

FINAL ORDER

Pursuant to Section 120.57(1), Florida Statutes ("F.S."), the District is required to enter its final order adopting the recommended order or make changes thereto as provided by law. The District staff does not believe that making any changes to the recommended order is warranted and requests that the governing board adopt the recommended order as its own.

Further, as the Administrative Law Judge has expressly found that Mr. Still engaged in the above proceedings for an improper purpose, District staff recommends that the District's final order (1) provide that Mr. Still shall pay the District and the county's costs and attorney's fees incurred in these proceedings and (2) remand these proceedings back to the Administrative Law Judge to set the amount of the award.

A proposed final order which accomplishes the above is enclosed.

The proposed final order was enclosed in the packet for the Governing Board's January meeting. Mr. Still requested that this matter be continued until the February meeting so that he would have time to negotiate with the county about the award of attorneys' fees and costs. At the January meeting, the Governing Board agreed to continue this matter until its February meeting.

STIPULATED FINAL ORDER

In Mr. Still's request, he represented that he did not intend to file or participate in any more petitions concerning the District or the county. Based on this representation District legal and county staff have been working on a proposal along these lines which is embodied in the stipulated Final Order a copy of which is also enclosed. The stipulated Final Order is the same as the Final Order except as follows:

1. Mr. Still, the District and the county all agree that the award for fees and costs shall be \$30,000.00 for the District and \$30,000.00 for the county. (This avoids the expense of a fee hearing before the Administrative Law Judge which would be required without a stipulation.)
2. The District and the county agree not to enforce the awards of fees and costs unless a triggering event occurs. The triggering events are summarized as follows:
 - A. Mr. Still or his spouse file a petition for administrative hearing, of any kind, with the District, the St. Johns River Water Management District (St. Johns) the Florida Department of Environmental Protection (FDEP) or DOAH;
 - B. Mr. Still or his spouse appear as a party in an administrative proceeding in which the District, St. Johns, FDEP and/or the county is party;
 - C. Mr. Still or his spouse appear as a qualified representative in an administrative proceeding in which the District, St. Johns, FDEP and/or the county is party
 - D. Mr. Still or his spouse file a complaint or petition, of any kind, with any court or tribunal against the District, St. Johns, FDEP and/or the county;
 - E. Mr. Still or his spouse participate as a party in any proceeding before any court or tribunal in which the District, St. Johns, FDEP and/or the county is a party; or,
 - F. The use of the standing or membership of Mr. Still or his spouse to establish the associational standing of an association or group in an administrative or judicial proceeding, of any kind, in which the District, St. Johns, FDEP and/or the county is party.