

FILED

JUN 28 2019,

Docketed by EW



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF STATE
FIRE MARSHAL,

DOAH CASE NO.: 18-5338PL
DFS CASE NO.: 225448-18-FM

Petitioner,

v.

EDWARD G. WHITAKER, JR.,

Respondent.

FINAL ORDER

THIS CAUSE came on for consideration of and for final agency action on a Recommended Order.

After reviewing the record, including all testimony and admitted exhibits, considering applicable law, and otherwise being fully apprised in all material premises, the Recommended Order is hereby adopted with the following modifications.

1. The phrase "Firefighter II Compliance"¹ is replaced throughout with "Firefighter II".
2. Conclusions of Law paragraph 11 is modified by replacing "(2018)" with "(2017)".²

¹ This terminology is incorrect as a matter of law. See §§ 633.406(1)(a) and 633.408(1)(a), Fla. Stat. (2017); see also Fla. Admin. Code R. 69A-37.055 (2015).

² The 2018 version of the statute took effect on May 10, 2018. See § 11.2421, Fla. Stat. (2018). Respondent entered his plea on March 21, 2018, while the 2017 statute was still in effect. In this matter, entry of a plea

3. Conclusions of Law paragraph 12 is modified by replacing “Section 633.426(1)(c)” with “Section 633.426(1)(c), Florida Statutes (2017),”. See Footnote 2, above.

Accordingly, Respondent’s Firefighter II Certificate of Compliance is permanently revoked.

DONE and ORDERED this 20th day of June, 2019.





Ryan West
Chief of Staff

is the operative conduct that creates grounds for disciplinary action. See *Childers v. Dep’t of Envtl. Prot.*, 696 So. 2d 962, 964 (Fla. 1st DCA 1997). (“The version of a statute in effect at the time grounds for disciplinary action arise controls.”).

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The facsimile number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

Copies furnished to:

Edward G. Whitaker, Jr.
5012 Woodlawn Circle West
Palmetto, Florida 34221-8531
Edward.g.whitaker@gmail.com

Catherine Thrasher
Senior Attorney
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399-0333
Catherine.Thrasher@myfloridacfo.com

D.R. Alexander
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060