

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROPOSED STATE HIGHWAY ACCESS DRIVEWAY/CONNECTION
NOTICE OF INTENT TO DENY PERMIT

FORM 850-040-23
SYSTEMS PLANNING
01/99
Page 1 of 4

You have 7 days from the receipt of this letter to request in writing, a meeting with the Department to work out any differences. You have 21 days from the receipt of this letter to formally appeal this decision. See PART 4: "APPEAL PROCEDURE" for details.

This Denial becomes final in 21 days unless you request a hearing.

PART 1: APPLICATION INFORMATION

APPLICATION NUMBER: _____
Project Name: _____
State Road Name/Number: _____
Section Number: _____
Maintenance Office: _____
Permit Staff Representative
Applicant: _____
(Responsible Officer): _____
Mailing Address: _____
Telephone: (_____) _____

PART 2: NOTICE OF INTENT TO DENY PERMIT

YOU ARE HEREBY ADVISED:

The Florida Department of Transportation has completed its review of the subject connection permit Application for consistency with Rule Chapters 14-96 and 14-97, F.A.C., and current Department spacing, location, and design criteria and hereby issues this "Notice of Intent" to deny the subject permit Application for the reasons as stated in PART 3: REASONS FOR DENIAL:

DENYING OFFICIAL'S SIGNATURE: _____

PRINTED OR TYPED NAME: _____

TITLE: _____

DATE: _____

Continued next page

PART 3: REASONS FOR DENIAL

SEE ATTACHED LIST OF REASONS BELOW:

PART 4: APPEAL PROCEDURES

You may request a formal proceeding pursuant to Section 120.57(1), Florida Statutes, if you disagree with the facts stated in Notice of Intent to Deny Permit (hereinafter "Notice"). If you do not disagree with the facts stated in the Notice, or if you would prefer an informal proceeding, you may request an informal proceeding pursuant to Section 120.57(2), Florida Statutes. You must mail or deliver the written request to:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458

The written request for an administrative proceeding must conform to the requirements of Rules 28-106.104 and 28-106.111, Florida Administrative Code, and must be received no later than 21 days after you have received the Notice. If a timely written request for an administrative proceeding is not received, the Notice will become conclusive and final and Department action will be taken as stated in the Notice.

THE WRITTEN REQUEST MUST CONTAIN THE FOLLOWING:

1. Your name, address, and telephone number, and the Department application number.
2. An explanation of how you are affected by the action described in the Notice.
3. A statement of how and when you received the Notice.
4. A statement of whether you disagree with the facts stated in the Notice and, if so, what facts are disputed.
5. A statement of whether you disagree with any non-factual matters in the Notice (e.g., policy or legal statements) and, if so, what non-factual matters are disputed.
6. A statement of the basic facts that support opposition or modification to the action to be taken under the Notice.
7. A statement identifying any rules or statutes that are relied upon to support opposition or modification to the action to be taken under the Notice.
8. A statement of the relief that you seek.
9. A statement whether you are requesting a formal or informal proceeding.**
10. A statement of any other information that you contend is material.
11. A complete copy of the Notice, including this Notice of Appeal Rights.

**FORMAL VS. INFORMAL PROCEEDING

In accordance with Section 120.57, Florida Statutes, you may request either a formal proceeding pursuant to Section 120.57(1), Florida Statutes, or an informal proceeding pursuant to Section 120.57(2), Florida Statutes. However, to be entitled to a formal proceeding, there must be disputed issues of material fact (i.e., facts at issue that are relevant under law or agency rule). If there are no disputed issues of material fact, an informal proceeding will be held. If you do not expressly request a formal proceeding, your request will be treated as a request for an informal proceeding.

If a formal proceeding is requested and it is determined that you are entitled to a formal hearing, this matter will be referred to the Division of Administrative Hearings, where you may present witnesses and evidence and cross examine other witnesses before a hearing officer, who will issue a recommended order that will be reviewed by the Secretary of Transportation. You will be notified of the time, place, and date of the hearing by the Division of Administrative Hearings.

If an informal proceeding is held, you will have to provide the Department with any written documentation or legal arguments which you wish the Department to consider. If you wish to make an oral presentation (in person or by telephone), you must so state in your request for an informal proceeding. You will be notified as to the time period within which to submit written documentation as well as a date at which an oral presentation may be made if you have requested such an opportunity.

PART 5: DEPARTMENT CONTACT

If you have any questions or concerns please contact:

NAME: _____

ADDRESS: _____

PHONE: (_____) _____