

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

JOE DAVID RIGGINS AND  
BARBARA JEAN RIGGINS

Petitioners,

vs.

DOT Case No. 16-050  
DOAH Case No. 17-0815

DEPARTMENT OF TRANSPORTATION,

Respondent.

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**FINAL ORDER**

On October 8, 2016, as part of the Department of Transportation's ("Department") resurfacing project for State Road 441, a Notice of Intent to Modify Driveway Connection was issued to Joe David and Barbara Jean Riggins ("Riggins") for the removal of the eastern and middle driveways on their property located at 964 State Road 441 Southeast, Okeechobee, Florida. The Riggins requested an administrative hearing on October 31, 2016. The Department representatives met the Riggins in person at the subject property to review the planned resurfacing project and the reasons for the driveway closures to two of the Riggins' three existing driveways. A second telephone meeting was held to discuss additional questions and concerns posed by the Riggins regarding the driveway closures. After three continuances, Administrative Law Judge John D. C. Newton, II held an administrative hearing on May 23, 2017. The Administrative Law Judge entered a Recommended Order on July 28, 2017, recommending that the Department enter a final order approving the closure of the easternmost and middle driveways on the Riggins' property as part of the Department's State Road 441 Resurfacing Project.

A copy of the Recommended Order is attached. No exceptions were filed.

**Statement of the Issue**

As stated in the Recommended Order, the issues presented were whether it is necessary for the Department to close two driveways on the property of Petitioners, Joe David and Barbara Jean Riggins; and if the driveways are closed, will the property affected by the driveway closings still have reasonable access to the State Highway System.

**FINDINGS OF FACT**

The Findings of Fact in paragraphs 1 through 15 of the Recommended Order are supported by competent, substantial evidence and are adopted and incorporated as if fully set forth herein.

**CONCLUSIONS OF LAW**

The Conclusions of Law in paragraphs 16 through 24 of the Recommended Order are fully supported in law, and are adopted and incorporated as if fully set forth herein.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Department approves the closure of the Riggins' easternmost and middle driveways as part of the Department's State Road 441 resurfacing project.

**DONE AND ORDERED** this 5<sup>th</sup> day of October, 2017.



**MIKE DEW**  
Secretary  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida 32399

FILED O.O.T. OLEEK  
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**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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