

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: April 28, 2010

SUBJECT: Highpoint Tower Technology, Inc. vs. South Florida Water Management District

Recommendation

Approve Final Order Closing File disposing of petition for administrative hearing challenging denial of a 2-year environmental resource permit extension.

Background

The District denied a request for a two-year permit extension pursuant to Section 14, Chapter 2009-96, Laws of Florida (Senate Bill 360), for an environmental resource permit to Highpoint Tower Technology, Inc., for a project known as Bokeelia Harbor Resort. Highpoint filed a petition challenging the District's denial, and the petition was forwarded to the Division of Administrative Hearings (DOAH). Due to the uncertainty of the interpretation of Senate Bill 360, District staff advised the administrative law judge (ALJ) that it would change its position and grant the permit extension. As a result, the ALJ closed the file before DOAH, and the District granted the permit extension on April 26, 2010. District staff is now requesting an administrative order be issued closing the file.

If you have any questions, please do not hesitate to call me at ext. 6976.

Staff Contact: Douglas H. MacLaughlin, Senior Specialist Attorney, ext. 2153