

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

LOUIS SCLEASE, III, d/b/a
SCLEASE CONSTRUCTION
CO. #CG C036233,

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

Appellant,

CASE NO. 1D04-1636

v.

CONSTRUCTION INDUSTRY
LICENSING BOARD,

Appellee.

_____ /

Opinion filed August 24, 2004.

An appeal from an order of the Construction Industry Licensing Board.
Edward M. Weller, Chairman, Construction Industry Licensing Board.

William R. Waters, Jr., Pearson & Waters, P.A., Tallahassee, for Appellant.

Adrienne C. Rodgers and Gail Scott Hill, Tallahassee, for Appellee.

PER CURIAM.

Finding that a "Final Order" filed on October 9, 2003 "was not properly served," the Construction Industry Licensing Board filed a "NOTICE OF REILING OF FINAL ORDER," on March 12, 2004. The NOTICE OF REILING OF FINAL ORDER does not purport to be an order itself. While an agency has authority to

vacate and reenter otherwise final orders in order to avoid due process problems, see Millinger v. Broward County Mental Health Div. And Risk Management, 672 So. 2d 24 (Fla. 1996); Johnson v. Terry Hunt Construction Co., No. 1D04-0454 (Fla. 1st DCA August 10, 2004); Durando v. Palm Beach County, 719 So. 2d 1258 (Fla. 1st DCA 1998), the NOTICE OF REFILING OF FINAL ORDER does not purport to be such a superseding order.

DISMISSED.

BENTON, BROWNING and POLSTON, JJ., CONCUR.