

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

KELLY McCARTY,

Appellant,

v.

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

CASE NO. 1D09-2686

AGENCY FOR PERSONS WITH  
DISABILITIES,

Appellee.

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Opinion filed December 9, 2009.

An appeal from an order of the Agency for Persons with Disabilities.

Martha F. Barrera, Senior Attorney, Advocacy Center for Persons with Disabilities, Tallahassee, for Appellant.

John Beranek of Ausley & McMullen, Tallahassee; John Newton, General Counsel, Agency for Persons with Disabilities, and Karl David Acuff, Senior Attorney, Tallahassee, for Appellee.

PER CURIAM.

The order on appeal which denied appellant's request for a formal administrative hearing is quashed. The cause is remanded to the Agency for further proceedings consistent with Moreland v. Agency for Persons with Disabilities, 34 Fla. L. Weekly D1715 (Fla. 1st DCA Aug. 21, 2009) and the order of the United States District Court in Washington v. Debeaugrine, Case No. 4:09-cv-189-RH/WCS (N.D. Fla.).

KAHN, LEWIS, and WETHERELL, JJ., CONCUR.