

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PROPOSED STATE HIGHWAY ACCESS CONNECTION
NOTICE OF INTENT TO ISSUE PERMIT

FORM 850-040-24
SYSTEMS PLANNING
01/99
Page 1 of 4

NOTE: THIS NOTICE OF INTENT IS ONLY VALID FOR 1 YEAR FROM SIGNING DATE IN PART 6

PART 1: APPLICATION INFORMATION

APPLICATION NUMBER: _____

Project Name: _____

State Road Name/Number: _____

Section Number: _____

Maintenance Office: _____
Permit Staff Representative

Applicant: _____

(Responsible Officer): _____

Mailing Address: _____
Street City State Zip

Telephone: () _____

PART 2: NOTICE OF INTENT TO ISSUE PERMIT

YOU ARE HEREBY ADVISED:

The Florida Department of Transportation has completed its review of the subject connection permit Application received _____ 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:

_____ Issue the subject permit consistent with the permit Application.

_____ Issue the subject permit consistent with the permit Application and subject to the attached provisions.

This notice of intent to issue a permit does NOT constitute Department permit issuance. The permit will be issued after the permittee shows proof that a valid local government development approval or development order has been given to the sites served by the connection and special provisions of the approval consistent with the permit applications and conditions previously noted.

No connection work on the right-of-way shall be initiated until the Department Permit is actually issued. Any changes to the site(s) plan will require re-evaluation of the connection(s). This notice is valid for one year, from the date of issuance, and can only be extended with approval by the Department for problems outside the control of the applicant pursuant to Rule Chapter 14-96, F.A.C. This Notice of Intent is transferable as specified only in Rule Chapter 14-96, F.A.C.

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PART 3: CONDITIONS

Conditions to be met before Permit will be issued:

Standard:

1. Development approval from the appropriate local government consistent with the Notice of Intent to Permit;
2. Assurance of performance pursuant to Section 334.187, Florida Statutes (if required);
3. Notification of all known right of way users affected by the connection(s);
4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

Special:

Use additional sheet if necessary

PART 4: NOTICE OF DEPARTMENT AUTHORITY

1. All approved connection(s) and turning movements are subject to the Department's continuing authority to revoke or modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
2. **Transportation Control Features in the state right-of-way.** Transportation control features in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or measures in the state right of way are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove, or modify any present or future transportation control feature in the state right-of-way such as median opening, traffic control device, or a feature affecting turning movements through a connection, to make changes to promote safety in the right of way or efficient traffic operations on the highway.

PART 5: DEPARTMENT CONTACT

NAME: _____
ADDRESS: _____

PHONE: (_____) _____

PART 6: SIGNATURE OF DEPARTMENT AUTHORITY

SIGNATURE OF DEPARTMENT OFFICIAL: _____
PRINT OR TYPE NAME: _____
PRINT OR TYPE POSITION: _____
DATE: _____ PHONE: (_____) _____

PART 7: APPEAL PROCEDURES

In accordance with Section 120.57, Florida Statutes, 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 issue 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.