

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

ROBERT REINSHUTTLE,

Appellant,

v.

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

CASE NO. 1D02-1505

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Appellee.

JUL 15 2003

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BARBARA WATSON,

Appellant,

v.

CASE NO. 1D02-1751

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

LORI COOPER,

Appellant,

v.

CASE NO. 1D02-2375

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

JUDITH PAGE JOLLY,

Appellant,

v.

CASE NO. 1D02-3504

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

EARNEST BARKLEY,

Appellant,

v.

CASE NO. 1D02-3511

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

Opinion filed July 14, 2003.

Appeals from final orders of the Agency for Health Care Administration and the Department of Children and Families.

Jerry G. Traynham and Ben R. Patterson of Patterson & Traynham, Tallahassee, Attorneys for Appellants.

Gregory J. Philo, Chief Appellate Counsel, and Garnett Chisenhall, Assistant General Counsel, Agency for Health Care Administration, Tallahassee, Attorneys for Appellee Agency for Health Care Administration.

MaryEllen McDonald, Assistant General Counsel, Department of Children & Families, Tallahassee, Attorney for Appellee Department of Children & Families.

PER CURIAM.

In these five consolidated appeals, Appellants occupied permanent Career Service positions with the State of Florida prior to July 1, 2001. As a result of Florida's "Service First" legislation, Appellants were reclassified from Career Service to Selected Exempt status under the authority of Florida Statute section 110.205(2) (2001). After working as Selected Exempt employees for various periods of time, Appellants were fired without cause. Appellants filed petitions for sections 120.57 and 120.569 administrative hearings, which their employing agencies denied. Appellants claim they were wrongfully denied a point of entry into the administrative process, and they are therefore now entitled to administrative hearings to determine whether their positions fell within the statutory exemptions to Career Service status. We agree that Appellants should have been provided a point of entry into the administrative process when their positions were reclassified as Selected Exempt. Because of this omission, we reverse and remand to allow for administrative proceedings to determine factually whether Appellants' positions at the time they were reclassified to Selected Exempt status met the Legislature's specific statutory criteria of Career Service exemptions pursuant to Florida Statute section 110.205(2)

(2001). We have considered all of the other various issues raised by the parties and find that they are without merit. Burgess v. Department of Commerce, 400 So. 2d 1258 (Fla. 1st DCA 1981).

REVERSED and REMANDED.

BOOTH, BARFIELD and ALLEN, JJ., CONCUR.