

Third District Court of Appeal

State of Florida, July Term, A.D. 2007

Opinion filed November 7, 2007.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-840

Lower Tribunal No. 06-2871

Florida Power & Light Company,
Appellant,

vs.

Department of Environmental Protection, et. al.,
Appellees,

An Appeal from the Division of Administrative Hearings, Donald R. Alexander, Administrative Law Judge.

Berger Singerman and Gabriel E. Nieto and Daniel H. Thompson; John T. Butler, for appellant.

Holland & Knight and Lawrence N. Curtin; Thomas M. Beason and Jack Chisolm and Rebecca Robinette, for appellees.

Before GREEN, SHEPHERD, and CORTIÑAS, JJ.

PER CURIAM.

Appellant, Florida Power and Light Company, seeks review of a final order of the Division of Administrative Hearings determining that the Department of Environmental Protection's ("DEP") proposed rule 62-296.470 is a valid exercise of delegated legislative authority.

We find that the Division of Administrative Hearings was correct in holding that the DEP's proposed rule was a valid exercise of delegated legislative authority pursuant to sections 120.52 and 403.061, Florida Statutes (2006).

We affirm on all other issues on appeal.

Affirmed.