

# Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed March 3, 2010.

Not final until disposition of timely filed motion for rehearing.

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No. 3D09-1122

Lower Tribunal No. 03-30110

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**Grove Services Incorporated of Miami, et al.,**  
Appellants,

vs.

**Department of Agriculture and Consumer Services,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Judge.

Carolann A. Swanson; Malcolm A. Misuraca, Pro Hac Vice, for appellants.

Adorno & Yoss and Wesley R. Parsons and Jack R. Reiter, for appellee.

Before RAMIREZ, C.J., and SUAREZ, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

We hold that our decision in State, Department of Agriculture and Consumer Services v. Varela, 732 So. 2d 1146, 1147 (Fla. 3d DCA 1999), relying

on Department of Agriculture v. Polk, 568 So. 2d 35 (Fla. 1990), is dispositive of this appeal and decline the invitation to disapprove that decision.

Affirmed.