

**STATE OF FLORIDA  
FISH AND WILDLIFE CONSERVATION COMMISSION**

**MAURICIO MUNOZ,**

**Petitioner,**

**v.**

**DOAH Case No. 19-5897  
FWC Case No. 19-0063**

**FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

THIS CAUSE came before the Florida Fish and Wildlife Conservation Commission (Commission) on a Petition for a formal administrative hearing (Petition) filed by Mauricio Munoz (Petitioner or Munoz). The Petition challenged the Commission's determination that Petitioner's vessel was derelict and abandoned.

**STATEMENT OF THE ISSUE**

WHEREAS Munoz received notification from the Commission dated September 11, 2019 that his vessel was derelict and of the Commission's intent to destroy the derelict vessel. Petitioner disputed that the vessel was derelict and filed the petition. The matter was referred to the Division of Administrative Hearings (DOAH) on November 5, 2019.

After negotiations the parties have reached a settlement agreement. The Commission staff will retain the ability to remove the vessel and dispose of it in accordance with state law. While Munoz disputes that the vessel is derelict, he is willing to allow the state to remove the vessel. The issue is now moot. DOAH has closed its file on January 9, 2020 and relinquished jurisdiction back to the Commission.

**CONCLUSIONS OF LAW**

Upon review of the record, the Commission makes the following legal conclusion:

As Executive Director of the Commission or his designee, the undersigned has jurisdiction over this subject matter and authority to enter a final order pursuant to Rule 68-1.009, Florida Administrative Code, and the Commission's Delegation of Authority, dated February 14, 2013, and in accordance with Section 120.57(2), Florida Statutes.

**ORDER**

**WHEREFORE**, since the parties herein have settled the matter and DOAH has closed its case and relinquished jurisdiction back to the Commission; it is ORDERED that this matter is closed.

**DONE AND ORDERED** in Tallahassee, Florida this 22<sup>nd</sup> day of January, 2020.



*Thomas H. Eason*

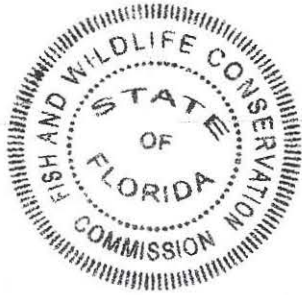
Thomas H. Eason, Ph.D.  
Assistant Executive Director  
Florida Fish and Wildlife Conservation  
Commission

Filed with the Commission  
This 22<sup>nd</sup> day of January, 2020.

ATTEST: *Jill Canfield*  
Jill Canfield, Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above Final Order has been furnished by US mail to: Mauricio Munoz, 2201 Tampa Road, Palm Harbor, Florida 34683, and to Brandy Elliot, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, at [brandy.elliott@myfwc.com](mailto:brandy.elliott@myfwc.com); on this 30<sup>th</sup> day of January, 2020.



*Jill Canfield*

Jill Canfield, Deputy Clerk  
Florida Fish and Wildlife Conservation  
Commission  
620 South Meridian Street  
Tallahassee, Florida 32399  
(850) 487-1764

### **NOTICE OF APPELLATE RIGHTS**

The foregoing constitutes final agency action in this matter. Any party adversely affected has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rules 9.030(b)(1)(C) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal, a Notice of Appeal must be filed with the Florida Fish and Wildlife Conservation Commission, Legal Office, and the appropriate District Court of Appeal within thirty (30) days for the date this Final Order is filed with the Agency Clerk. The Notice filed with the District Court of Appeal must be accompanied by the appropriate fee required by law.