

**FLORIDA DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES**

**FLORIDA POWER DEVELOPMENT, LLC,  
A FLORIDA LIMITED LIABILITY  
COMPANY,**

Petitioner,

vs.

Agency Clerk Filing No.: B03663  
DOAH Case No.: 16-7615

**DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES, OFFICE OF  
ENERGY,**

Respondent.

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**FINAL ORDER**

THIS MATTER, came before the Department of Agriculture and Consumer Services of the State of Florida (hereafter "FDACS") upon the Petitioner's Application for the Florida Renewable Energy Production Credit of Section 220.193(6), Florida Statutes.

**I. PRELIMINARY STATEMENT**

On August 17, 2016, the Office of Energy received the Tax Credit application of Florida Power Development, LLC (hereafter "Florida Power"). By letter dated September 30, 2016, FDACS notified Florida Power that its application was ineligible for consideration because it had been received at FDACS after the requisite deadline. On or about October 27, 2016 (the Petition is not dated), Florida Power filed a Petition for Formal Administrative Hearing with FDACS, challenging whether its application should have been deemed ineligible. On December 29, 2016, FDACS referred this matter to the Division of Administrative Hearings for an administrative hearing in accordance with the provisions of Section 120.57(1), Florida Statutes. A hearing was held on February 22, 2017, and the Administrative Law Judge (hereafter "ALJ") entered a

Recommended Order on April 6, 2017, a copy of which is attached hereto and expressly made a part of this Final Order. Neither party filed written exceptions.

The Record consists of all notices, pleadings, motions, intermediate rulings, evidence admitted and matters officially recognized, proposed findings, stipulations of the parties, transcript of the hearing, and the Recommended Order.

## **II. FINDINGS OF FACT**

The Commissioner of Agriculture adopts the findings of fact made by the ALJ in the Recommended Order, attached hereto.

## **III. CONCLUSIONS OF LAW**

The Commissioner of Agriculture adopts the conclusions of law made by the ALJ in the Recommended Order, attached hereto.

Upon consideration of the foregoing, review of the record, and being otherwise fully advised in the premises,

**IT IS ORDERED AND ADJUDGED** that:

Florida Power Development, LLC's application for a Tax Credit was not received by the requisite deadline, and therefore is ineligible for consideration by FDACS.

## **NOTICE OF RIGHTS**

Any party to these proceedings adversely affected by this Final Order is entitled to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Judicial review proceedings must be instituted by filing a Notice of Appeal with the Department's Agency Clerk, 407 South Calhoun Street, Suite 509, Tallahassee, Florida, 32399-0800, within thirty (30) days of rendition of this order. A copy of the Notice of Appeal must be filed with the Clerk of the appropriate District Court of Appeal

accompanied by any filing fees prescribed by law.

**DONE AND ORDERED** at Tallahassee, Leon County, Florida, this 15<sup>th</sup> day of May, 2017.

**ADAM H. PUTNAM**  
**COMMISSIONER OF AGRICULTURE**



**MICHAEL A. JOYNER**  
Assistant Commissioner of Agriculture

Filed, this 15<sup>th</sup> day of May, 2017.



Agency Clerk

Copies Furnished to:

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