

IN THE DISTRICT COURT OF APPEAL,
FIRST DISTRICT, STATE OF FLORIDA

BUTLER CHAIN CONCERNED
CITIZENS, INC.,

Appellant,

v.

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
and WINDERMERE BOTANICAL
GARDEN, L.P.,

Appellees.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D04-3941

Opinion filed July 29, 2005.

An appeal from an order of the Department of Environmental Protection.

Karen Brodeen and Jake D. Varn of Fowler White Boggs Banker, P.A., Tallahassee,
for Appellant.

Kelli M. Dowell, Senior Assistant General Counsel, Department of Environmental
Protection, Tallahassee, for Appellee Department of Environmental Protection;
Timothy A. Smith of Akerman Senterfitt, Orlando, for Appellee Windermere
Botanical Garden, L.P.

PER CURIAM.

We affirm the agency's holding that appellant lacked standing to challenge the

consent agreement. As a result, we do not address appellant's remaining arguments.

AFFIRMED.

ERVIN, WOLF and WEBSTER, JJ., CONCUR.