

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

3250 W. BEAVER STREET, LLC,

Appellant,

v.

STATE OF FLORIDA, DEPART-
MENT OF ENVIRONMENTAL
PROTECTION,

Appellee.

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

CASE NO. 1D09-1733

Opinion filed October 20, 2009.

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

Robert D. Fingar of Guilday Tucker Schwartz & Simpson, Tallahassee, for
Appellant.

Thomas M. Beason, General Counsel, Department of Environmental Protection,
and Ronda L. Moore, General Counsel, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of appellee's motion for relinquishment of jurisdiction,
we reverse the order on appeal and remand to the agency with directions to vacate
its order and allow appellant to amend its petition. See Stacey v. Dep't of Prof'l
Regulation, Bd. of Nursing Home Admin'rs, 547 So. 2d 241 (Fla. 1st DCA 1989).

REVERSED and REMANDED.

HAWKES, C.J., BARFIELD and BENTON, JJ., CONCUR.