

verification of the culverted roadway crossing, and the County was proceeding solely on its application for the road repair exemption in rule 62-330.051(4)(e). That substituted application was the basis for the District's notice of the Exemption. The Order denying the Motion in Limine was reconsidered in light of the additional evidence and granted on the record. Therefore, the hearing proceeded solely on the issue of whether the County met the standards for a road repair exemption under rule 62-330.051(4)(e).

The Exemption was approved under the authority of chapter 403, Florida Statutes. Therefore, the modified burden of proof established in section 120.569(2)(p), Florida Statutes, is applicable. Thus, upon the County and the District entering the complete application files and supporting documentation and the District's notice of the Exemption into evidence, the prima facie case of entitlement for the Exemption was met. Therefore, the burden of ultimate persuasion is on Petitioner to prove his case in opposition to the Exemption by a preponderance of the competent and substantial evidence and, thereby, prove that the County failed to provide reasonable assurance that the standards for issuance of the Exemption were met.

At the final hearing, by agreement of the parties, the witnesses were presented as joint witnesses, with all parties having the opportunity to elicit direct testimony and cross-examination of each witness. The following witnesses were presented: Patrick Welch, R.P.S., who was accepted as an expert in land surveying; Chad Rischar, P.W.S., who was accepted as an expert in wetland science; Jorge Morales, P.E., who was accepted as an expert in civil engineering; Mary Diaz, P.E., who was accepted as an expert in agricultural and biological engineering, environmental resource permitting ("ERP"), and rule-based exemptions to ERP; Leroy Marshall, II, P.E., who was accepted as an expert in civil engineering, ERP, and rule-based exemptions to ERP; and Christina Carr, P.W.S., who was accepted as an