STATE OF FLORIDA
SUWANNEE RIVER WATER MANAGEMENT DISTRICT

SEVEN SPRINGS WATER COMPANY,

      Petitioner,

v.

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT,

      Respondent.

_____/

Final Order No.	21-003
Renewal WUP App. No.	2-041-218202-3
DOAH Case Nos.	20-1329
	20-3581
	(consolidated)

FINAL ORDER

This case comes to the Suwannee River Water Management District (the "District") upon a Recommended Order ("RO") from Administrative Law Judge, G. W. CHISENHALL (the "ALJ") with the State of Florida, Division of Administrative Hearings ("DOAH"). A copy of the RO is attached as Exhibit A. The RO was submitted on January 20, 2021, following a formal administrative hearing held on October 19-21, 2020.

Pursuant to Section 120.57(1)(k), Florida Statutes (F.S.) and Rule 28-106.217, Florida Administrative Code, (F.A.C.), the parties were allowed to file exceptions to the Recommended Order. The District timely filed exceptions to the RO. The Petitioner, Seven Springs Water Company ("Seven Springs") did not file exceptions to the RO. Seven Springs filed Responses to District's Exceptions.

The matter is now before the District's Governing Board, for final agency action: entry of a final order. In the RO, the ALJ recommended that the District render a Final Order granting permit No. 2-041-218202-3 to Seven Springs. The RO did not recommend conditions for the permit.

STANDARD OF REVIEW

Findings of Fact

Section 120.57(1)(1), F.S., prescribes that an agency reviewing a recommended order may not reject or modify the findings of fact of the ALJ, "unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence." *See also, Charlotte Cty. v. IMC Phosphates Co.*, 18 So. 3d 1079, 1082 (Fla. 2d DCA 2009); *Wills v. Fla. Elections Comm'n*, 955 So. 2d 61, 62 (Fla. 1st DCA 2007). The term "competent substantial evidence" does not relate to the quality, character, convincing power, probative value or weight of the evidence. Rather,

-1-