such authorizations are not subject to Section 120.569(2)(p), F.S. (RO ¶ 31). Thus, the ALJ concluded that Voss had the burden of ultimate persuasion to demonstrate his entitlement to the authorization. (RO ¶ 31).

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. (2012); *Charlotte Cty. 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). 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 Envtl. Prot.,* 695 So.2d 1305, 1307 (Fla. 1st DCA 1997); *Dunham v. Highlands Cty. Sch. Bd.,* 652 So.2d 894 (Fla. 2d DCA 1995).

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 Cty.*, 746 So.2d 1194 (Fla. 1st DCA 1999); *Deep Lagoon Boat Club, Ltd. v. Sheridan*, 784 So.2d 1140 (Fla. 2d DCA 2001). 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 Envtl. 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 Envtl. Prot.,* 668 So.2d 209, 212 (Fla. 1st DCA 1996).

Agencies do not have jurisdiction, however, 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.

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." *Envtl. 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. (2013); *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).

Finally, 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. (2013). 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.*

RESPONDENT VOSS' EXCEPTIONS

Exception No. 1

Voss takes exception to paragraph 14 of the RO on the basis that the ALJ's findings are not supported by competent substantial evidence. In paragraph 14, the ALJ found that:

> 14. Voss said he intended to use the pilings to moor a new 38-foot boat with a 15-foot beam. Voss could use three pilings to moor a 38-foot boat. The mooring pilings are also farther from Voss's dock than needed to moor a boat with a 15-foot beam.

Competent substantial record evidence supports the ALJ's findings in paragraph 14. Voss testified that he wanted a place to "tie my boat" (Tr. p. 57), and planned to moor a "38-foot Henriques Sportfisherman" with an "approximately 15 foot" beam (Tr. pp. 60-61). Voss further testified that he needed five pilings because "[i]t's a big boat" and "the more pilings I have, the safer I could tie it off in a storm" (Tr. p. 57). Voss' own expert, however, testified that five pilings were excessive to moor that size boat; that three pilings were sufficient; and that a 20-foot wide slip is wider than needed for a boat with a 15-foot beam (Tr. pp. 96 and 98).

Therefore, based on the foregoing reasons, Voss' Exception No. 1 is denied.

Exception No. 2

Voss takes exception to paragraph 23 of the RO, where the ALJ found that the "proximity of the mooring pilings to the slips on the south side of the Pirtle dock creates an unsafe condition." (RO ¶ 23). Voss argues that the competent substantial evidence

does not support the ALJ's finding regarding use of the term "an unsafe condition." Contrary to Voss' assertion, the record evidence presented by Pirtle and the Department supports the ALJ's finding. (Tr. pp. 115-116, 168-169, 204, 210; Ex. P-7).

Therefore, based on the foregoing reasons, Voss' Exception No. 2 is denied.

Exception No. 3

Voss takes exception to paragraphs 24 and 25 of the RO on the basis that the ALJ's findings are not supported by competent substantial evidence. In paragraphs 24 and 25, the ALJ found that:

> 24. It is the practice of the Department to treat boating conditions that create a potential for damage to boats and injury to boaters as a "navigational hazard."
>
> 25. Voss's mooring pilings create a navigational hazard.

Contrary to Voss' assertion, the Department's witness, Jason Andreotta, testified that the Department currently uses the term "hazard to navigation" to include navigation to and from boat slips, and potential damage to property or persons. (Tr. pp. 227-228, 231-232). Another Department witness and Pirtle's expert also testified that the Voss pilings do not allow safe and adequate navigation to and from the slips of Pirtle's marina. (Tr. pp. 168-169, 204).

Therefore, based on the foregoing reasons, Voss' Exception No. 3 is denied.

Exception No. 4

Voss takes exception to paragraphs 33, 37 and 38 in the RO, where the ALJ concluded that Voss does not qualify for the exemption or consent by rule because the evidence established that the mooring pilings "adversely impact navigation" and "create a navigational hazard." (RO ¶¶ 33, 38). The ALJ also concluded that the term

"navigational hazard" is not defined, and that the Department's interpretation to "include unsafe conditions adjacent to docks and boat slips is a reasonable one." (RO ¶ 37).

Voss argues that the terms "impact navigation" and "navigational hazard" have been defined by Department final order to not include maneuvering around docks. Voss relies only on one prior Department final order to support this contention that the Department has defined these terms. *See Rood v. Hecht,* Case Nos. 98-3879, 98-3880 (Fla. DOAH March 10, 1999; Fla. DEP April 23, 1999). Voss further argues that the Department's definition in the *Rood* final order is non-rule policy and no explanation was provided for a change in the non-rule policy. Voss did not raise a non-rule policy challenge in this proceeding, however, and cannot now raise such a challenge. *See, e.g.,* § 120.57(1)(e), Fla. Stat. (2013). In addition, as explained below, Voss' reliance on the *Rood* final order is misplaced.

In *Rood* the Department adopted the ALJ's interpretation that the term navigation for purposes of ERP permitting under Section 373.414, Florida Statutes, places emphasis on navigation in or near a navigable channel. Voss' reliance on this interpretation is misplaced, because the Department has consistently interpreted navigational hazard in the exemption context to include maneuvering around docks and boat slips. *See, e.g., Scully v. Patterson*, Case No. 05-0058 (Fla. DOAH Apr. 14, 2005; Fla. DEP May 12, 2005); *Zimmet v. Rosenblum*, Case No. 06-2859 (Fla. DOAH Oct. 23, 2007; Fla. DEP Dec. 11, 2007); *Woolshlager v. Rockman,* Case No. 06-3296 (Fla. DOAH May 7, 2007; Fla. DEP Jun. 20, 2007); *Padron v. Ekblom*, Case No. 12-3291 (Fla. DOAH June 5, 2013; Fla. DEP August 29, 2013); *Kriegel v. Mahogany Mill Owners Assoc.*, Case No. 13-0686 (Fla. DOAH June 11, 2013; Fla. DEP Sep. 9, 2013).

The ALJ's conclusion in paragraph 38 that Voss' "mooring pilings do not qualify for a consent by rule because they create a navigational hazard," is supported by application of Rule 18-21.004(7)(g), F.A.C., to the competent substantial record evidence. *See* Exception Nos. 1-4 above. In paragraph 36, the ALJ explained that "Rule 18-21.004(7) states that all authorizations, whether granted by rule or in writing, shall be subject to certain general conditions, including a prohibition against structures that create a navigational hazard." *See* Fla. Admin. Code R. 18-21.004(7); *Haskett v. Rosati,* Case No. 13-0465, ¶62 (Fla. DOAH July 31, 2013; Fla. DEP October 29, 2013)(reflecting that ALJ found that the dock did not create a navigational hazard).

Therefore, based on the foregoing reasons, Voss' Exception No. 4 is denied.

Exception No. 5

Voss takes exception to paragraphs 41 and 42 of the RO, where the ALJ concludes that the evidence supports a conclusion that Voss' five mooring pilings unreasonably interfere with Pirtle's riparian rights. (RO ¶¶ 41, 42). Voss argues that "[t]here is no legal authority indicating use of one's riparian area can create a navigational hazard." The rules and case law outlined by the ALJ in paragraphs 39 and 40 provide the legal authority supporting the conclusion that Voss' mooring pilings "unreasonably interfere" with Pirtle's riparian rights. (RO ¶¶ 39, 40). The ALJ's legal analysis is that:

> 39. The general conditions set forth in rule 18-21.004(7) also include a prohibition against structures that unreasonably interfere with riparian rights. See Fla. Admin. Code R. 18-21.004(7)(f). Riparian rights are legal rights incident to lands bounded by navigable waters and are derived from common law. Appurtenant to their ownership of waterfront property, the riparian owner enjoys a right to an unobstructed view across the water and a superior right to access the water

> from his property. See Bd. of Trs. of the Int. Imp. Trust Fund v. Sand Key Assocs., Ltd., 512 So. 2d 934 (Fla. 1987). The riparian landowner also has the right to erect wharves, piers, or docks to facilitate access to navigable water from his riparian property. See Ferry Pass Inspectors' & Shippers' Ass'n v. Whites River Inspectors' & Shippers' Ass'n, 48 So. 643 (Fla. 1909). This is a qualified right, inferior to the right of the public to navigate on the waterbody. Id.
>
> 40. A riparian landowner's uses of the waterfront are subject to the reasonable uses of adjoining riparian landowners. When resolving disputes between them, the courts have aimed at giving each riparian landowner a fair and reasonable opportunity to access the channel. See e.g., Johnson v. McCowen, 348 So. 2d 357 (Fla. 1st DCA 1977).
>
> 41. Five facts established by a preponderance of the evidence support a conclusion that Voss's mooring pilings unreasonably interfere with Pirtle's riparian rights: (1) The Pirtle marina has been operating for many years in its current configuration; (2) Voss moored boats on the north side of his dock in the past without using mooring pilings; (3) Voss does not need five mooring pilings; (4) Voss does not need the mooring pilings to be so close to the Pirtle dock; and (5) Voss's mooring pilings create a navigational hazard for boats entering or leaving Pirtle's south slips.
>
> 42. Because Voss's mooring pilings unreasonably interfere with Pirtle's riparian rights, they do not qualify for consent by rule to use sovereignty submerged lands.

In addition to the legal authority relied on by the ALJ, the Department's rules generally provide criteria that apply to requests for activities on sovereignty submerged lands. Fla. Admin. Code R. 18-21.004. The criteria include a requirement that "[a]ll structures and other activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners." Fla. Admin. Code R. 18-21.004(3)(c); *see also Lee Cty. v. Kiesel,* 705 So.2d 1013 (Fla. 2d DCA 1998)(reflecting that a bridge substantially and materially interfered with the waterfront property owner's riparian right of view, even though the bridge did not

physically rest on their property or in their riparian area.).

Voss further argues that the facts found by the ALJ in paragraph 41 are not supported by the evidence on the same bases argued in Exceptions Nos. 1-4 above. The rulings on Voss' Exceptions Nos. 1-4 above outline the competent substantial record evidence supporting the ALJ's factual findings.

Therefore, based on the foregoing reasons and the rulings on Exception Nos. 1-4, which are incorporated herein, Voss' Exception No. 5 is denied.

Exception No. 6

In this exception Voss simply extends his arguments in Exception No. 5 above. Voss' exception states:

> 6. Further, Voss would show as provided in his Recommended Order that the mooring pilings are an exclusive right ["]necessary for the use and enjoyment of his abutting property..." Ferry Pass Inspectors' & Shippers' Ass'n v. White's River Inspectors' & Shippers' Ass'n[,] 57 Fla. 399, 48 S[o.] 643 [(]Fla. 1909[)].

See Voss' Exceptions at page 4.

Contrary to Voss' argument, the legal proposition set forth in the *Ferry Pass* case does not support a conclusion that his mooring pilings cannot unreasonably interfere with Pirtle's riparian rights. In *Ferry Pass*, the Florida Supreme Court held that:

> "Riparian owners have no exclusive right to navigation in or commerce upon a navigable stream opposite the riparian holdings, and have no right to so use the water or land under it as to obstruct or unreasonably impede lawful navigation and commerce by others, or so as to unlawfully burden or monopolize navigation or commerce. The exclusive rights of a riparian owner are such as are necessary for the use and enjoyment of his abutting property and the business lawfully conducted thereon; and these rights may not be so exercised as to injure others in their lawful rights."

Ferry Pass Inspectors' & Shippers' Ass'n v. White's River Inspectors' & Shippers' Ass'n, 57 Fla. 399, 48 So. 643 (Fla. 1909).

In the last paragraph of this exception, Voss summarizes his view of the facts and applicable law, reiterating the arguments made in all the above exceptions. Voss also offers an alternative legal basis for his entitlement to an exemption and consent by rule under "F.A.C. 40E-4.051(3)(b)." *See* Voss' Exceptions at page 4. The cited exemption does not apply to Voss' mooring pilings.[2] In addition, the facts found by the ALJ do not support a conclusion that the general consent conditions in Rule 18-21.004(7), F.A.C., are met by Voss' mooring pilings.

Therefore, based on the foregoing reasons and the rulings on all of the above exceptions incorporated herein, this exception is denied.

DEP'S EXCEPTION

Exception No. 1

The DEP takes exception to paragraph 30 of the RO, where the ALJ concludes that "[t]he Department's written determination is a license issued under chapter 373 and subject to section 120.569(2)(p). Therefore, Pirtle has the burden of ultimate persuasion that Voss is not entitled to the exemption." (RO ¶ 30). The DEP asserts that the ALJ correctly found that Section 373.406(6), F.S., requires a written request for a determination that the proposed activities are exempt and that the applicant shall not commence the activities without receiving the written determination of exemption. The DEP further asserts, however, that the exemption determination is not a "license."

Section 120.569(2)(p), F.S., provides that, "[f]or any proceeding arising under

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[2] Rule 40E-4.051(3)(b), F.A.C. (repealed on October 1, 2013) exempts from permitting the installation of utility poles.

chapter 373, chapter 378, or chapter 403, if a nonapplicant petitions as a third party to challenge an agency's issuance of a license, permit, or conceptual approval . . . the petitioner initiating the action challenging the issuance of the license, permit, or conceptual approval has the burden of ultimate persuasion . . ." § 120.569(2)(p), Fla. Stat. (2013). Section 120.52(10), F.S., defines a "license" as "a franchise, permit, certification, registration, charter, or similar form of authorization required by law." §120.52(10), Fla. Stat (2013).

The definition of "license" in Section 120.52, F.S., encompasses the "form of authorization" issued by the Department under Section 373.406(6), F.S. In addition, chapter 120, F.S., is not a statute that is within the substantive jurisdiction of this agency. Therefore, to the extent the ALJ's legal conclusion in paragraph 30 is construing chapter 120, F.S., it cannot be modified or rejected. *See* § 120.57(1)(l), Fla. Stat. (2013).

Based on the foregoing reasons, the DEP's Exception No. 1 is denied.

CONCLUSION

Having considered the applicable law and standards of review in light of the findings and conclusions set forth in the RO, and in light of the above rulings on the Exceptions and responses,

It is ORDERED:

A. The ALJ's Recommended Order (Exhibit A) is adopted and incorporated by reference herein.

B. The Respondent Roy D. Voss' request for an exemption determination and consent to use sovereign submerged lands in File No. 43-0209245-002 are DENIED.

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 filing 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 26th day of December, 2013, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

HERSCHEL T. VINYARD JR.
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.

Deputy CLERK 12/26/13 DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order has been sent by electronic mail only to:

Joanne M. Foster, Esquire
Guy, Yudin and Foster, LLP
55 East Ocean Boulevard
Stuart, FL 34994-2214
jfoster@guyyudinlaw.com

Brynna Ross, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000
brynna.ross@dep.state.fl.us

Andrew J. Baumann, Esquire
Tara W. Duhy, Esquire
Lewis, Longman and Walker, P.A.
Suite 1500
515 North Flagler Drive
West Palm Beach, FL 33401-4321
abaumann@llw-law.com
tduhy@llw-law.com

by electronic filing to:

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

this 26th day of December, 2013.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Martha S. Leynell for

FRANCINE M. FFOLKES
Administrative Law Counsel

3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000
Telephone 850/245-2242