STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA AUTOMOBILE DEALERS ASSOCIATION,

Petitioner,

vs. Case No. 17-3894RX

FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES,

Respondent.
_____/

FINAL ORDER

Pursuant to notice, a final hearing was held in this matter on September 27, 2017, in Tallahassee, Florida, before Administrative Law Judge Yolonda Y. Green of the Division of Administrative Hearings ("DOAH").

APPEARANCES

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For Respondent: Jonathan P. Sanford, Esquire
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STATEMENT OF THE ISSUE

Whether Florida Administrative Code Rule 15C-16.012(5)[1/] (the "Rule") is an invalid exercise of delegated legislative authority.

PRELIMINARY STATEMENT

On July 11, 2017, the Florida Automobile Dealers Association (the "FADA") filed a Petition alleging that: Rule 15C-16.012(5), adopted by the Department of Highway Safety and Motor Vehicles (the "Department"), is an invalid exercise of delegated authority under section 120.52(8), Florida Statutes (2017).[2/]

On July 13, 2017, this matter was assigned to the undersigned. On July 18, 2017, the undersigned conducted a telephonic scheduling conference, during which the parties agreed to schedule the final hearing for a date beyond the time frame provided in section 120.56(1)(c), and scheduled the final hearing on September 15, 2017. On September 13, 2017, the parties filed a Joint Motion for Continuance, which was granted. The case was rescheduled for September 27, 2017.

The final hearing convened on September 27, 2017, as scheduled. The parties jointly presented three witnesses at the final hearing: Carl A. Ford, a business relationship consultant, for the Department; Robert Leggiero, a senior

director of TitleTec; and Theodore Louis Smith, president of FADA.

The parties offered Joint Exhibits 1 through 9, which were admitted into evidence. FADA's Exhibits 1 through 4 were admitted. The Department's Exhibits 1, 3, and 5 through 7 were also admitted.

A one-volume Transcript was filed with DOAH on October 5, 2017. The parties timely filed Proposed Final Orders ("PFO"), which have been considered in preparation of this Final Order.

FINDINGS OF FACT

The following findings of fact are based on the testimony and exhibits admitted at the final hearing and the agreed facts in the pre-hearing stipulation.

Parties

1. Petitioner, FADA, is a not-for-profit trade association of licensed franchise motor vehicle dealers in Florida. FADA is organized and maintained for the benefit of approximately 800 members, which includes 85 to 90 percent of the licensed franchise motor vehicle dealers in Florida.

2. FADA regularly coordinates the common interests of its members and represents its members before the Legislature with respect to legislation and rules affecting franchised dealers.

3. Respondent, the Department, is the agency of the State of Florida responsible for regulating electronic filing system

("EFS") and the EFS agents. The Department adopted the Rule, which became effective December 14, 2010. The Rule was amended on November 22, 2011, but has not been amended since that time.

Titling and Registration of Vehicles

4. Every motor vehicle that is to be driven on a road in Florida must be registered with the Department. § 320.02(1), Fla. Stat. The initial registration a customer receives may either be temporary or permanent. If the initial registration is temporary, there is a period of 30 days during which the temporary registration must be converted to a permanent registration.

5. In Florida, sellers of motor vehicles are required to effect transfers of title and registration as part of a sale of motor vehicles.

6. The EFS provides an electronic method for the titling and registration of motor vehicles. EFS agents are those persons or entities who are engaged in selling products for which a title or registration is needed. Fla. Admin. Code R. 15C-16.010(1)(a) and (b). A substantial number of FADA's members are EFS agents.

7. The EFS was developed in the 1990s to permit dealers to make titling and registration more efficient. The system also enhanced safety during a roadside stop for law enforcement by making registration information readily available.

8. At the beginning of the process, an EFS agent, who could be a motor vehicle dealer, like the members of FADA, sells a vehicle and electronically submits information through the EFS to a Certified Service Provider ("CSP").

9. The CSP provides the software system that is used by EFS agents to submit titling and registration transactions for processing.

10. Tax collectors are also part of the process and are responsible for preparing the paperwork that is submitted to finalize a titling or registration transaction. Some tax collectors outsource these responsibilities to private entities, which function as private tag agents ("PTAs").

11. While the EFS is a comprehensive method to electronically file vehicle title and registration transactions, there is also a limited sub-system of the EFS, Electronic Temporary Registration ("ETR"). The ETR is limited to temporary registration of vehicles. It does not involve titling.

12. There are multiple methods for submitting the necessary paperwork for titling and/or registering a motor vehicle. This can be done manually by taking it to a public or private tag agency, and electronically by using the ETR and the EFS or the EFS only.

13. EFS agents are subject to statutes and rules pertaining to titling and registration of motor vehicles in Florida.

Rule and Statutory Authority

14. The rule at issue in this case concerns the Department's authority over the EFS.

15. The Rule, 15C-16.012(5), provides:

> If an EFS agent charges a fee to the customer for use of the electronic filing system in a title or registration transaction, the fee shall be disclosed separately and in a clear and conspicuous manner in the sales agreement along with the other options for titling and registration. The EFS agent may not disclose or disguise this as a State or Government fee.

16. The Rule requires that an EFS agent charging a fee to use the EFS, disclose the EFS filing fee separately and in a clear and conspicuous manner and provide other options for titling and registration.

17. The Rule cites section 320.03(10)(a), Florida Statutes, as the law being implemented.

18. Section 320.03(10) provides:

> Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration,

> and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted. An authorized electronic filing agent may charge a fee to the customer for use of the electronic filing system.

19. Section 320.03(10) gives the Department regulatory authority over the EFS and requires the Department to adopt rules to administer the EFS. The statute also requires that the Department adopt rules to replace the 2009 program standards.

20. Section 320.03(10) also explicitly provides that an EFS agent is permitted to charge a fee to the customer for use

of the EFS. However, there is no requirement in the statute that an EFS agent satisfy any conditions when charging the fee. Specifically, the statute does not require that the EFS agent make any type of disclosure regarding the fee or other options for titling or registration.

2009 Program Standards

21. Respondent relies upon the language in the statute related to replacement of the 2009 program standards to support its position that section 320.03(10) provides authority for the Rule.

22. Over the course of legislative sessions in 2009 and 2010, the regulatory authority for the EFS was transferred from the Florida Tax Collectors Service Corporation ("FTCSC") to the Department as provided in section 320.03(10).

23. The 2009 program standards were a set of standards used by the FTCSC for administering participation in the EFS when the FTCSC had responsibility for administering the EFS. The 2009 program standards were to remain in place until adoption of the Rule.

24. The 2009 program standards expressly regulated certain participation requirements placed upon dealers seeking to become an approved Limited Branch Office ("LBO"), which is the equivalent of an EFS agent.

25. One of the 2009 program standards required that dealers seeking "appointment as a participating LBO" must submit a letter agreeing to comply with certain disclosure requirements as part of a sale, including the contents of a buyer's order. The "buyer's order" referenced in the 2009 program standards has the same meaning in the industry as the term "sales agreement" in rule 15C-16.012(5). Under the 2009 program standards, failure of a dealer to adhere to the standards could result in loss of its LBO status. The relevant portions of the LBO participation requirements are discussed further below.

26. Section III.A.2.a. of the 2009 program standards provided that the letter requesting approval for LBO status shall include a statement that use of the EFS will be an optional transaction and will be disclosed on the buyer's orders as "Electronic Filing."

27. Similarly, section V.C.2.(d)4.b.ii. provided that a dealer's application for LBO status may be rejected if the letter provided to the tax collector does not mention the information required in section III.A.2.a.

28. Section III.A.2.c. provided that a dealer seeking LBO status must include in their letter to the tax collector a statement that the dealer will not represent to the EFS customers that they are required to transact title transaction business through the EFS.

29. Likewise, section V.C.2.(d)4.b.iv. provided that a dealer's application for LBO status may be rejected if the dealer's letter does not include a statement that the dealer agrees not to represent to potential EFS customers that the customer is required to transact title transaction business through the EFS and pay additional charges, if applicable.

30. The undersigned finds that these requirements of the 2009 program standards required dealers utilizing the EFS at that time to make certain disclosures for the purpose of participation as an LBO.

31. The disclosure of fees charged to customers for use of the EFS system was not addressed in the 2009 program standards. In fact, the 2009 version of section 320.03(10) provided that a dealer "may charge a fee to the customer for use of the electronic filing system, and such fee is not a component of the program standards." § 320.03, Fla. Stat. (2009).

Different Methods for Titling and Registration

32. In addition to the requirement to disclose the fee for use of the EFS, the Rule requires EFS agents to disclose "other options for titling and registration."

33. In the motor vehicle industry, there are multiple methods for titling and registration.

34. Dealers can deal directly with county tax collectors for titling and registration, which is performed manually.

35. Dealers can use ETR vendors for the temporary registration process. Like with the EFS, the ETR providers charge dealers a fee for use of the ETR system.

36. A dealer that has a contract with one of the PTAs in Florida can use that PTA to process components of the titling and registration process. PTAs are entities that dealers may hire as a service provider to process registration and titling work manually. Like with EFS providers and ETR providers, PTAs charge dealers a fee for the services they provide in the titling and registration process. Given that dealers must have contracts with PTAs in order to utilize their services and that PTAs charge dealers a fee for use of their services, a dealer using a PTA for components of the titling and registration processes is not the same as a dealer interacting directly with a county tax collector.

37. The multiple methods for titling and registration could result in multiple options for EFS agents.

Uncertainty about Meaning of "Other Options"

38. During and after the rulemaking process, Mr. Smith, the president of FADA, expressed concern about the interpretation of the requirement in the Rule to disclose "other options for titling and registration." Mr. Smith sent a number of emails seeking clarification regarding this requirement.

39. On December 8, 2010, Mr. Smith sent an email on behalf of FADA to Julie Baker at the Department inquiring whether the Rule meant that a dealer would have to disclose all the potential options available in the marketplace or only those options available to that particular dealer.

40. On December 19, 2010, Mr. Smith received a response from Boyd Walden, the Department's then chief of the Bureau of Titles and Registrations, stating that a legal opinion on the issue was being requested. Mr. Smith never received the legal opinion on the issue.

41. Approximately two years later, on January 7, 2013, Mr. Smith sent Mr. Walden another email notifying the Department that the importance of this issue had escalated because FADA members were being sued by consumers or their representatives for failure to comply with the Rule. Mr. Smith requested guidance from the Department regarding interpretation of the Rule.

42. Mr. Walden, as the then director of the Division of Motorist Services, responded on January 8, 2013, and offered an example of other options. For example, he suggested "the dealer informing the buyer of the option for the dealer to file the paperwork with the tax collector manually."

43. On January 8, 2013, Mr. Smith emailed Mr. Walden and requested a letter from the Department's counsel clarifying what the Rule required.

44. On October 30, 2013, Mr. Smith emailed Mr. Walden notifying the Department that dealers were continuing to be sued regarding compliance with the Rule and requesting clarification regarding the Rule.

45. On October 30, 2013, Mr. Walden stated, "there are other options such as manual registration through the tax collector. How you offer those 'other options' is up to you." Mr. Walden continued that FADA's legal team "should decide how to best meet the 'other options' requirement based on the level of risk your clients are willing to assume."

46. Mr. Smith still had questions regarding compliance with the Rule. Mr. Walden's responses did not clarify the meaning of "other options for titling and registration."

47. For example, the Rule fails to provide guidance whether the options include all possible options or only options available to the specific individual dealer.

48. The Rule did not provide specific clarification regarding the type (permanent or temporary) of titling and registration. The ETR is an option that offers titling. However, use of EFS would be required to complete the permanent registration.

49. Further, the Rule requires that a dealer disclose other options for titling and registration, but did not provide guidance regarding the type of options, (i.e., manual, electronic, private, or public). It also specifies "other options" but does not specify whether the disclosure includes other options that also may involve a fee. There are both electronic and manual options that require a fee.

Standing

50. The Rule affects EFS agents that charge a fee to customers for EFS filing. A substantial number of FADA members are EFS agents and charge a fee to their customers and are, thus, directly and substantially impacted by the Rule.

CONCLUSIONS OF LAW

51. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties to this action in accordance with sections 120.56, 120.569 and 120.57(1), Florida Statutes (2017).

52. Section 120.56 allows a person or entity who is substantially affected by a rule or agency statement to initiate a challenge. To establish standing under the "substantially affected" test, a party must demonstrate that: 1) the rule will result in a real and immediate injury in fact, and 2) the alleged interest is within the zone of interest to be protected or regulated. Jacoby v. Fla. Bd. of Med., 917 So. 2d 358 (Fla.

1st DCA 2005); see also Fla. Bd. of Med. v. Fla. Acad. of Cosmetic Surgery, 808 So. 2d 243, 250 (Fla. 1st DCA 2002), superseded on other grounds, Dep't of Health v. Merritt, 919 So. 2d 561 (Fla. 1st DCA 2006).

53. Associations have standing to bring a rule challenge when:

> [A] substantial number of [the association]'s members, although not necessarily a majority, are "substantially affected" by the challenged rule. Further, the subject matter of the rule must be within the association's general scope of interest and activity, and the relief requested must be the type appropriate for a trade association to receive on behalf of its members. Fla. Home Builders Ass'n v. Dep't of Labor and Emp. Sec., 412 So. 2d 351, 353-54 (Fla. 1982); see also NAACP, Inc. v. Bd. of Regents, 863 So. 2d 294, 298 (Fla. 2003).

54. The testimony presented during the final hearing is sufficient to demonstrate that a substantial number of Petitioner's membership would be substantially affected by the Rule in a manner and degree sufficient to establish standing in this case. See, e.g., Abbott Labs. v. Mylan Pharms., 15 So. 3d 642, 651 n.2 (Fla. 1st DCA 2009); Dep't of Prof'l Reg., Bd. of Dentistry v. Fla. Dental Hygienist Ass'n, 612 So. 2d 646, 651 (Fla. 1st DCA 1993); see also Cole Vision Corp. v. Dep't of Bus. & Prof'l Reg., 688 So. 2d 404, 407 (Fla. 1st DCA 1997) (recognizing that "a less demanding standard applies in a rule

challenge proceeding than in an action at law, and that the standard differs from the 'substantial interest' standard of a licensure proceeding."); Coalition of Mental Health Prof'ls v. Dep't of Prof'l Reg., 546 So. 2d 27, 28 (Fla. 1st DCA 1989) (stating that "[t]he fact that appellant's members will be regulated by the proposed rules is alone sufficient to establish that their substantial interests will be affected and there is no need for further factual elaboration of how each member will be personally affected."). See NAACP, Inc. v. Bd. of Regents, 863 So. 2d 294, 300 (Fla. 2003); Fla. Homebuilders Ass'n v. Dep't of Labor & Emp. Sec., 412 So. 2d 351, 353-54 (Fla. 1982)(association may meet standing requirements if a substantial number of members, although not necessarily a majority, are substantially affected by the Rule).

55. As Petitioner, FADA "has the burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of delegated legislative authority as to the objections raised." § 120.56(3)(a), Fla. Stat.

56. Petitioner challenges the proposed Rule in accordance with the definition of "invalid exercise of delegated legislative authority" in section 120.52(8), which provides in pertinent part:

> (8) "Invalid exercise of delegated legislative authority" means action that goes beyond the powers, functions, and

> duties delegated by the Legislature. A proposed or existing rule is an invalid exercise of delegated legislative authority if any one of the following applies:
>
> * * *
>
> (b) The agency has exceeded its grant of rulemaking authority, citation to which is required by s. 120.54(3)(a)1.;
>
> (c) The rule enlarges, modifies, or contravenes the specific provisions of law implemented, citation to which is required by s. 120.54(3)(a)1.;
>
> (d) The rule is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency;
>
> * * *
>
> A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.

57. Specifically, Petitioner asserts that the Rule is invalid under sections 120.52(8)(b), (c), and (d).

Whether Rule 15C-16.012(5) Exceeds Rulemaking Authority

58. Petitioner asserted that the Rule is invalid because it exceeds the grant of rulemaking authority, citation to which is required by section 120.54(3)(a)1., by attempting to place a condition on EFS agents that wish to charge a fee for use of the EFS.

59. The crux of Petitioner's argument, with respect to section 120.52(8)(b), is that the grant of rulemaking authority pursuant to section 320.03(10) is not sufficient authority to establish that an EFS agent must disclose "other titling and registration options." Respondent, on the other hand, argues that there is "statutory authority" for the Rule.

60. One of the more recent cases interpreting the standards related to rulemaking authority is United Faculty of Florida v. Florida State Board of Education, 157 So. 3d 514, 516-517 (Fla. 1st DCA 2015). In that case, the State Board of Education adopted a rule that established standards and criteria for continuing contracts with full-time faculty members employed by Florida College System institutions. The First District stated:

> A rule is invalid under section 120.52(8)(b) if the agency "exceed[s] its grant of rulemaking authority." A grant of rulemaking authority is the "statutory language that explicitly authorizes or requires an agency to adopt [a rule]." § 120.52(17), Fla. Stat. The scope of an

agency's rulemaking authority is constrained by section 120.536(1) and the so-called "flush-left paragraph" in section 120.52(8), which provide that an agency may only adopt rules to "implement or interpret the specific powers and duties granted by the [agency's] enabling statute"; that an agency may not adopt rules to "implement statutory provisions setting forth general legislative intent or policy" or simply because the rule "is reasonably related to the purpose of the enabling legislation and is not arbitrary or capricious or is within the agency's class of powers and duties"; and that "[s]tatutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute." Section 120.536(1) and the flush-left paragraph in section 120.52(8) require a close examination of the statutes cited by the agency as authority to determine whether those statutes explicitly grant the agency authority to adopt the rule. As this court famously stated in [Southwest Florida Water Management District v.] Save the Manatee [Club, Inc., 773 So. 2d 594 (Fla. 1st DCA 2000)], the question is "whether the statute contains a specific grant of legislative authority for only where the legislature has enacted a specific statute, and authorized the agency to implement it. . . ."); see also Fla. Elections Comm'n v. Blair, 52 So. 3d 9, 12-13 (Fla. 1st DCA 2010) (explaining that the definition of "rulemaking authority" is section 120.52(17) does not further restrict agency rulemaking authority beyond what is contained in the flush-left paragraph in section 120.52(8), as construed by this court in Save the Manatee Club and subsequent cases.

61. With these principles in mind, the Rule cites to section 320.03(10)(a) as its rulemaking authority and section 320.03(10)(a) and (b) as the law the Rule seeks to implement.

62. Section 320.03(1) authorizes the Department to adopt rules "to replace the December 10, 2009 program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance." However, nothing in section 320.03(10) grants the Department authority to adopt rules regarding conditions related to charging a fee for use of the EFS.

63. As set forth in detail in the Findings of Fact herein, the 2009 program standards did not regulate the fees dealers could charge to customers or disclosures that dealers must make to customers in order to charge a fee. The 2009 program standards only regulated the disclosures that dealers must make to meet the requirements to participate in the EFS as an LBO. Moreover, the Legislature expressly excluded the fee charged to customers for use of the EFS from the 2009 program standards. See § 320.03(10), Fla. Stat. (2009).

64. Accordingly, the Department has exceeded its rulemaking authority and the Rule is an invalid exercise of delegated legislative authority.

Whether Rule 15C-16.012(5) Enlarges, Modifies, or Contravenes the Law Implemented

65. Petitioner also asserts that rule 15C-16.012(5) is an invalid exercise of legislatively delegated authority because it enlarges, modifies, or contravenes the specific provisions of law implemented, in violation of section 120.52(8)(c). In support of this contention, Petitioner asserts that the Rule is invalid because it enlarges and modifies the law implemented by requiring EFS agents to provide "other titling and registration options." Petitioner further argues that there is no condition on the right to charge a fee and no requirement that EFS agents make any sort of disclosure with respect to the fee.

66. Under section 120.52(8)(c), the test is whether a rule gives effect to a "specific law to be implemented," and whether the rule implements or interprets "specific powers and duties." State, Bd. of Trustees v. Day Cruise Ass'n, Inc., 794 So. 2d 696, 704 (Fla. 1st DCA 2001). The provision of section 320.03(10), implemented in this case, is silent as to customer disclosures regarding the fee charged for use of the EFS and confers no authority to the Department to regulate such disclosures regarding the fee.

67. Respondent asserts that the Rule does not enlarge or modify the statute because the statute permits regulation of disclosure of items on the seller's agreement. The Department

also takes a public policy position that the disclosure is required to protect consumers.

68. However, the disclosure requirement in the Rule is not authorized by the statute and extends the Rule beyond the specific powers and duties conferred by the enabling statute. Accordingly, the Rule is an invalid exercise of delegated legislative authority.

Whether Rule 15C-16.012(5) is Vague

69. Section 120.52(8)(d) provides that a rule is an invalid exercise of delegated legislative authority where the rule is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency. A rule is considered vague in violation of section 120.52(8)(d) if it requires performance of an act in terms that are so vague that people of common intelligence must guess as to its meaning. State v. Peter R. Brown Constr., Inc., 108 So. 3d 723, 728 (Fla. 1st DCA 2013); Sw. Fla. Water Mgmt. Dist. v. Charlotte Cnty., 774 So. 2d 903, 915 (Fla. 2d DCA 2001).

70. The Rule is vague and fails to establish any standards for agency decisions. It is not clear from the Rule what options for titling and registration an EFS agent must disclose in order to comply with the Rule. Under the express terms of the Rule, an EFS agent would be required to disclose other options for titling and registration. An EFS agent could be

required to disclose options for titling and registration despite the fact that the EFS agent does not use certain methods. Moreover, section 320.03(10) is silent regarding any condition that must be met if an EFS agent charges a fee for use of the EFS.

71. Based on the findings of fact above, the Rule fails to establish any standards for agency decisions upon which FADA's members may rely in order to attempt to comply with the Rule, and thus, the Rule is vague and an invalid exercise of delegated legislative authority.

ORDER

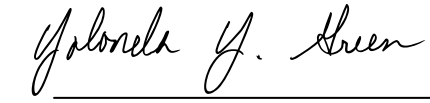
Based on the foregoing Findings of Fact and Conclusions of Law, it is

ORDERED:

1. Florida Administrative Code Rule 15C-16.012(5) is an invalid exercise of delegated legislative authority as defined in section 120.52(8), Florida Statutes; and

2. Jurisdiction is reserved for the undersigned to consider motions for fees and costs pursuant to section 120.595(3), Florida Statutes.

DONE AND ORDERED this 6th day of November, 2017, in Tallahassee, Leon County, Florida.



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Filed with the Clerk of the
Division of Administrative Hearings
this 6th day of November, 2017.

ENDNOTES

[1/] Formerly Fla. Admin. Code R. 15C-18.006.

[2/] Unless stated otherwise, all statutory references will be to the 2017 version of the Florida Statutes.

COPIES FURNISHED:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the District Court of Appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.