

CHAPTER 31-15

INDEXING FINAL ORDERS

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31-15.001 Authority

These rules regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2) (c), Florida Statutes.

Specific Authority 120.533 FS. Law Implemented 120.53(2) - (4) FS. History-New 5-15-92.

31-15.002 Purpose

The purpose of this chapter is to provide public access to and availability of final orders.

Specific Authority 120.533 FS. Law Implemented 120.53(2) - (4) FS. History-New 5-15-92.

31-15.003 Public Inspection and Duplication

The following shall be made available from the District for public inspection and copying, at no more than cost:

- (1) All final orders.
- (2) A current subject-matter index identifying final orders which are indexed.

Specific Authority 120.533 FS. Law Implemented 120.53(2) (a) (1) - (5) FS. History-New 5-15-92.

31-15.004 Final Orders Indexed

All agency final orders issued pursuant to Sections 120.565, 120.57 (1), (2), and (3), Florida Statutes, shall be indexed.

Specific Authority 120.533 FS. Law Implemented 120.53(2) (a) 3, 120.53(2) (d) FS. History-New 5-15-92.

31-15.005 Numbering of Final Orders

(1) All final orders shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number 1 each new calendar year. The assigned agency designation prefix, which is LRECD, shall precede the two-part number.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

- DS - Declaratory Statement
- FOI - Final Order Informal Proceedings
- FOF - Final Order Formal Proceedings
- S - Stipulation
- AS - Agreed Settlement
- CO - Consent Order

Specific Authority 120.533(1) (f) FS. Law Implemented 120.53(2) - (4) FS. History-New 5-15-92.

31-15.006 System for Indexing Final Orders

(1) The index shall be alphabetically arranged by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statute being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross referenced to the appropriate main subject headings.

(2) The main subject headings shall be consulted by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every 120 days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.

(3) The agency clerk shall index final orders.

Specific Authority 120.533(1) (f) FS. Law Implemented 120.53 (2) - (4) FS. History-New 5-15-92.

31-15.007 Maintenance of Records

Final orders that comprise final agency action and that must be indexed pursuant to this chapter shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 120.533 (1) (j) FS. Law Implemented 119.041(2) FS. History-New 5-15-92.

31-15.008 Plan

(1) The agency shall make final orders accessible and available to the public by sequentially numbering and indexing final orders that are required to be indexed. The agency shall make the final orders and the subject matter index available to the public.

(2) The agency clerk or other person assigned by the agency shall assist the public in obtaining information pertaining to final orders.

(3) The system or process used by the agency to search and locate final orders required to be indexed is as follows: A binder of all final orders required to be indexed shall be maintained by the Director of Administrative Services of the District.

(4) The agency maintains and stores such final orders and index, in the offices of the agency at 2500 Jupiter Park Drive, Jupiter, Florida 33458-8964. The office is open to the public between the hours of 9:00 a.m. and 5:00 p.m., excluding holidays and weekends.

Specific Authority 120.533(1) (j) FS. Law Implemented Ch. 91-30, SS10, Laws of Florida. History-New 5-15-92.

31-15.009 Format for Final Order

The following format for a final order shall be used:

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

Petitioner, _____)

vs. Case or File No. _____

Respondent, _____)
Final Order No. LRECD-_- _____

In re: (Brief statement of subject and substantive statute, rule, etc., construed)

ORDER CATEGORY

STATEMENT OF THE CASE AND STATEMENT OF RECOMMENDED ORDER IF APPLICABLE

FINDINGS OF FACT

CONCLUSIONS OF LAW

STATEMENT OF ORDER

Done and ordered this _____ day of _____, 20____, in _____ (city) _____, _____ (county) _____, Florida.

By: _____ /s/ _____
Title

Attest: _____ /s/ _____
Title

Copies furnished to:

Filed this _____ day of _____, 20____.

_____/s/_____
(Agency Clerk)

*Specific Authority 120.533(1) (b), (i), (j) FS. Law Implemented 120.53(2) FS.
History-New 5-15-92.*