

On or about December 23, 2019, Petitioner, Paul Still (“STILL”) filed a Petition Requesting an Administrative Hearing Review challenging the EXEMPTION, which was referred to DOAH and assigned DOAH Case No. 20-0091.

On September 10-11, 2020, a final hearing was held in this matter.

On November 19, 2020, the RO was issued.

No party has filed any exceptions to the RO and the time limit within which such exceptions may be filed has passed. Section 120.57(1)(k), Florida Statutes (“F.S.”); Rule 28-106.217(1), F.A.C.

SUMMARY OF RECOMMENDED ORDER

In the RO, the ALJ concluded that the modified burden of proof established in Section 120.569(2)(p), F.S., is applicable. (RO - page 4, paragraph 55, page 18).¹ The ALJ found that the COUNTY and DISTRICT had established a prima facie case of entitlement for the EXEMPTION (RO - page 4, paragraph 57, page 19). Therefore, the burden of ultimate persuasion was on 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. (RO - page 4, paragraph 58-59, page 19) The ALJ ultimately found that the COUNTY had provided reasonable assurance that it complied with all applicable standards for the EXEMPTION established by Rule 62-330.051(4)(e) and 62-330.050(9)(b), F.A.C., and that the

¹Citations to the RO shall be by page number such that page 2 of the RO will be cited as “(RO - page 2)”. Where the paragraphs are numbered, citations to the RO shall be by paragraph and page number such that paragraph 3 of page 2 of the RO will be cited as “(RO - paragraph 3, page 2)”