STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

A.H., ON BEHALF OF R.H.,

       Petitioner,

v.

STATE OF FLORIDA, DEPARTMENT
OF MANAGEMENT SERVICES,
DIVISION OF STATE GROUP INSURANCE,

       Respondent.

_____/

Final Order No. <u>DMS – 17-0060</u>

Case No. 16-006837
OGC # 16-34603

FINAL ORDER

On May 17, 2017, an Administrative Law Judge with the Division of Administrative

Hearings submitted a Recommended Order to the Department of Management Services. A copy

of the Recommended Order is attached to this Final Order as Exhibit A. Pursuant to section

120.57(1)(b), Florida Statutes, and the notice provided in the Recommended Order, parties were

allowed to file exceptions to the Recommended Order. Qualified Representative Pearl Harrison

on behalf of Petitioner timely filed exceptions to the Recommended Order. Petitioner's exceptions

are attached to this Final Order as Exhibit B. Respondent neither filed a response to Petitioner's

exceptions, nor filed its own exceptions.

PETITIONER'S EXCEPTIONS

Section 120.57(1)(k), Florida Statutes, reads as follows:

(k)   The presiding officer shall complete and submit to the agency and all
parties a recommended order consisting of findings of fact, conclusions of
law, and recommended disposition or penalty, if applicable, and any other
information required by law to be contained in the final order. All
proceedings conducted under this subsection shall be de novo. The agency
shall allow each party 15 days in which to submit written exceptions to the
recommended order. **The final order shall include an explicit ruling on**

each exception, but an 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. (emphasis added)
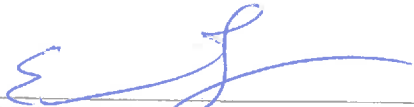
Petitioner's exceptions seek to relitigate the arguments rejected by the Administrative Law Judge in the May 17, 2017 Recommended Order. Petitioner's exceptions do not clearly identify the disputed portion or portions of the Recommended Order by page number or paragraph, do not identify the legal bases supporting them, and in most circumstances do not include specific citations to the record, as required by section 120.57(1)(k), Florida Statutes. Consequently, Respondent need not rule upon Petitioner's exceptions, and they are hereby denied.

Therefore, having considered the Recommended Order, the Petitioner's exceptions, and the applicable law, and being otherwise duly advised, it is **ORDERED** that:

1.   The Recommended Order, including all Findings of Fact, Conclusions of Law, and the Recommendation, is adopted in its entirety and incorporated herein by reference.

2.   This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Management Services.

DONE and **ORDERED** in Tallahassee, Leon County, Florida, on this _19th_ day of _December_, 2017.

STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT
SERVICES

ERIN ROCK, Secretary
Department of Management Services
4050 Esplanade Way, Suite 285
Tallahassee, Florida 32399

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Copies Furnished To:

K. Pearl Harrison, Petitioner
Anita J. Patel, Esq., Counsel for the Respondent

NOTICE OF RIGHT TO APPEAL

This order constitutes final agency action. Judicial review of this proceeding may be instituted by filing a notice of appeal with the filing fee prescribed by law in the District Court of Appeal, pursuant to Section 120.68, Florida Statutes, and a copy with the Agency Clerk of the Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-3000. Such notice must be filed within thirty (30) calendar days of the date this order is filed in the official records of the Department of Management Services, as indicated in the Certificate of Clerk. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure.

Certificate of Clerk:

Filed in the Office of the Agency
Clerk of the Department of Management
Services on this ___19th___ day of
___November___, 2017.

_____
Diane Wint, Agency Clerk