

IN THE DISTRICT COURT OF APPEAL
FIFTH DISTRICT, STATE OF FLORIDA

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MAR 04 2008

SITING COORDINATION

SEMINOLE ELECTRIC COOPERATIVE, INC.,)

Appellant,)

v.)

STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION)

Appellee.)

Case No. 5D07-3005

DOAH Case No. 06-929EPP

DEP/OGC No. 06-0780

APPENDIX TO
REPLY BRIEF OF APPELLANT
SEMINOLE ELECTRIC COOPERATIVE, INC.

On Administrative Appeal from a Final Order of the
Department of Environmental Protection

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Cases from the Florida Supreme Court and the District Courts of Appeal involving administrative law and procedure

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CHILDREN & FAMILIES - NONFINAL ORDER - CHILD CARE FACILITY - EMERGENCY SUSPENSION OF LICENSE QUASHED ON BASIS OF ABSENCE OF IMMEDIATE SERIOUS DANGER.

"This Court is not persuaded by conclusory predictions of future harm based on factual allegations which do not demonstrate an immediate danger". St. Michael's Academy, Inc. v. The State of Florida, Department of Children and Families. 3rd D.C.A. 29 F.A.L.R. 3201.

ELDER AFFAIRS - AREA AGENCY ON AGING (AAA) - CONTRACT - BID - PROTEST - DOAH DISMISSAL OF APPEAL ON BASIS OF A LACK OF JURISDICTION REVERSED - AAA CONSTITUTES AN "AGENCY".

The Court held "because the legislature designated the area agencies on aging as 'boards', we conclude that the DOAH has authority to hear this bid protest". Mae Volen Senior Center, Inc. v. Area Agency On Aging Palm Beach County/Treasure Coast, Inc., State of Florida, Department of Elder Affairs and Ruth Rales Jewish Family Service of South Palm Beach County. 4th D.C.A. 29 F.A.L.R. 3204.

MEDICINE - DISCIPLINE FOR FAILURE TO REPORT OUT-OF- STATE DISCIPLINE REVERSED

The Court found the physician was unaware of the out-of-state discipline "The law does not impose penalties upon an individual for failing to take certain actions which is physically impossible for that individual to take".

Corliss A. Rupp, M.D. v. Department of Health. 3rd D.C.A. 29 F.A.L.R. 3206.

REAL ESTATE (FREC) - BROKER - TECHNICAL ACCOUNTING VIOLATION - INCREASE IN PENALTY DURING APPELLATE RELINQUISHMENT TO CORRECT FINAL ORDER REVERSED.

The Court held "Under these circumstances, we find a substantial violation of due process in FREC's unilateral imposition of the maximum penalty possible during a relinquishment intended merely to correct its fact-finding errors in the original final hearing". Shirley K. Bemenderfer v. DBPR, Div. of Real Estate. 4th D.C.A. 29 F.A.L.R. 3211.

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