

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

LOUIS DEL FAVERO ORCHIDS, INC.,

Petitioner,

vs.

Case No. 19-1035F

FLORIDA DEPARTMENT OF HEALTH,  
OFFICE OF COMPASSIONATE USE,

Respondent.

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AMENDED FINAL ORDER ON REMAND

Louis Del Favero Orchids, Inc. (“Del Favero”), filed a “Petition Challenging Validity of Proposed Rule 64-4.002” on June 1, 2018, seeking a determination that the Florida Department of Health, Office of Compassionate Use’s (“the Department”), Proposed Rule 64-4.002 (“the Proposed Rule”) was an invalid exercise of delegated legislative authority. After a final hearing on July 2, 2018, Administrative Law Judge (“ALJ”) Bruce McKibben issued a Final Order on August 6, 2018, concluding that the Proposed Rule was an invalid exercise of delegated legislative authority.

Del Favero then filed a “Motion for Section 120.595(2) Attorneys’ Fees” on September 5, 2018, and the case was ultimately transferred to the undersigned on August 16, 2019. The undersigned issued a Final Order (“the Final Order”) on December 5, 2019, ruling that Del Favero was entitled to an award of attorneys’ fees and costs pursuant to section 120.595(2), Florida Statutes (2017).

The Department appealed the Final Order, and the First District Court of Appeal issued an Opinion on February 17, 2021, reversing the Final Order

and remanding “with instructions to enter an order denying Del Favero’s motion for fees and costs.” The Mandate associated with the aforementioned opinion issued on April 20, 2021.

In accord with the First District Court of Appeals’ Mandate, Del Favero’s “Motion for Section 120.595(2) Attorneys’ Fees” is DENIED.

DONE AND ORDERED this 28th day of April, 2021, in Tallahassee, Leon County, Florida.

*Garnett Chisenhall*

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G. W. CHISENHALL  
Administrative Law Judge  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 28th day of April, 2021.

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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.