

ISEP 05 2006

State of Florida
Division of Administrative Hearings

SITING COORDINATION

Jeb Bush
Governor

Robert S. Cohen
Director and Chief Judge

Ann Cole
Clerk of the Division



August 31, 2006

Harry L. Hooper
Deputy Chief
Administrative Law Judge

David W. Langham
Deputy Chief Judge
Judges of Compensation Claims

Lea Crandall, Agency Clerk
Department of Environmental Protection
The Douglas Building, Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Re: IN RE: SEMINOLE ELECTRIC COOPERATIVE SEMINOLE GENERATING
STATION UNIT 3 POWER PLANT SITING APPLICATION NUMBER PA 78-
10A2, DOAH Case No. 06-0929EPP

Dear Ms. Crandall:

Enclosed is my Recommended Order on Land Use and Zoning in the referenced case. Also enclosed is the two-volume Transcript, together with the SECI's Exhibits numbered 1, 2, 5, 6A, 7A, 7B, 8A, 8B, 10A, 10B, 10C, 11, 12A, 12B, 13A, 13B, 15, 16, 17, 18, and 19. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by Subsection 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order, along with any exceptions to the Recommended Order on Land Use and Zoning, within 15 days of its rendition.

Sincerely,

A handwritten signature in cursive script, reading "J. Lawrence Johnston".

J. LAWRENCE JOHNSTON
Administrative Law Judge

JLJ/hks

Enclosures

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Lea Crandall, Agency Clerk
August 31, 2006
Page Two

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: SEMINOLE ELECTRIC)	
COOPERATIVE SEMINOLE GENERATING)	
STATION UNIT 3 POWER PLANT)	Case No. 06-0929EPP
SITING APPLICATION NUMBER PA)	
78-10A2)	
_____)	

RECOMMENDED ORDER
ON LAND USE AND ZONING

Pursuant to notice, the Division of Administrative Hearings (DOAH), by its designated Administrative Law Judge, J. Lawrence Johnston, held a land use hearing in the above-styled case on June 1, 2006, in Palatka, Florida.

APPEARANCES

For Seminole Electric Cooperative, Inc.:

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For Putnam County:

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For Sierra Club, Inc.:

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STATEMENT OF THE ISSUE

The issue to be resolved in this portion of this power plant site certification proceeding is whether the site for the proposed Seminole Generating Station Unit 3 Project is consistent and in compliance with the applicable land use plans and zoning ordinances of Putnam County, Florida, pursuant to Section 403.508(2), Florida Statutes.¹

PRELIMINARY STATEMENT

This proceeding was conducted pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Chapter 403, Part II, Florida Statutes, and Florida Administrative Code Rule Chapter² 62-17, to consider the land use and zoning aspects of Seminole Electric Cooperative, Inc.'s (SECI's) application for power plant site certification of the Seminole Generating Station Unit 3 Project, which was filed with the Department of Environmental Protection (DEP) on March 9, 2006. By agreement among the parties, the land use hearing, held pursuant to Section 403.508(2), Florida Statutes, was scheduled to be held in Palatka, Florida, on June 1, 2006, and public notice was given by the Applicant and by DEP.

On May 16, 2006, SECI and Putnam County filed a Stipulation addressing land use and zoning issues. In the Stipulation, Putnam County acknowledged that its adoption of Ordinance 2006-02, which amended the Planned Unit Development (PUD) for the site and approved the Development Agreement referenced in the Ordinance, confirmed that the Seminole Generating Station site, including the proposed Unit 3 and the associated facilities (the Site), is consistent and in compliance with the County's land use plans and zoning ordinances as required under Section 403.508(2), Florida Statutes.

A Pre-hearing Stipulation among the parties was filed with DOAH on May 24, 2006. The Stipulation was signed by ten of the 14 agencies and other parties. The Stipulation indicated that no agency party contested the Project site's consistency and compliance with local land use plans and zoning ordinances. Sierra Club, Inc., took the position that the existing water intake pump house, with larger capacity pump inside, and a new underground water pipeline and electrical duct bank proposed to be added within an existing pipeline easement, constitute "industrial" facilities that are not consistent with the County's current land use plan.

Only the Applicant, DEP, and Sierra Club appeared and participated in the land use hearing on June 1, 2006. Only the Applicant presented witnesses or offered exhibits. The

Applicant's witnesses included: Bobby Payne, Manager for Projects and Administrative Services for SECI, who described the Project and its proposed site and presented SECI Exhibits 5, 6A, 7B, 8A, 8B, and 19; and Richard Zwolak, who was accepted as an expert in land use planning and zoning presented SECI Exhibits 18, 7A, 10A, 10B, 10C, 11, 12A, 12B, 13A, 13B, and 15. SECI also offered additional SECI Exhibits 1, 2, 16 and 17. All of the exhibits were admitted into evidence.

After the taking of evidence, Sierra Club requested 15 days from the filing of the Transcript to file proposed recommended orders, and the request was granted without objection. The Transcript (in two volumes) was filed with DOAH on July 11, 2006. Timely proposed recommended orders submitted by SECI and Sierra Club have been considered in the preparation of this Recommended Order on Land Use and Zoning.

FINDINGS OF FACT

1. SECI is a member-owned generation and transmission electric cooperative. SECI supplies power to ten electric cooperative members throughout Florida. These cooperatives primarily serve rural areas of the State. SECI's members currently serve approximately 1.6 million customers throughout the State. SECI's headquarters are in Tampa, Florida.

2. SECI first came into existence in 1948 under the Federal Rural Electrification Act to provide electric power to

rural areas. Initially, SECI purchased power from other utilities for its individual members. In the 1970s, in response to the oil embargo, SECI's member cooperatives determined it was in their best interest to build their own power supply. SECI then licensed, constructed, and commenced operation of the coal-fired power plant near Palatka, in Putnam County. SECI also has a power plant in Hardee County, Florida. These two power plants allow SECI to provide approximately 70 percent of the power for the member cooperatives, while purchasing 30 percent of the power needs of the member cooperatives from other utilities.

3. The Site is located in the unincorporated area of the county. It is approximately five miles north of the city of Palatka. The St. Johns River is located to the south and to the east of the power plant site.

4. The Site is a 1,300 megawatt facility located on a site comprised of two parcels of land totalling approximately 2,000 acres in size. The larger parcel of the site, which contains the existing coal-fired Units 1 and 2 and almost all related facilities, began operation in 1984. Other existing facilities on the larger parcel include: two boiler buildings and the turbine generator buildings; precipitators, scrubber modules, and a combined flue stack; two natural draft cooling towers; a coal yard for unloading and storage of coal; an A-frame storage building for limestone used in the scrubber process; a rail spur

and rail loop used to bring coal into the Plant site; and a coal conveyor to bring the coal from the coal yard to the boilers. The new Unit 3 will be constructed on this larger parcel.

5. The balance of the larger parcel of the Site is in pine flat woods. North and northwest of the power plant is the Lafarge wallboard facility, where combustion by-products from the existing units are converted into synthetic gypsum for the manufacture of wallboard.

6. The Site also includes a smaller parcel of approximately 4.5 acres located approximately 1,000 feet to the south along the St. Johns River. An intake pump house is located on this parcel to pump water from the river for use by the existing units. Currently, there are four underground pipes (one of which is not in use) and an underground duct bank with electrical conduit. The underground pipes and duct bank continue from the smaller parcel to the larger parcel through an existing privately-granted easement.

7. The Site and the existing two steam electric generating units, Units 1 and 2, were certified in proceedings under the PPSA that took place in 1978 and 1979. In 1978, when the Site initially was being developed and certified under the PPSA, Putnam County was in the process of developing its Comprehensive Plan and its Future Land Use Map (FLUM). However, the County had zoning regulations in place, and it and rezoned the larger

and smaller parcels as a PUD for the purpose of an electrical generating facility.

8. During the 1978 land use hearing, which also addressed the pipeline easement which provides access to the St. Johns River, the Hearing Officer concluded that the Site was consistent and in compliance with the land use plans and zoning regulations in effect at that time. The Siting Board subsequently adopted the Hearing Officer's conclusions regarding land use and zoning issues. In its Order Relating to Land Use and Zoning, entered on March 21, 1979, the Siting Board determined that the Site, including the intake pump house and pipeline easement, was consistent and in compliance with the land use plans and zoning ordinances of Putnam County. In the Order Relating to Land Use and Zoning, the Siting Board also ordered the "responsible zoning and planning authorities . . . to refrain from hereafter changing such land use plans or zoning ordinances so as to affect the proposed site." IN RE: Seminole Electric Cooperative, Inc., Application for Power Plant Site Certification, Putnam County, DOAH Case No. 78-1388, 1979 Fla. ENV LEXIS 10 (Siting Board Mar. 21, 1979.

9. Sierra Club was a party to the original site certification proceeding and is bound by its determinations on consistency with land use and zoning.

10. SECI is proposing to construct a new Unit 3 at the Site designed for a capacity of 750 megawatts. The new unit and related facilities are much like the existing facilities and will utilize many of the existing onsite facilities. Like the two existing units, the new Unit 3 will burn coal as its primary fuel with up to 30 percent petroleum coke. The new unit will consist of a turbine generator building, a new boiler building, precipitators, scrubber modules, and a wet electrostatic precipitator. A single flue gas stack will serve the new unit. A new mechanical draft cooling tower will also be constructed on the site to serve the new Unit 3. The new cooling tower will have a lower profile than the existing natural draft cooling towers. The existing coal yard will be expanded for the new unit and additional facilities will be added in the limestone scrubber area to handle the additional gypsum that will be created. Construction for the new Unit 3 is planned to begin in late 2008. As planned, the new unit is expected to start up in May 2012.

11. SECI's Unit 3 project will integrate the new unit into the existing plant facilities. The existing administration building and parking lot will support the new unit. SECI will continue to use the existing rail spur, including for the delivery of coal and construction materials. The existing switchyard and transmission area will be utilized for the new

unit. There will be no new off-site electrical transmission lines for the Unit 3 Project. The existing plant access off Highway 17 will be improved to enhance access for turning vehicles into the site.

12. As indicated, the existing units are supplied with cooling and other service water from the St. Johns River. SECI proposes to utilize the existing pump house and to install an additional water pipeline and duct bank within the easement to supply primarily cooling water and also other service water (primarily for bottom ash handling and for the scrubber system) to the proposed Unit 3. There will be some enhancements to the pumps and motors inside the pump house to increase the capacity of water withdrawals. Otherwise, there will be no changes to the existing pump house for the new Unit 3 project.

13. The cooling and other service water for Unit 3 will be conveyed to the main power plant site by an additional 36-inch pipeline to be placed underground and within the existing private easement. As indicated, the existing easement was created in 1978 and the existing pipelines were installed as part of the development of Units 1 and 2. A second duct bank will also be placed in the existing easement. There will be no facilities constructed above the ground surface within that easement. The easement will be restored to its existing condition after the new water pipeline is installed.

14. The existing land uses adjacent to the Site are primarily undeveloped land. Residential areas along the St. Johns River are the closest development to the Site, with the exception of the Lafarge gypsum plant located adjacent to the larger parcel of the Site. The closest communities are Bridgeport, which is located approximately 3.5 miles to the east, and Bostwick, which is located 2.5 miles to the north.

15. The pattern of development in the area since the existing Units 1 and 2 began operation in 1984 has been single family residential development located along the river and the construction of the Lafarge wallboard plant. With the exception of the wallboard plant, the areas between that residential corridor and the Site, as well as in all four directions around the site, continue to be undeveloped land.

16. There are two existing homes located near the Site. One home is located approximately one mile south of the proposed Unit 3 stack, and another home is approximately one mile west of the Plant site. There is existing power plant infrastructure between the Unit 3 site and those two nearest residences, including the large natural draft cooling towers, wastewater treatment equipment, and other associated facilities.

17. The addition of the proposed Unit 3 would be compatible with the existing land uses at and near the Site. The new Unit 3 will have very similar operating characteristics

to the existing units, but will use additional air emissions controls. The residential development along the St. Johns River has continued while Units 1 and 2 have operated. The new Unit 3 will be able to co-exist with existing land uses in that the new Unit 3 is not expected to have a significant adverse impact to nearby residential development.

18. When its Comprehensive Plan with FLUM was adopted (after the Siting Board's March 1979 Order Relating to Land Use and Zoning), the County designated the larger parcel in the Industrial Future Land Use category to recognize the existing Units 1 and 2 at the site. Electrical power plants are an allowed use in the Industrial future land use category.

19. Approximately two-thirds of the smaller parcel of the site fronting on the St. Johns River was designated Agricultural II and approximately one-third (the part contiguous to the river) was designated Rural Residential under the County's Comprehensive Plan and FLUM. The existing pump house is located on the Rural Residential part of the parcel. The underground water pipes and electrical duct bank lead from the pump house towards the larger parcel of the Site, which is designated Industrial. The existing pump house and underground water pipes and electrical duct bank are allowed uses in both the Agricultural II and in the Rural Residential future land use districts, as a Type 2 Community Facility.

20. The underground water pipes and electrical duct bank proceed from the smaller parcel to the larger parcel of the Site through a privately-granted easement across property designated Agricultural II on the County's FLUM. The County's Comprehensive Plan does not prohibit such facilities in that land use designation. The lands in the pipeline easement are zoned Agricultural. Such facilities also are not precluded in that zoning district.

21. The installation of the existing underground water pipes and electrical duct bank within the easement was approved by Putnam County at the time of the original site certification proceeding for the Site. In October 1978, the Putnam County Code Administrator stated that the County's zoning for the lands covered by the easement to the St. Johns River did not preclude the use of the easement for the pipeline installation.

22. On January 10, 2006, the Putnam County Commission adopted Ordinance 2006-02, which amended the original PUD zoning approval for the Site. The amended PUD zoning ordinance covers both parcels of the Site. This amended PUD zoning ordinance allows the placement of Unit 3 and its related facilities within both parcels of the Site. The PUD zoning ordinance incorporates a Development Agreement between Putnam County and SECI, which addresses the Unit 3 facilities proposed to be constructed by SECI.

23. As part of the PUD zoning amendments, the Putnam County Board of County Commissioners reviewed SECI's Unit 3 Project for consistency with the County's Comprehensive Plan. The Commission found the Project to be consistent with the County's Comprehensive Plan. More specifically, Ordinance No. 2006-02 found that SECI's proposed amendment to the PUD zoning was "consistent with the Comprehensive Plan," would "not adversely affect . . . orderly development," met "the requirements of the Land Development Code," and "will not be placed in agricultural lands." (SECI Exs. 12B, 13A, and 13B)

24. The Development Agreement incorporated into Ordinance No. 2006-02 acknowledges that the existing pipeline easement "is not a part of the PUD." The Development Agreement clearly differentiated between underground pipelines and other aspects of the Unit 3 Project:

The existing pipeline easement, which is not a part of the PUD, runs across property zoned for agricultural uses and falling [sic] within the Agricultural II future land use category. Neither the County Comprehensive Plan nor the Land Development Code precludes the repair, replacement or addition of underground water pipes necessary to plant operations. The underground pipes, and the pipeline easement, were part of the original certification and any modifications required to accommodate Unit 3 will be reviewed as part of the site certification process.

Subject to site certification under the PPSA, Unit 3 will be constructed primarily

east of, but integrated with, existing Units 1 and 2 such that any new development activity will fall within that portion of Parcel 1 designated under the Industrial future land use category. But for the existing pump house, Parcel 2, which is part of the PUD, will remain undeveloped. Pumps within the existing pump house will be replaced or upgraded and existing underground water pipes may be replaced or upgraded, and new underground pipes may be added, but no new uses or structures are intended for Parcel 2. The pipeline easement - which is not part of the PUD - will remain undeveloped although pipes may be repaired, replaced (or additional pipes installed) underground between Parcels 1 and 2.

Although no new uses or above-ground structures are anticipated on Parcel 2 or the pipeline easement, both are considered to be part of the electrical power plant to be certified under the PPSA and will be reviewed along with Parcel 1 throughout the State site certification process to which the COUNTY shall be a party.

(SECI Ex. 13B, pp. 5-6)

25. Sierra Club participated in the Putnam County January 2006 zoning hearing on the amended PUD zoning for the Site. The Sierra Club did not object to the adoption of the amended PUD zoning ordinance at that hearing. No party has appealed the Putnam County Commission's amended PUD zoning ordinance for SECI's Unit 3 Project. Sierra Club is now bound by the determinations of land use and zoning consistency in these prior proceedings, as well as in the original site certification proceeding.

26. Putnam County entered into a Stipulation with SECI which addresses land use and zoning issues. In the Stipulation, Putnam County acknowledged that the adoption of Putnam County Ordinance 2006-02, which amended the PUD zoning for the Site, and the approval of the Development Agreement referenced in that Ordinance by the Putnam County Board of County Commissioners, both confirm that the Site, including the proposed Unit 3 and the associated facilities, are consistent and in compliance with applicable land use plans and zoning ordinances as required under Section 403.508(2), Florida Statutes.

27. Despite its participation in both the 1979 site certification proceeding and the 2006 re-zoning process, Sierra Club nonetheless takes the position in this case that the pump house and cooling water pipeline are "industrial" facilities which are not consistent with the future land use designations for the lands occupied by those facilities.

28. Putnam County has adopted a definition of "development" that provides in pertinent part:

The following operations or uses shall not be taken for the purposes of this act [the County's land development code] to involve 'development':

(b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, redoing, or constructing on established

rights-of-way any sewers, mains,
pipes, tables, utility tunnels,
power lines, towers, poles, tracks
or the like.

Putnam County's Land Development Code, Article 12, Section 12.01.01.a.2. This definition of "development" also applies to actions "seeking legislative action to amend this Code and the Comprehensive Plan" of Putnam County. Id. The County's definition of "development" therefore excludes the additional cooling water pipeline and duct bank within the established easement containing similar pipelines and duct bank between the principal power plant site and the riverside pump house. No Comprehensive Plan amendments or other zoning approvals would be required for those pipelines and duct banks as they are not "development" subject to the plan or the local land development code.

29. Underground pipelines and electrical duct banks such as those proposed for SECI's Unit 3 project are not typically regulated as a land use. All developed areas have water and sewer pipelines that radiate through different zoning districts and that serve the users that subscribe to such water and sewer service. The practical effect of regulating such facilities as "development" could result in a spider web of land use and zoning classifications running wherever those facilities are placed.

30. Even if it were to be concluded that the underground water pipes and electrical duct banks were "development" subject to Putnam County's Comprehensive Plan, SECI's expert land planner testified without contradiction that they would be considered a Type 2 community facility as defined in the Comprehensive Plan: "Type 2 [Community Facilities and Services] are light infrastructure facilities, including but not limited to, water wells, water tanks, sewage pump stations, electrical substations, and water and wastewater treatment plants with a capacity of less than 500,000 gallons per day." Type 2 community facilities are allowed in all eleven of Putnam County's Future Land Use categories.

31. As indicated, the smaller parcel of the Site is zoned as a PUD that allows the activities proposed. The easement for the underground water pipes and electrical duct banks is zoned for Agriculture zoning. As indicated, use of the easement for the underground facilities has been approved by the County since 1978.

32. Unrebutted testimony demonstrated that there will be no physical changes to the pump house itself, but only replacement of the pump inside with a larger one with more capacity, and that the additional underground water pipe and duct bank will not be visible, as the land will be restored to current conditions. Sierra Club offered no evidence

contradicting Putnam County's interpretation of its own Comprehensive Plan land development regulations; offered no evidence as to how the community could be adversely affected by the continued use of the pump house, with larger pump, and the addition of underground water pipes and duct bank in the existing pipeline easement; and offered no evidence that these facilities for the pumping and conveyance of river water to the plant site constitute "industrial" uses under the land use plans and zoning regulations of Putnam County.

CONCLUSIONS OF LAW

33. This proceeding was conducted in accordance with Section 403.508(2), Florida Statutes. See also § 403.5065, Fla. Stat. The Division of Administrative Hearings, therefore, has jurisdiction of the parties to and the subject matter of this proceeding.

34. In accordance with Chapter 403, Part II, Florida Statutes, and Rule Chapter 62-17, proper public notice was accorded all persons, entities, and parties entitled to such notice. All necessary and required governmental agencies, as well as members of the public, either participated in or had the opportunity to participate in the land use hearing.

35. The applicable land use plans and zoning ordinances for SECI's Unit 3 Project and the Site are those adopted by Putnam County. For purposes of the land use hearing, under

Section 403.508(2), Florida Statutes, the applicable "land use plan" is the Future Land Use Element of the Putnam County Comprehensive Plan and the accompanying FLUM. The applicable zoning ordinance for the Project and the Site is contained in the Putnam County Land Development Code. The site-specific amended PUD zoning ordinance for the Site, dated January 10, 2006, also constitutes a zoning regulation of Putnam County that is directly applicable to the Project and the Site.

36. The Siting Board has previously determined that the Site for the Unit 3 Project is consistent and in compliance with the land use plans and zoning ordinances of Putnam County. This conclusion was reached in the Siting Board's March 21, 1979 Order Relating to Land Use and Zoning.

37. In accordance with Section 403.508(2), Florida Statutes (1977), the Siting Board's Order Relating to Land Use and Zoning directed that the "responsible zoning and planning officials are ordered to refrain from hereafter changing such land use plans and zoning ordinances so as to affect the proposed site." As found, Putnam County has not taken any subsequent land use or zoning actions which affect the continued use of the Site for electrical generating facilities.

38. Subsequent to the Siting Board's Final Order Relating to Land Use and Zoning, Putnam County adopted a Comprehensive Plan that conforms to the Siting Board's initial findings and

conclusions on land use and zoning consistency and compliance for the Site. On its FLUM, Putnam County has assigned future land use categories to all of the properties occupied by SECI's facilities, including the electrical generating Units 1 and 2, the pump house and the pipeline easement, that are consistent with the Siting Board's Order Relating to Land Use and Zoning and do not affect the use of those properties for such uses.

39. In January 2006, the Putnam County Board of County Commissioners amended its existing PUD zoning ordinance for the Site to recognize the proposed Unit 3 project, including the proposed cooling water pipeline and duct bank. This action does not affect the site in a manner contrary to the Siting Board's Order Relating to Land Use and Zoning of March 21, 1979.

40. Putnam County's Land Development Code's definition of "development" exempts from that definition "work by any utility and other persons engaged in the distribution or transmission of gas or water for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like." That definition applies to both the Comprehensive Plan and the County's Land Development Code. Since the installation of the pipeline is not considered "development," it is not subject to the County's Comprehensive

Plan or to the County's Land Development Code, which includes the County's zoning regulations.

41. The County's amended PUD zoning for the site also addresses the installation of the pipeline and duct bank within that portion of the Site. No evidence was offered that the pipeline within the larger parcel of the site would be located in the areas designated or zoned for agricultural uses. The installation of the pipeline and duct bank in areas designated and zoned for agricultural uses would not be "development" subject to regulation under the County's Comprehensive Plan and Land Development Code since the additional pipeline and duct bank would be within an established utility right-of-way.

42. Even if the pipeline and duct bank were concluded to be "development" subject to the County's Comprehensive Plan and Land Development Code, it would be a Type 2 community facility under the Comprehensive Plan which is allowed in all future land use categories in Putnam County, including lands designated for agricultural uses.

43. Competent substantial evidence received at the hearing demonstrates that the Site and the Unit 3 Project, including the pump house and additional underground water pipe and electrical duct bank, are consistent and in compliance with Putnam County's land use plans and are consistent and in compliance with

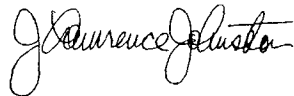
applicable Putnam County zoning ordinances for the site,
including the amended PUD zoning ordinance for the site.

RECOMMENDATION

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

RECOMMENDED that the Siting Board find, pursuant to Section
403.508(2), Florida Statutes, that the site for SECI's Unit 3
and its related facilities, to be located in Putnam County
Florida, as described by the evidence presented at the hearing,
are consistent and in compliance with existing land use plans
and zoning ordinances and site-specific zoning approvals of
Putnam County.

DONE AND ENTERED this 31st day of August, 2006, in
Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 31st day of August, 2006.

ENDNOTES

1/ Except where otherwise indicated, statute references are to the 2005 codification of the Florida Statutes.

2/ All rule references are to the current codification of the Florida Administrative Code.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.