

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-250

M.A.J.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES,
DIVISION OF LICENSING,

Appellee.

On appeal from the Department of Agriculture and Consumer
Services, Division of Licensing.
Stephen D. Hurm, Director.

September 2, 2021

B.L. THOMAS, J.

The Department shall assign Appellant's petition for administrative hearing to the Division of Administrative Hearings for a formal hearing under section 120.57(1), Florida Statutes (2020), as required by *R.C. v. Department of Agriculture and Consumer Services, Division of Licensing*, 46 Fla. L. Weekly D1421 (Fla. 1st DCA June 16, 2021) (en banc).

REVERSED and REMANDED.

TANENBAUM, J., concurs; KELSEY, J., dissents with opinion.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

KELSEY, J., dissenting.

I dissent for the reasons expressed in my dissent in *R.C. v. Department of Agriculture and Consumer Services, Division of Licensing*, 46 Fla. L. Weekly D1421 (Fla. 1st DCA June 16, 2021).

Noel H. Flasterstein of Noel H. Flasterstein, P.A., Fort Lauderdale; and Eric J. Friday of Kingry & Friday, PLLC, Jacksonville, for Appellant.

Tobey Schultz, Department of Agriculture and Consumer Services, Division of Licensing, Tallahassee, for Appellee.