

conceptual approval through the presentation of competent and substantial evidence.

56. The Exemption required notice to the District pursuant to rule 62-330.051(4)(e)7. and section 4.2.1 of the Applicant's Handbook, Volume I. Review by the District and a notice of agency action were required pursuant to sections 5.2 and 5.4 of the Applicant's Handbook, Volume I. The Exemption meets the definition of a license in section 120.52(10) because it is an authorization required by law. The Exemption verification was issued pursuant to rules promulgated under chapter 403. Therefore, the Exemption is subject to the abbreviated presentation and burden-shifting described in section 120.569(2)(p). *Spinrad v. Guerrero and Dep't of Envtl. Prot.*, Case No. 13-2254, RO ¶ 116 (Fla. DOAH July 25, 2014; Fla. DEP Sept. 8, 2014); *Pirtle v. Voss and Dep't of Envtl. Prot.*, Case No. 13-0515, RO ¶ 30 (Fla. DOAH Sept. 27, 2013, Fla. DEP Dec. 26, 2013).

57. The County and the District made the prima facie case of entitlement to the Exemption by entering into evidence the application file and supporting documentation and the District's notice of Exemption. In addition, they presented the testimony of expert witnesses in support of the road repair Exemption.

58. With the County having made its prima facie case for the Exemption, the burden of ultimate persuasion was on Dr. Still 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.

59. The standard of proof is by a preponderance of the evidence. § 120.57(1)(j), Fla. Stat.

60. "Surmise, conjecture or speculation have been held not to be substantial evidence." *Dep't of High. Saf. & Motor Veh. v. Trimble*, 821 So. 2d