

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

STEVEN IVEY,  
  
Appellant,

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

v.

CASE NO. 1D12-2958

FLORIDA DEPARTMENT OF  
TRANSPORTATION,

Appellee.

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Opinion filed January 10, 2013.

An appeal from an order of the Florida Department of Transportation.  
Sharon S. Day, Executive Assistant.

Steven Ivey, pro se, Appellant.

Gerald Curington, General Counsel, and Gregory G. Costas, Assistant General  
Counsel, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of appellant's responses to the Court's orders of  
August 29, 2012, and September 24, 2012, as well as the record on appeal, the  
Court has determined that the February 15, 2012, letter from the Department  
constitutes final agency action subject to appellate review under section 120.68,

Florida Statutes. However, because the order has not been filed with the agency clerk, it has not yet been rendered. §120.52(7), Florida Statutes; see also Hill v. Div. of Retirement, 687 So. 2d 1376, 1377 (Fla. 1st DCA 1997). Accordingly, the appeal is hereby dismissed as premature.

BENTON, C.J., ROBERTS and RAY, JJ., CONCUR.